



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: December 7, 2023 REPORT NO. PC-23-049

HEARING DATE: December 14, 2023

SUBJECT: SCRIPPS MERCY HOSPITAL. Process Five Decision.

PROJECT NUMBER: [658548](#)

REFERENCE: 2008 Related Resolutions:
[CUP 304755 and SDP 531932 Resolution](#)
[CPA and Progress Guide and General Plan Amendment](#)
[MND Resolution](#)

OWNER/APPLICANT: SCRIPPS HEALTH

SUMMARY

Issue: Should the Planning Commission recommend the City Council approve actions to allow the demolition of existing structures and construction of new structures on the Scripps Mercy Hospital Campus located north of Washington Street, west of State Route 163, east of Fourth Avenue, and south of Arbor Drive within the [Uptown Community Planning area](#)?

Proposed Actions:

1. RECOMMEND the City Council CERTIFY Environmental Impact Report (EIR) No. 658548/SCH. No. 2021040374 and ADOPT the Mitigation Monitoring and Reporting Program (MMRP) and FINDINGS and STATEMENT OF OVERRIDING CONSIDERATIONS; and
2. RECOMMEND the City Council APPROVE or DENY Planned Development Permit No. 2410288; Conditional Use Permit (CUP) No. 2410279 amending CUP No. 304755; Site Development Permit (SDP) No. 2410289 amending SDP No. 531932, and Neighborhood Use Permit No. 2609691; and
3. RECOMMEND the City Council APPROVE or DENY Tentative Map No. 2421177 and Easement Vacation No. 2410324.

Fiscal Considerations: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: No actions are open on the project site.

Housing Impact Statement: No housing is proposed nor is any housing being eliminated with the proposed project. Portions of the site are zoned for Multiple Residential Use, the site is designated in the Uptown Community Plan as Community Commercial and Institutional and is part of the Uptown Medical Complex neighborhood.

Community Planning Group Recommendation: On August 2, 2022, the Uptown Planners voted 10-0-1 to recommend approval of the project, requesting that a 'good faith effort' be made to preserve or repurpose the historic cladding from the Whitson Medical Building.

Environmental Impact: An Environmental Impact Report (EIR) No. [658548/SCH. No. 2021040374](#) was prepared in accordance with the California Environmental Quality Act Statute and Guidelines. A Mitigation, Monitoring and Reporting Program for Air Quality and Noise (Construction) will be implemented. Candidate Findings and a Statement of Overriding Considerations have been prepared, which will allow the decision-maker to approve the project with significant and unavoidable impacts.

BACKGROUND

The 21.19-acre Scripps Mercy Hospital Campus (Project) project site is located within the Medical Complex neighborhood of the Uptown Community Plan. The project site is in the CC-3-8, CC-3-9, RM-3-9, OC-1-1, and OR-1-1 zones; Community Plan Implementation Overlay Zone-A; the City of San Diego Airport Influence Area (San Diego International Airport); FAA Part 77 Review Area; Parking Standards Transit Priority Area; Transit Area Overlay Zone; and the Transit Priority Area within Council District 3.

The site is in an urbanized community and is situated north of Washington Street, south of development along Arbor Drive and Mercy Canyon open space, west of State Route 163 (SR 163) and Eighth Avenue, and east of Fourth Avenue. Multi-family residential developments exist to the north and single-dwelling units are located to the northwest, immediately adjacent to the project, north of Mercy Canyon. Medical offices are located immediately to the west, east, and south of the site. SR 163 and open space slopes are located to the east and northeast. Regional access to the site is provided by SR 163 immediately east of the project site. Local vehicle access to the site occurs via Washington Street, Fourth Avenue, Fifth Avenue, Sixth Avenue, and Lewis Street (Attachment 1).

The Project site has been previously graded and developed with the Scripps Mercy Hospital campus, consisting of medical office and hospital buildings, surface and structured parking, internal streets and driveways, and landscaping. The hospital was first located within this area in the early 1900s, and medical uses are well established with the UCSD Hillcrest Campus located approximately 875 feet to the northwest of the Project.

The site is currently governed by Conditional Use Permit No. 304755 and Site Development Permit No. 531932, which were both approved by the City Council on May 20, 2008, and elements of the hospital campus have been constructed or are undergoing construction under those existing, approved permits. In addition, there are existing elements of the campus that will not be affected by

the Project including:

- the Cancer Center and associated parking structure;
 - the College Building;
 - Mercy Gardens;
 - the Chapel;
 - Central Energy Plant;
 - Parking Structure 12; and the
 - Generator Building and Cooling Tower will remain
- No additional development, redevelopment, or modifications are proposed for the facilities listed above.

The Mercy Chapel, which is designated on the San Diego Register as a historical resource, will be rehabilitated in accordance with the Secretary of Interior's Standards for the Treatment of Historic Resources.

A new parking structure, providing approximately 1,274 parking spaces, and associated pedestrian bridge is under construction on the east side of Sixth Avenue to serve the Scripps Mercy Hospital Campus. Vehicular access to and from this parking structure will occur at a new signalized driveway on Sixth Avenue, as well as a driveway on Eighth Avenue. The reconstructed pedestrian bridge will connect the parking structure on the east side of Sixth Avenue to the Scripps Mercy Hospital Campus on the west side of Sixth Avenue.

All of the development anticipated under the prior permits has been built or is under construction.

DISCUSSION

PROJECT DESCRIPTION

The proposed redevelopment of the Scripps Mercy Medical Campus (Project) is proposed in order to meet the seismic safety requirements of Senate Bill 1953 by replacing the non-conforming existing hospital buildings on the campus by 2030 while maintaining existing health care operations in the community, and replacing aging-buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development.

Redevelopment of the Project is to occur in the central portion of the campus, generally bounded by Washington Street along the south, Fifth Avenue in the southwest corner, Fourth Avenue along the western border, and SR 163 along the east.

The project requires a Conditional Use Permit (CUP) to amend existing CUP No. 304755, a Site Development Permit (SDP) to amend existing SDP No. 531932, a Neighborhood Use Permit (NUP) for a Comprehensive Sign Plan, a Tentative Map (TM) to adjust property lines and to consolidate the site into five lots, Easement Vacations, and a Planned Development Permit (PDP) to allow for demolition and construction of buildings within the Scripps Mercy Hospital Campus site.

The proposed demolition of the following buildings is needed to allow for construction of the

project's proposed buildings and other site improvements:

- 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)

The project's proposed new construction includes the following:

- 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)

Vehicular parking is provided throughout the project site. Existing parking areas to remain include 12 parking spaces at Mercy Gardens, a single parking space for MRI parking, 648 parking spaces in Parking Lot 12, and five designated spaces for official Scripps' vehicle parking. Currently under construction with separate, approved permits are a 140-space Cancer Center parking structure and a 1,274-space parking structure on the west side of Sixth Avenue. The project will develop new parking structures in concert with various project buildings, including:

- HSB Parking Structure – approximately 248 spaces
- Emergency Department Parking Lot – approximately 10 spaces
- MOB Parking Structure – approximately 350 spaces
- East Lewis Street Parking – approximately seven spaces
- Delivery Parking – approximately 10 spaces

A total of 1,155 vehicle parking spaces are required for the project per the San Diego Municipal Code (SDMC), and the project will meet the SDMC vehicle parking requirements. The project will also meet or exceed the Municipal Code parking requirements for short-term and long-term bicycle parking spaces, motorcycle parking, accessible parking spaces, and parking for electric vehicles.

The project includes construction of improvements to surrounding public infrastructure, including improvements to Lewis Street, Washington Street, Fourth Avenue, Fifth Avenue, and Sixth Avenue, as well as pedestrian access and bicycle mobility. As a part of implementing the ultimate

classification of Washington Street as a Major Arterial, the project will provide half-width improvements to include a contiguous sidewalk that will be constructed along the project frontage on the north side of Washington Street fronting the HSB. On the east side of Fifth Avenue between Fifth Avenue and Washington Street, the project will construct a 10-foot-wide parkway with a five-foot-wide landscape buffer and a five-foot-wide non-contiguous sidewalk. On the north side of Fifth Avenue between Fourth Avenue and Fifth Avenue, the project will construct a 10-foot-wide parkway with a five-foot-wide contiguous sidewalk and five feet of landscape. On the east side of Fourth Avenue between Lewis Street and Fifth Avenue, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk. On the east side of Fourth Avenue between Lewis Street and the MOB frontage, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk.

The project also includes pedestrian connections within the site with walkways, paths, and sidewalks to facilitate pedestrian circulation. The project will provide an 11-foot-wide pedestrian path north of the Emergency Department parking lot that will provide new pedestrian access from Lewis Street to Fifth Avenue, as well as connect Hospital I and Hospital II.

To promote bicycle mobility, the project will construct half-width improvements along its Washington Street frontage to implement the ultimate classification of a four-lane Major with buffered Class II bicycle lanes per the Uptown Community Plan. As a part of this improvement, the project will stripe the buffered bike lanes on the north side of Washington Street along the project frontage. Additionally, the project will stripe shared lane markings to delineate a Class III Bike Route on Fifth Avenue between Fourth Avenue and Washington Street, and on Fourth Avenue, between Lewis Street and Fifth Avenue. As part of providing bicycle amenities within the site, the project will provide 10 showers and over 420 lockers for employee use. The project will also meet or exceed the City of San Diego Climate Action Plan (CAP) requirement and SDMC requirements for short-term and long-term bicycle parking spaces.

Relative to transit access improvements, the project will provide transit information in the hospital and MOB lobbies. The project will also provide a 30 percent subsidy (which is approximately \$1.00 per day per employee for the current monthly pass of \$72.00) towards transit passes for Metropolitan Transit System (MTS) Bus, Trolley, or COASTER trains for employees to promote transit usage and will allow transit passes to be purchased on a pre-tax basis through convenient payroll deduction.

The project includes modifications to existing landscaping based on a series of landscape palettes. The *Canyon Accent* palette is primarily located in narrow courtyards between buildings and adjacent properties. This palette utilizes clustered groups of large shade/screening trees, as well as palms, to provide screening and vertical accents. The *Screening/Buffer - Evergreen Ornamental* palette intends to provide a "green wall," or soft screen, that feels garden-like within the campus complex between Hospital I and Hospital II. Evergreen shrubs are combined with loose-massed bark or rock mulch at all planting areas of this palette. The *Streetscape* palette is intended to provide a clean, low-maintenance, and uniform streetscape palette that communicates continuity throughout the Scripps Mercy Hospital Campus. This palette is located primarily along Fifth Avenue, Lewis Street, and Washington Street, and utilizes street trees to match surrounding evergreen cover in accordance with the Streetscape Manual. Landscaping in front of Hospital I, as well as some other areas

between Hospital II, Hospital I, and HSB, will utilize the *Accent* palette, which will feature evergreen elm trees. This zone implements canopy and flowering accent trees in order to provide shade and comfort in circulation areas, seating areas, and other key focal points. In the eastern portion of the site, along Sixth Avenue, the *Screening/Buffer – Chapparal Canyon* palette, where the intention is to tie project landscaping into the existing canyon landscape through the utilization of native trees and evergreen shrubs in drifts, masses, and groves to provide screened views in and out of the site. The *Bio-filtration Planting* zone is intended to use materials that express riparian character of natural streams and arroyos and is located at stormwater treatment areas on the project site.

Brush management for the project occurs where the campus interfaces with canyon areas along the northern and eastern boundaries of the project site. Zone 1 will occur immediately east of the Eastern Utility Yard, to the north and south of the Western Utility Yard, and to the north of existing to remain Mercy Gardens. Zone 2 will be located along the north and east perimeters of the project site and will include the existing undisturbed native or naturalized vegetation. No new planting is expected to occur in this zone, so no new irrigation is needed within this area. If any disturbance occurs and re-planting is needed, temporary irrigation would be included during the establishment period. In addition, no structures will be constructed in this zone, this area will be maintained on a regular basis, and thinning and pruning of existing shrubs in this area will occur per the City of San Diego Brush Management Guidelines. A portion of the Alternate Compliance area will be located immediately east of the proposed MOB, as a full defensive space for Zone 1 cannot be provided due to the existing slope gradient of greater than 4:1. Alternate compliance will include dual glazed windows, a sprinklered building, and a Brush Management Plan for the abutting property.

The project requires relocation of portions of public utilities (e.g., storm drain and water and sewer lines) and vacation of Public Service Easements. Easements for these utilities will be vacated and relocated in accordance with City requirements. Numerous remnant easements for public utilities where the utilities no longer exist will also be vacated. Public utilities for storm drains and water and sewer lines that serve only the campus are to be privatized, and the easements for those utilities will be vacated. Additionally, on the east side of Sixth Avenue, remnant easements for earth excavation or embankment slopes and incidental purposes will be vacated. This property has been developed, and maintenance of the slope by the City is no longer required.

This project requires relocation and expansion of SDG&E utilities to accommodate the redevelopment. All activities pertaining to SDG&E utilities will occur within the hospital campus or on nearby public rights-of-way. Portions of an existing high pressure gas line and electrical circuit that are currently located in Washington Street, Fifth Avenue, and Lewis Street will be relocated and installed underground. Electrical switchgear will be added near the intersection of Fourth Avenue and Lewis Street. A new SDG&E electrical switch yard is to be constructed along Sixth Avenue. In addition to the physical infrastructure changes, numerous easements held by SDG&E for utilities that are no longer in use or are being relocated as part of this project will be modified or quitclaimed.

The project includes the relocation of the existing heliport from the existing hospital roof to the roof of Hospital I, approximately 400 feet to the east-southeast. Construction of the new heliport is not expected to substantially change the type or volume of aircraft in day-to-day operations. The replacement heliport will be designed to accommodate larger aircraft up to and including the Sikorsky UH-60 “Black Hawk” and variants; however, these aircraft would only be utilized in response

to a mass-casualty event or other extreme circumstances. All other operations are expected to continue to be carried out by typical Emergency Medical Services (EMS) helicopters, such as REACH/Calstar Air Medical Services and Mercy Air/Air Methods, which currently serve the hospital. Increase in operations is expected to continue commensurate with local population growth. The replacement heliport will allow pilots greater flexibility with respect to approach and departure paths, providing a 180-degree-plus flight path arc from northeast through southwest. This is expected to enhance aviation safety, with minimal impact to surrounding land uses. Pursuant to Federal Aviation Regulations and State law, the heliport design will be subject to review, comment, and/or approval by the Federal Aviation Administration (FAA), California Department of Transportation (Caltrans) Division of Aeronautics, and San Diego County Airport Land Use Commission.

Existing SDG&E utilities serve the campus from numerous locations adjacent to and through the campus. Three electrical circuits provide service to the campus along Fourth Avenue, Fifth Avenue, Sixth Avenue, Eighth Avenue, Lewis Street, and Washington Street. Portions of these circuits are located in easements on the campus. Gas service is provided through both medium- and high-pressure lines along Washington Street, Fourth Avenue, Fifth Avenue, and Lewis Street. Gas lines are located in easements on the campus at the western side of the campus and along Lewis Street. Electrical and gas facilities that pass through the campus serve both the campus and offsite ratepayers.

Permits Required:

Process 5 - Easement Vacations in accordance with [SDMC Sections 125.1010 and 125.1030](#) to vacate a number of easements on the campus in conjunction with the Tentative Map. There are easements for existing utilities that will be relocated with this project and easements that currently exist would no longer be needed once the relocation occurs. In addition, there are remnant easements for storm drains that no longer exist physically and the City Stormwater Department determined were not needed. There are also easements for storm drains and water and sewer lines that serve only the Scripps Mercy campus and those will be privatized and no longer maintained by the City. And finally an easement for a slope embankment is to be vacated, as this property has been developed and maintenance of the slope by the City is no longer required.

Process 4 - Tentative Map is required for the consolidation and subdivision of the project site into five lots. The campus currently consists of a number of individual lots and the proposed consolidation and subdivision will create a more cohesive lot layout with the existing and proposed development pattern.

Process 4 - Conditional Use Permit per SDMC Section [126.0303\(c\)](#) for the hospital use.

Process 4 - Planned Development Permit per SDMC Section [126.0602\(b\)\(1\)](#) for development that does not comply with all base zone regulations for all development regulations. For this project the base zone height limits are 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, and the project proposes to deviate from an allowable driveway width of 20

feet along 6th Avenue.

Process 3 - Site Development Permit per SDMC Section [126.052\(c\)\(1\)](#) is required for development proposed in the Community Plan Implementation Overlay Zone Type A (CPIOZ A) that does not comply with the development standards in the applicable community plan. The allowable height limit in this CPIOZ is 65 feet and the maximum building height proposed is 315 feet, with other buildings also proposing heights in excess of 65 feet.

Process 2 - Neighborhood Use Permit per SDMC Sections [141.1103](#) and [126.0203\(a\)](#) for a Comprehensive Sign Plan to modify applicable sign requirements and include signs that are in conformance with the intent of the City's sign regulations, result in an improved relationship among the signs and building façades on the premises, and better serve the hospital campus. Overall, for wall-signs, the project will not exceed the maximum amount allowed by the City's sign regulations when totaling all existing and proposed wall signs, including signage proposed for non-public right-of way signs. Additionally, all ground-mounted signs will be at the property line or set back from the property line and will be located outside of visibility triangles.

Deviations: The project includes deviations through the Planned Development Permit, for structure height, floor area ratio (FAR), and driveway width, in the locations and amounts described below.

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

1. MOB – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 150 feet
2. Hospital I – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 315 feet
3. Hospital II – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 252 feet, 8 inches
4. 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 site is in the Medical Complex Neighborhood of the Uptown Community Plan, which supports the intensification of hospital and medical uses in the area without necessitating expansion into the surrounding established community. The project's proposed construction would be entirely within the Scripps Mercy Hospital Campus existing boundaries. If development cannot exceed the height and FAR requirements as listed above, the project will not be able to be built as the site would not be able to accommodate the existing beds (517) in the existing approved CUP. The existing hospital tower deviates from current FAR and height requirements per the above table. As such, buildings with a bulk and scale in excess of the zone requirements already exist on the site and have for decades. 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.

Staff has reviewed each of the requested deviations as they relate to the proposed design of the project, the property configuration with its varying conditions, and the surrounding development. Staff has 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.

Community Plan Analysis:

The subject site is designated as Community Commercial and Institutional and is located within the Medical Complex Neighborhood of the Uptown Community Plan. The proposed project is redevelopment of the Scripps Mercy Medical Complex. The project is consistent with the applicable goals and policies of the Uptown Community Plan Land Use Element. The project contributes to new medical office buildings within the existing footprint of the Scripps Mercy Medical Complex. The project 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. This support of medical uses also meets the applicable goal and policy of the Economic Prosperity Element aimed at promoting growth in Uptown's health sector. Additionally, the project is compatible with the established neighborhood surrounding the site and provides adequate transitions between new and existing development, both by the siting of proposed buildings intermixed with existing buildings within the Scripps Mercy Medical Complex, as well as with the inclusion of setbacks and step backs in proposed building design. The project is also consistent with Land Use Element policies and Noise Element policy relative to ensuring proper protocols and studies are in place and adhered to relative to such technical aspects as noise analysis, health and safety, and air quality analysis.

The project is consistent with the Mobility Element of the Uptown Community Plan. The project contributes 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. Consistent with the Community Plan, as well as the Climate Action Plan and San Diego Municipal Code, 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. 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. In keeping with Title 24 and the Climate Action Plan, the project includes sustainable development practices. 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.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff has provided a draft resolution and a draft ordinance to support approval of the Project (Attachments 3-6). Staff recommends the Planning Commission recommend the City Council approve the project as proposed.

ALTERNATIVES

1. Approve Planned Development Permit No. 2410288; Conditional Use Permit (CUP) No. 2410279 amending CUP No. 304755; Site Development Permit (SDP) No. 2410289 amending SDP No. 531932; Neighborhood Use Permit No. 2609691; Tentative Map No. 2421177 and Easement Vacation No. 2410324, with modifications.

2. Deny Planned Development Permit No. 2410288; Conditional Use Permit (CUP) No. 2410279 amending CUP No. 304755; Site Development Permit (SDP) No. 2410289 amending SDP No. 531932; Neighborhood Use Permit No. 2609691; Tentative Map No. 2421177 and Easement Vacation No. 2410324, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department



Martha Blake
Development Project Manager
Development Services Department

Attachments:

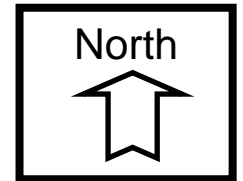
1. Aerial Photographs
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Permit Resolution with Findings
5. Draft Map Conditions
6. Draft Map and Easement Resolution with Findings
7. Draft Environmental Resolution with MMRP (EIR)
8. [Environmental Impact Report](#) link
9. Ownership Disclosure Statement
10. Community Planning Group Recommendation
11. Copy of Existing Recorded Permits
12. Project Plans including Map

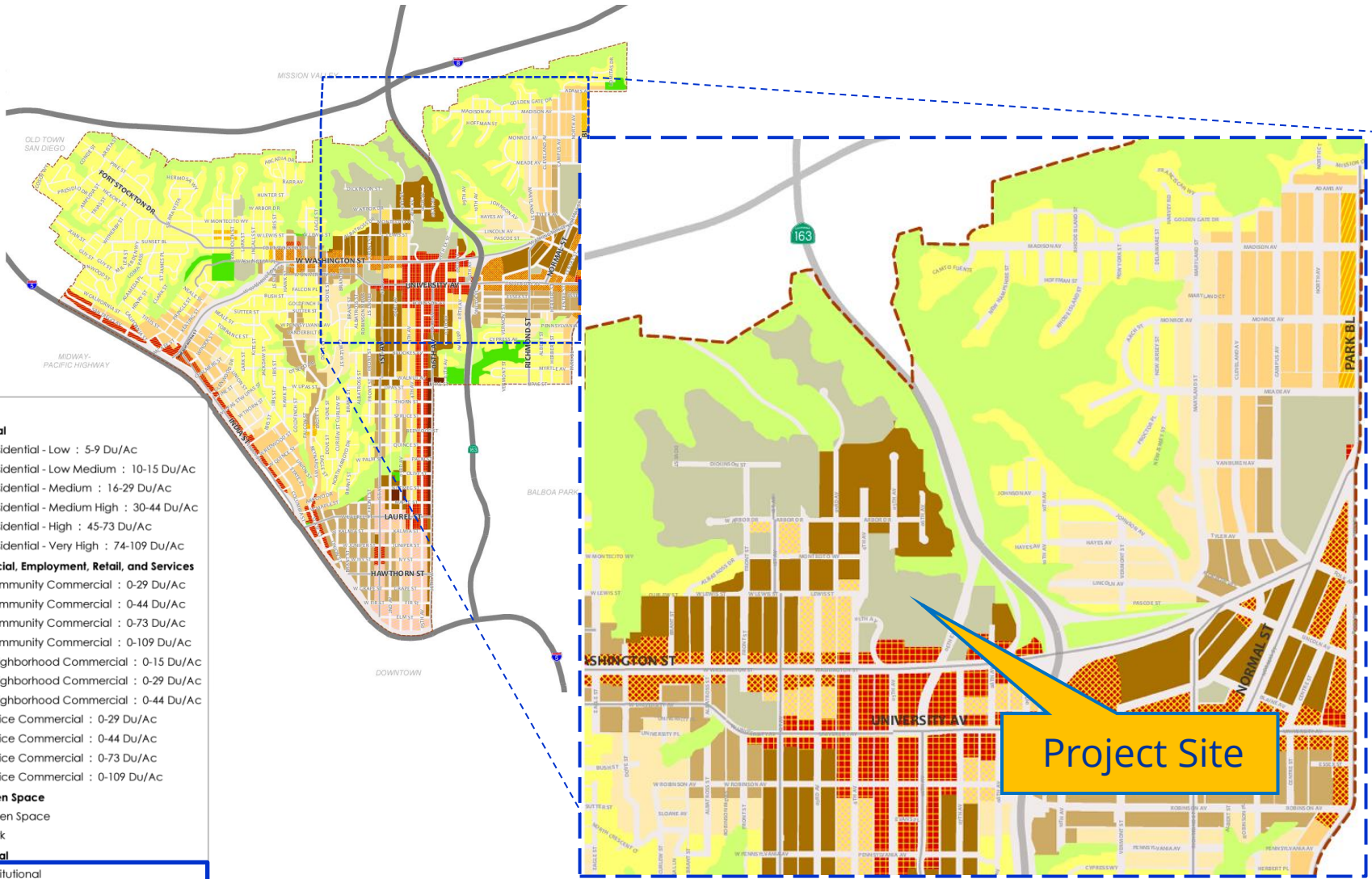


Aerial Photo

Scripps Mercy Hospital / 4077 Fifth Ave

PROJECT NO. 658584





LEGEND

Residential

- Residential - Low : 5-9 Du/Ac
- Residential - Low Medium : 10-15 Du/Ac
- Residential - Medium : 16-29 Du/Ac
- Residential - Medium High : 30-44 Du/Ac
- Residential - High : 45-73 Du/Ac
- Residential - Very High : 74-109 Du/Ac

Commercial, Employment, Retail, and Services

- Community Commercial : 0-29 Du/Ac
- Community Commercial : 0-44 Du/Ac
- Community Commercial : 0-73 Du/Ac
- Community Commercial : 0-109 Du/Ac
- Neighborhood Commercial : 0-15 Du/Ac
- Neighborhood Commercial : 0-29 Du/Ac
- Neighborhood Commercial : 0-44 Du/Ac
- Office Commercial : 0-29 Du/Ac
- Office Commercial : 0-44 Du/Ac
- Office Commercial : 0-73 Du/Ac
- Office Commercial : 0-109 Du/Ac

Park, Open Space

- Open Space
- Park

Institutional

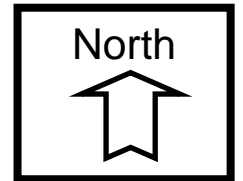
- Institutional

Community Plan Boundary



Land Use Map - Uptown

Scripps Mercy Hospital / 4077 Fifth Ave
PROJECT NO. 658548



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 [INSERT Approval Date], 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 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 **INSERT DATE**

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 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 [INSERT Approval Date] and (Approved Resolution Number).

Permit Type/PTS Approval No.: CONDITIONAL USE PERMIT NO. 2410279/PLANNED DEVELOPMENT PERMIT NO. 2410288/SITE DEVELOPMENT PERMIT NO. 2410289/NEIGHBORHOOD USE PERMIT NO. 2609691

Date of Approval: **XX**

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martha Blake
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.

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.

PARCEL A:

LOTS 7, 8, 9 AND A PORTION OF 28, IN BLOCK 3 OF HILLCREST, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1024, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 10, 1907; ALSO THAT PORTION OF THE ALLEY LYING WITHIN SAID BLOCK 3 AS VACATED AND CLOSED TO PUBLIC USE ON FEBRUARY 16, 1925 AS RESOLUTION NO. 33288; ALSO A PORTION OF LOT 2 OF MERCY SUBDIVISION, ACCORDING TO MAP THEREOF NO. 5252, FILED SEPTEMBER 04, 1963; ALSO THAT PORTION OF THE ALLEY LYING BETWEEN SAID LOT 2 AND SAID LOTS 7 AND 8 AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION NO. 187841, RECORDED JULY 21, 1966, AS FILE NO. 118987 OF OFFICIAL RECORDS, ALL AS SHOWN ON RECORD OF SURVEY MAP NO. 11832, FILED SEPTEMBER 29, 1988, AS FILE NO. 88-495691 OF OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9 AS SHOWN ON SAID RECORD OF SURVEY MAP NO. 11832; THENCE ALONG THE BOUNDARY THEREOF, NORTH 0°13'13" WEST TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE CONTINUING ALONG THE BOUNDARY OF SAID RECORD OF SURVEY MAP NO. 11832, NORTH 89°48'38" EAST, 135.16 FEET TO THE BEGINNING OF A TANGENT 33.15 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE EASTERLY, SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 123°28'02" A DISTANCE OF 71.44 FEET TO THE BEGINNING OF A REVERSE 434.41 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 56°43'20" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°35'15", A DISTANCE OF 34.78 FEET TO THE BEGINNING OF A TANGENT 279.89 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 61°18'35" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°43'26", A DISTANCE OF 42.62 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE CONTINUING ALONG SAID BOUNDARY, SOUTH 89°48'45" WEST, 127.09 FEET TO THE POINT OF BEGINNING.

PARCEL B:

LOT 10 IN BLOCK 3 OF HILLCREST, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1024, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 10, 1907.

PARCEL C:

LOT 12 IN BLOCK 3 OF HILLCREST, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 21, 1907.

PARCEL D:

LOTS 13 AND 14 IN BLOCK 3 OF HILLCREST, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 21, 1907.

PARCEL E:

PARCELS 1 AND 2 OF PARCEL MAP NO. 15947, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 11, 1990, BEING A CONSOLIDATION OF ALL OF LOTS 2 AND 3 AND A PORTION OF LOTS 4, 6, 7, 8 AND 9 OF HURD ADDITION, ACCORDING TO MAP THEREOF NO. 4444, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 13, 1960.

PARCEL F:

LOTS 36 TO 53, INCLUSIVE, AND LOTS 88 TO 91, INCLUSIVE IN BLOCK ONE OF D. B. WILLIAMS SUBDIVISION OF LOTS 35, 36 AND 46 AND A PORTION OF LOTS 47 AND 50 OF FLEISCHER'S ADDITION, ACCORDING TO MAP THEREOF NO. 855, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 06, 1899, EXCEPTING FROM SAID LOTS 51, 52 AND 53 HEREIN DESCRIBED THAT PORTION THEREOF LYING WEST OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 51 DISTANT 130.66 FEET WEST FROM THE NORTHEAST CORNER OF SAID LOT 51; THENCE SOUTH 17°03' WEST A DISTANCE OF 75.79 FEET TO THE SOUTH LINE OF SAID LOT 53.

PARCEL G:

LOTS 74 THROUGH 87, INCLUSIVE, AND LOT 36A IN BLOCK 1 AND LOTS 37A AND 38A IN BLOCK 3 OF D.B. WILLIAMS SUBDIVISION OF LOTS 35, 36 AND 46 AND A PORTION OF LOTS 47 AND 50 OF FLEISCHER'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 855, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 06, 1899.

PARCEL H:

PARCEL 1 OF PARCEL MAP 18598, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA ON DECEMBER 08, 2000, AS INSTRUMENT NO. 2000-0669213 OF OFFICIAL RECORDS.

TOGETHER WITH THOSE PORTIONS OF 5TH AVENUE, MONTECITO WAY AND SIXTH AVENUE, VACATED PURSUANT TO "RESOLUTION NUMBER R-303733 ADOPTED ON MAY 20, 2008" AND RECORDED ON JUNE 06, 2008, AS INSTRUMENT NO. 2008-0305191 OF OFFICIAL RECORDS, WHICH WOULD PASS BY OPERATION OF LAW WITH A CONVEYANCE OF SAID LAND.

PARCEL I:

PARCEL 2 OF PARCEL MAP 18598, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, DECEMBER 08, 2000, AS INSTRUMENT NO. 2000-0669213 OF OFFICIAL RECORDS.

PARCEL I1:

NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS AND AN EXCLUSIVE EASEMENT FOR VEHICULAR PARKING BOTH LOCATED ON PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 18598 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA ON DECEMBER 08, 2000, AS INSTRUMENT NO. 2000-0669213 OF OFFICIAL RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 18598; THENCE NORTH 89°30'47" EAST, 61.83 FEET; THENCE SOUTH 00°29'13" EAST, 22.65 FEET; THENCE NORTH 89°30'47" EAST, 21.05 FEET; THENCE SOUTH 89°48'12" EAST, 32.11 FEET; THENCE NORTH 89°30'47" EAST, 24.39 FEET; THENCE NORTH 00°29'25" WEST, 0.77 FEET; THENCE NORTH 89°41'41" EAST, 43.83 FEET; THENCE SOUTH 00°00'00" EAST, 3.24 FEET; THENCE SOUTH 89°20'47" EAST, 16.85 FEET; THENCE SOUTH 01°55'06" WEST, 7.73 FEET; THENCE SOUTH 89°26'31" WEST, 17.31 FEET; THENCE SOUTH 62°50'47" EAST, 10.19 FEET; THENCE SOUTH 00°14'21" EAST, 28.04 FEET; THENCE NORTH 89°30'46" EAST, 9.94 FEET TO THE BEGINNING OF A NON-TANGENT 112.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST, A RADIAL TO SAID POINT BEARS NORTH 60°20'01" EAST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°02'05" AN ARC DISTANCE OF 76.30 FEET; THENCE SOUTH 09°22'06" WEST, 151.45 FEET TO THE BEGINNING OF A NON-TANGENT 76.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, A RADIAL TO SAID POINT BEARS SOUTH 80°37'58" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°06'12" AN ARC DISTANCE OF 77.07 FEET, TO THE BEGINNING OF A NON-TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST, A RADIAL TO SAID POINT BEARS NORTH 22°31'46" WEST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 158°25'34" AN ARC DISTANCE OF 110.60 FEET; THENCE NON-TANGENT TO SAID CURVE, SOUTH 17°38'59" WEST, 37.22 FEET; THENCE NORTH 40°28'08" WEST, 10.68 FEET TO THE BEGINNING OF A TANGENT 12.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°41'16" AN ARC DISTANCE OF 6.01 FEET, TO THE BEGINNING OF A NON-TANGENT 66.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, A RADIAL TO SAID POINT BEARS SOUTH 20°52'25" WEST; THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°53'20" AN ARC DISTANCE OF 49.40 FEET; THENCE NORTH 26°14'15" WEST, 2.50 FEET TO THE BEGINNING OF A NON-TANGENT 66.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST, A RADIAL TO SAID POINT BEARS SOUTH 63°45'45" WEST; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 93°42'29" AN ARC DISTANCE OF 107.94 FEET TO THE BEGINNING OF A NON-TANGENT 50.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, A RADIAL TO SAID POINT BEARS SOUTH 22°31'46" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°06'14" AN ARC DISTANCE OF 50.71 FEET; THENCE NON-TANGENT TO SAID CURVE, NORTH 09°22'06" EAST, 151.45 FEET TO THE

BEGINNING OF A TANGENT 86.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°13'57" AN ARC DISTANCE OF 34.87 FEET, TO THE BEGINNING OF A COMPOUND 21.29 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, A RADIAL TO SAID POINT BEARS NORTH 76°08'09" EAST; THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°11'03" AN ARC DISTANCE OF 19.02 FEET, TO THE BEGINNING OF A NON-TANGENT 163.26 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH, A RADIAL TO SAID POINT BEARS NORTH 05°28'17" WEST; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°27'35" AN ARC DISTANCE OF 18.41 FEET; THENCE NON-TANGENT TO SAID CURVE, NORTH 90°00'00" WEST, 20.16 FEET; THENCE NORTH 18°57'00" WEST, 3.48 FEET; THENCE NORTH 66°55'41" WEST, 18.13 FEET TO THE BEGINNING OF A NON-TANGENT 5.23 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, A RADIAL TO SAID POINT BEARS NORTH 88°32'47" EAST; THENCE NORTHWESTERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°34'49" AN ARC DISTANCE OF 7.18 FEET; THENCE NON-TANGENT TO SAID CURVE, SOUTH 88°14'36" WEST, 44.95 FEET; THENCE NORTH 89°32'05" WEST, 21.99 FEET; THENCE SOUTH 89°30'47" WEST, 140.58 FEET; THENCE NORTH 37°59'16" WEST, 15.15 FEET; THENCE SOUTH 84°53'27" WEST, 73.93 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°36'19" AN ARC DISTANCE OF 21.78 FEET, TO THE BEGINNING OF A REVERSE 20.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, A RADIAL TO SAID POINT BEARS SOUTH 46°42'52" EAST; THENCE SOUTHWESTERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°36'01" AN ARC DISTANCE OF 16.27 FEET; THENCE SOUTH 89°53'09" WEST, 64.30 FEET TO THE BEGINNING OF A TANGENT 64.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTH; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°25'24" AN ARC DISTANCE OF 35.10 FEET; THENCE NON-TANGENT TO SAID CURVE, SOUTH 89°53'09" WEST, 118.48 FEET TO THE BEGINNING OF A TANGENT 22.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°17'24" AN ARC DISTANCE OF 24.85 FEET; THENCE NON-TANGENT TO SAID CURVE, SOUTH 89°53'09" WEST, 145.49 FEET; THENCE NORTH 11°24'39" EAST, 41.44 FEET; THENCE NORTH 89°53'09" EAST 209.60 FEET; THENCE NORTH 84°53'27" EAST, 214.54 FEET TO THE BEGINNING OF A TANGENT 21.50 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°55'41" AN ARC DISTANCE OF 19.49 FEET; THENCE NORTH 32°57'46" EAST, 23.37 FEET; THENCE NORTH 00°29'13" WEST, 53.09 FEET; THENCE NORTH 89°30'47" EAST, 37.80 FEET; THENCE SOUTH 00°29'13" EAST, 19.42 FEET TO THE BEGINNING OF A NON-TANGENT 90.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, A RADIAL TO SAID POINT BEARS NORTH 15°59'30" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°28'53" AN ARC DISTANCE OF 49.45 FEET; THENCE NON-TANGENT TO SAID CURVE, NORTH 89°30'47" EAST, 16.00 FEET TO THE WESTERLY LINE OF PARCEL 2; THENCE SOUTH 00°29'13" EAST, 8.75 FEET TO THE POINT OF BEGINNING.

PARCEL I2:

NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS AND AN EXCLUSIVE EASEMENT FOR VEHICULAR PARKING BOTH LOCATED ON PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA ON DECEMBER 08, 2000, AS INSTRUMENT NO. 2000-0669213 OF OFFICIAL RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THE MOST EASTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP NO. 18598; THENCE SOUTH 00°09'49" EAST, 0.78 FEET; THENCE NORTH 89°50'11" EAST, 19.31 FEET; THENCE NORTH 00°06'41" WEST, 10.59 FEET; THENCE NORTH 89°30'51" EAST, 7.63 FEET; THENCE NORTH 00°29'13" WEST, 20.69 FEET; THENCE NORTH 88°18'18" WEST, 27.02 FEET; THENCE SOUTH 00°29'00" EAST, 31.42 FEET TO THE POINT OF BEGINNING.

APN(s): 444-531-12-00 AND 444-531-31-00 AND 444-531-33-00 AND 444-531-34-00 AND 444-533-25-00 AND 444-533-26-00 AND 444-560-34-00 AND 444-560-35-00 AND 444-710-25-00 AND 444-710-26-00

CITY COUNCIL RESOLUTION NO. [REDACTED]
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

WHEREAS, Scripps Health, Owner/Permittee filed an application with the City of San Diego for a 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 5 (five) new lots, and to vacate certain public easements which will no longer be needed to serve a public use; 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 5th Avenue, Montecito Way, and 6th 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 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. -PC voted to recommend approval/denial of the Permit; 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 _____, 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 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:

CONDITIONAL USE PERMIT:

SDMC §126.0305: Findings for Conditional Use Permit approval.

(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. 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, floor area ratio and driveway width for two, one-way driveways on Sixth Avenue.

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

1. MOB – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 150 feet
2. Hospital I – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 315 feet
3. Hospital II – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 252 feet, 8 inches
4. 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)(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, 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.

SITE DEVELOPMENT PERMIT:

SDMC §126.0505: Findings for Site Development Permit Approval

(a) Findings for all Site Development Permits

(1) 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.

(2) 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.

(3) 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.

PLANNED DEVELOPMENT PERMIT:**SDMC §126.0605 Findings for Planned Development Permit Approval****(a) Findings for all Planned Development Permits****(1) 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.

(2) 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.

(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 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:

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

Each of the above deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site, provides a more cohesive community appearance, allows for adequate site circulation, and improves overall functionality of the project.

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. The proposed driveways are acceptable to staff, as this entry will provide access to larger trucks and vehicles, and while there are deviations, there are no public safety issues related to this design.

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.

NEIGHBORHOOD USE PERMIT FOR COMPREHENSIVE SIGN PLAN:

SDMC §126.0205 Findings for Neighborhood Use Permit. A comprehensive sign plan may be approved only if the decision maker makes the following findings:

(1) 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.

(2) 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.

(3) 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.

CITY COUNCIL

CONDITIONS FOR TENTATIVE MAP NO. 2421177 AND EASEMENT VACATION NO. 2410321

SCRIPPS MERCY -PROJECT NO.658548MMRP)

ADOPTED BY RESOLUTION NO. R-_____ON

GENERAL

1. This Tentative Map will expire XXXXX. Final Subdivision Map(s) may be recorded in phases.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Subdivision Map(s), unless otherwise noted.
3. Prior to the Tentative Map expiration date, Final Map(s) consolidating and subdividing the existing lots into 5 new lots shall be recorded in the Office of the San Diego County Recorder.
4. The Tentative Map shall conform to the provisions of Conditional Use Permit No. 2410279; Site Development Permit No. 2410289, Planned Development Permit No. 2410288, and Neighborhood Development Permit No. 2609691.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

6. Prior to recordation of the Final Subdivision Map(s), the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

7. The Tentative Map shall comply with the conditions of Conditional Use Permit No. 2410279, Planned Development Permit No. 2410288, Site Development Permit No. 2410289 and Easement Vacation No. 2410321.
8. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install new street lights adjacent to the site on Fourth Avenue, Fifth Avenue, Sixth Avenue and Washington Street.
10. The subdivider shall remove existing stair from public right of way of 4th Avenue, adjacent to Cancer Research Center satisfactory to City Engineer.
11. The drainage system proposed for this development is subject to approval by the City Engineer.
12. The subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. The project proposes to export 112,500 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
14. The subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way due to the design of the driveway on 6th Avenue.
15. The subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
16. The subdivider shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

17. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
18. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, 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.
19. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, 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.

MAPPING

20. All survey monuments shall be set prior to the recordation of the Final Subdivision Map(s), unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Subdivision Map(s) in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
21. All survey monuments shall be set prior to the recordation of the Final Subdivision Map(s), unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Subdivision Map(s) in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
22. The easements shown on the Tentative Map exhibit will be vacated pursuant to Section 66445(j) of the Subdivision Map Act.
23. Prior to the recordation of the Final Subdivision Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on a non-title sheet on the Final Subdivision Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Final Subdivision Map.
24. Prior to the recordation of the Final Subdivision Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax

certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

25. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Final Subdivision Map.
26. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].

The Final Subdivision Map(s) shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
27. Prior to approval of Right-of-Way vacation and recordation of the Final Map, Right-of-Way dedication(s) along 6th Street must be completed and recorded.

WATER & WASTEWATER

28. Prior to the issuance of any building construction permits, the Subdivider is required to vacate the water and sewer easements as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Department and City Engineer.

29. Prior to the issuance of any building construction permits, the Subdivider is required to develop, and record public water and sewer easements as shown on the approved Exhibit "A," in a manner satisfactory to the Public Utilities Department and City Engineer.

GEOLOGY

30. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

INFORMATION

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

DRAFT

CITY COUNCIL RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 2421177 AND EASEMENT VACATION
NO. 2410324
SCRIPPS MERCY HOSPITAL
PROJECT NO. 658548; MMRP

WHEREAS, Scripps Health, Owner, and Coffey Engineering, submitted an application to the City of San Diego for a Tentative Map No. 2421177 and Easement Vacation No. 2410324 for the Scripps Mercy San Diego hospital campus, to demolish existing structures; construct new medical office and hospital space, with parking, and to consolidate and subdivide the existing lots into 5 (five) new lots, and to vacate certain public easements which will no longer be needed to serve a public use. The 21.19-acre project site is 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, within the CC-3-8, CC-3-9, OC-1-1, and OR-1-1 within the Uptown Community Plan area. The property 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; and

WHEREAS, the Map proposes the consolidation Subdivision of a 21.19 acre site into 5 (five) Lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and

WHEREAS, on December 14, 2023, the Planning Commission of the City of San Diego considered Tentative Map No. 2421177 and Easement Vacation No. 2410324, and pursuant to Resolution No. PC- XXXX Planning Commission voted to recommend City Council [approval or denial] of the map; 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, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 2421177 and Easement Vacation No. 2410324, and pursuant to San Diego Municipal Code section(s) 125.0440, and 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2421177:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The project includes the demolition of an existing hospital building, related medical buildings, and

parking facilities to make way for construction of a new hospital building, related medical buildings, parking facilities, and the expansion of the Central Energy Plant and two utility yards. The project site is designated for Community Commercial and Institutional Use in the Medical Complex neighborhood of the Uptown Community Plan. In addition, there are vegetated slopes that are undeveloped and designated as Open Space in the Uptown Community Plan.

The proposed project is redevelopment of the Mercy Medical Complex, and the proposed subdivision to consolidate the existing lots into five lots will not alter the existing land use plan. The construction of new medical offices, a hospital, and related facilities are consistent with the Community Plan land use policy which supports the intensification of existing hospital uses on institutionally-designated areas. The proposed Tentative Map to allow the consolidation of existing lots and subdivision into five lots will not result in impacts to or inconsistencies with the Uptown Community plan, as the proposed development of the subdivision is consistent with the plan. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed development is governed by an existing Conditional Use Permit and Site Development permit, and the companion approvals to this Tentative Map include a Planned Development Permit, amendment to Conditional Use Permit, amendment to Site Development Permit, and a Neighborhood Use Permit (to allow for a Comprehensive Sign Program). The project has been reviewed by City Staff for conformance with the Land Development Code for the base zones of the project site.

The existing base zone of the site include CC-3-8 (Community Commercial), CC-3-9 (Community Commercial), RM-3-9 (Residential Multiple Unit), OC-1-1 (Open Space Conservation), and OR-1-1 (Open Space Residential) zones, including deviations allowed under the City's Land Development Code (LDC).

There are deviations proposed to the allowable height and to the allowable floor area ratio (FAR). The allowable height in the area is 100 feet, and four buildings are proposed that would exceed the allowable height limit, ranging from 130 feet in height to 315 feet in height. The FAR proposed would be 2.44 where the maximum allowable FAR is 2.0. In addition, a deviation is required for driveway width along Sixth Avenue.

DEVIATION SUMMARY

DEVIATION SUMMARY				
DEVIATION DESCRIPTION	BUILDING / LOT	DEVIATION FROM SDMC	REQUIRED	PROPOSED
Max Structure Height (ft)	(N) MEDICAL OFFICE BUILDING	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	2.44

As noted in Finding 1 above, the site lies within the Medical Complex Neighborhood of the Uptown Community Plan. The project would allow the redevelopment of the Scripps Mercy Medical Complex. And the proposed subdivision to consolidate the existing lots into five lots is not in conflict with the zoning and development regulations. The site is in the Medical Complex Neighborhood of the Uptown Community Plan, which supports the intensification of hospital and medical uses in the area without necessitating expansion into the surrounding established community. The project's proposed construction would be entirely within the Scripps Mercy Hospital Campus existing boundaries. If development cannot exceed the height and FAR requirements as listed above, the project will not be able to be built as the site would not be able to accommodate the existing beds (517) in the existing approved CUP. The existing hospital tower deviates from current FAR and height requirements per the above table. As such, buildings with a bulk and scale in excess of the zone requirements already exist on the site and have for decades. 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. A deviation for driveway width is 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 one of which is 30 feet, where 20 feet is allowed. The proposed driveways are acceptable to staff, as this entry will provide access to larger trucks and vehicles, and while there are deviations, there are no public safety issues related to this design.

Staff has reviewed each of the requested deviations as they relate to the proposed design of the project, the property configuration with its varying conditions, and the surrounding development. Staff has 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.

The proposed Tentative Map to allow the consolidation of existing lots and subdivision into five lots will not result in impacts to or inconsistencies with the LDC. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the LDC, including any allowable deviations pursuant to the LDC.

3. The site is physically suitable for the type and density of development.

The project is the redevelopment of a fully-developed site. The existing and proposed use of the site is as a medical campus on a site that is within the Medical Complex neighborhood of the Uptown Community Plan. The Tentative Map is required for the consolidation and subdivision of the project site into five lots. The campus currently consists of a number of individual lots and the proposed consolidation and subdivision will create a more cohesive lot layout with the existing and proposed development pattern. As noted in Finding 1 above, the site is designated as Community Commercial and Institutional Use. The developable area of the site is graded and generally level, and the site has a geologic hazard category of 52: *Other level areas, gently sloping to steep terrain, favorable geologic structure, Low risk*. No new roads or utilities are required to access the site, as it is within a fully urbanized neighborhood. All public and private improvements within the jurisdiction of the City of San Diego will be reviewed by City Staff, and permitted and constructed in conformance with all applicable building, mechanical, electrical, and fire code requirement and development regulations. For construction and improvements subject to approval by the California Department of Health Care Access and Information (HCAI), those will be reviewed by HCAI to verify consistency with applicable development standards for the hospital-related structures and component. The site has supported a medical campus use on this site for approximately 100 years. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is in a built-out, urban community and is fully developed as a hospital campus, with Hospital, medical office, and other related uses. It does not contain any bodies of water that could provide fish habitat. Further, given that the site is fully developed, the site does not contain wildlife (beyond incidental occurrence typical of wildlife occurring in the urbanized area). The Tentative Map is required for the consolidation and subdivision of the project site into five lots. The campus currently consists of a number of individual lots and the proposed consolidation and subdivision will create a more cohesive lot layout with the existing and proposed development pattern.

Adjustments to the lot lines through the Tentative Map will not cause any environmental damage to fish or wildlife or their habitat, as no such habitat exists in the developed portion of the site where the lot line adjustments would occur. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The proposed project will not be detrimental to public health, safety and welfare in that the permit controlling the grading and future development of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and

federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Prior to issuance of any grading permits for the proposed project, the plans will be reviewed for compliance with all conditions of approval.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and other regulations governing construction, continued operation and health/life/safety requirements apply to this project. The project has been conditioned to construct public improvements including new City Standard curbs, gutters, new water meters, new water lateral, new back flow preventers and sidewalks, enhanced crosswalks. As such, the design of the subdivision and related improvements will not be detrimental to the public, health, safety and welfare of the community.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The project proposes adjustment to internal lot lines. The lot line adjustments will not conflict with any public easements. Public Service Easements occur within the project site that would be vacated as part of the project. Public Utility Easements proposed for vacation were acquired for City maintained utilities that have been or will be abandoned. These Public Service Easements will no longer serve a public use. Public access is currently provided to and through the project site via public streets and sidewalks; thus, public access would be maintained with redevelopment of the site. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

With the independent design of the proposed subdivision, each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

This proposed mapping action will have no effect on regional housing, as the site is presently developed as a medical campus and will remain a medical campus with no housing anticipated or planned for on this site. This map will support redevelopment of the medical campus. The redevelopment will benefit the community by helping to meet modern healthcare demands. Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region and has ensured that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that portions of easements for drainage and slopes located within the project boundaries as shown in Tentative Map No. 2421177 and Easement Vacation No. 2410324, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings for the Easement Vacations are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a))

There are various remnant Public Service Easements throughout the site that were acquired over the years for city-maintained utilities, including water, sewer, and drainage easements. The utilities previously located within those easements were abandoned long ago and will be fully vacated with the project. These public easements subject the City to a liability that does not benefit the public. Further, the City has no plans to use these public easements in the future and it will benefit both the property owner and the City to vacate them. As such, there is no present or prospective public use for the easements, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b))

There are various remnant Public Service Easements throughout the site that were acquired over the years for City maintained utilities. The utilities previously located within those easements were abandoned long ago and will be vacated with the project. These public easements subject the City to a liability that does not benefit the public. Further, the City has no plans to use these public easements in the future and it will benefit both the property owner and the City to vacate them. The modernization of the hospital campus will benefit the public by ensuring the health care facility and hospital can meet patient needs and state seismic requirements. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

3. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c))

The site lies within the Medical Complex Neighborhood of the Uptown Community Plan. The Land Use designation in the plan is for Community Commercial and Institutional Use, which includes

medical use. The proposed project is redevelopment of the Scripps Mercy Medical Complex. Vacating the various unused public easements and allowing development of the area will not conflict with the land use designation for the project site or the applicable land use plan. Therefore, the public easement vacations are consistent with any applicable land use plan.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))

The Public Service Easements proposed for vacation were acquired for City maintained utilities that have been abandoned. These public easements will no longer serve a public use. More importantly, if left in place they will subject the City to a liability that does not benefit the public. As such, City facilities will not be detrimentally affected by the vacation of these Public Service Easements. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the San Diego City Council, Tentative Map No. 2421177 and Easement Vacation No. 2410324 are hereby granted to Scripps Health, Owner and John Coffey, Engineer subject to the attached conditions which are made a part of this resolution by this reference.

[OR]

[IF DENIED <BE IT FURTHER RESOLVED, that the decision of the **[INSERT: <** Hearing Officer, Planning Commission or City Council **>]** is **[INSERT** sustained, reversed or modified], and **[OPTIONAL** <Vesting>] Tentative **[OPTIONAL: <Parcel >]** Map No. **[INSERT** Approval Number], **[INSERT IF PROCESS 5 VACATION: <**and Public Right of Way and/or Easement Vacation is/are **denied>]** denied.

APPROVED: MARA ELLIOTT, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
R-R-[Reso Code]

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24008542

DRAFT

RESOLUTION NUMBER R- [REDACTED]

ADOPTED ON [REDACTED]

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO.
658548/SCH NO. 2021040374 AND ADOPTING THE MITIGATION,
MONITORING, AND REPORTING PROGRAM**

WHEREAS, on April 27, 2020, Scripps Health submitted an application to Development Services Department for a CONDITIONAL USE PERMIT (CUP) to amend existing CUP No. 304755, SITE DEVELOPMENT PERMIT (SDP) to amend existing SDP No. 531932, a NEIGHBORHOOD USE PERMIT (NUP) for a COMPREHENSIVE SIGN PLAN, a TENTATIVE MAP (TM) to adjust property lines, PUBLIC UTILITY EASEMENT VACATION, and a PLANNED DEVELOPMENT PERMIT (PDP) for the Scripps Mercy Hospital Campus Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on [DATE]; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report (EIR) No. 658548/SCH# 2021040374 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the [DECISION-MAKER] in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101

BE IT FURTHER RESOLVED, that [DEVELOPMENT SERVICES STAFF or THE CITY CLERK] is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: Mara Elliott

By: _____
[NAME], [DEPUTY CITY ATTORNEY]

ATTACHMENT(S): Exhibit A, Findings and Statement of Overriding Considerations
 Exhibit B, Mitigation Monitoring and Reporting Program

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONAL USE PERMIT (CUP) to amend existing CUP No. 304755, SITE DEVELOPMENT PERMIT (SDP) to amend existing SDP No. 531932, a NEIGHBORHOOD USE PERMIT (NUP) for a COMPREHENSIVE SIGN PLAN, a TENTATIVE MAP (TM) to adjust property lines, PUBLIC UTILITY EASEMENT VACATION, PUBLIC STREET VACATION, and a PLANNED DEVELOPMENT PERMIT (PDP) PROJECT NO. 658548

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 658548/SCH NO. 2021040374 shall be made conditions of the CUP, SDP, NUP, TM, PDP and Vacations as may be further described below.

1.0 Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the *Document Submittal/ Inspection Checklist* table, below. Specific consultant qualifications will be determined by the City of San Diego.

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Air Quality	Monitoring Report	Grading and Demolition Notes
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

2.0 Mitigation Measures**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from the MITIGATION MONITORING COORDINATOR (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Air Quality Monitor
Qualified Acoustician

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division - 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360.**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 581984 and/or Environmental Document Number 581984, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:

- N/A

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

4. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the *Document Submittal/ Inspection Checklist* table presented in Section 1.0.

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Air Quality

MM 5.4-1: Diesel Exhaust Emissions Reduction. During construction activities, efforts shall be made to reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Interim or better equipment, including equipment with an installed DPF, where feasible, and by use of other emission reduction practices. Construction equipment that is certified less than Tier 4 Interim may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible. Additionally, measures shall be employed to reduce DPM emissions, that may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously.

A qualified air quality monitor shall be on-site during grading and demolition phases to confirm that construction equipment greater than 100 hp employs Tier 4 Interim or better equipment and that construction equipment that is certified less than Tier 4 Interim is being used only where Tier 4 Interim equipment is unavailable from vendors. When such equipment is being used, such equipment shall be installed with DPFs whenever possible. The monitor shall also determine the need to be on-site during construction, if multiple construction equipment with larger engines is planned for use at the same time.

Noise

MM 5.6-1: Construction Noise. The following measures would be planned and reviewed by a qualified acoustic consultant to limit noise levels to meet requirements of the SDMC. These measures would be applied to all phases of the project site demolition and construction work.

- Ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- Turn off idling equipment, whenever possible.
- Construction activities shall be limited to daytime hours, 7 a.m. to 7 p.m. No noise generating construction activities shall take place on Sundays and holidays.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that assure the minimization of noise and compliance with directions from management to minimize noise.
- Give preference to the use quieter technology or other measures rather than lengthening construction duration (i.e. it is not recommended to lower noise by having fewer pieces of equipment running at a time thereby leading to extended construction duration).
- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways that minimize noise.
- Ensure that site managers periodically check the site, nearby residences and other sensitive receptors for noise problems so that solutions can be quickly applied.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours and other relevant practices (e.g. minimizing the use of engine brakes and periods of engine idling).
- Consider alternatives to diesel and gasoline engines and pneumatic units such as hydraulic or electric-controlled units where, feasible and reasonable.
- Examine and implement, where feasible and reasonable, alternatives to pile driving using a diesel hammer, such as hydraulic hammer, hydraulic press-in, or vibratory piledriver.
- To reduce the impact of backup alarms, examine and consider implementing, where feasible and reasonable, ambient sensitive back-up alarms, signal workers, turning circles and side loading/unloading trucks.
- To reduce the line-of-sight noise transmission to residences and other sensitive receptors, temporary noise barriers shall be erected as required prior to demolition of the Parking Lot 4.1, Behavioral Health Building, 550 Washington Street, Emergency Department, Existing Hospital, and Facility and Generator Building, and prior to construction of MOB, Hospital I, Hospital Support Building, and Mercy Manor.
 - Temporary noise barriers can be constructed from boarding (plywood boards, panels of steel sheeting or compressed fiber cement board) with no gaps between the panels at the site boundary. Stockpiles and shipping containers can also be used as effective noise barriers.
 - Planned barrier type, height, and placement shall be outlined in a Noise Report prepared by a qualified acoustic consultant at the time of issuance of building permits for the aforementioned buildings.
 - A qualified noise monitor shall be on-site in areas identified for noise barriers to ensure that noise levels are reduced to meet City standards.

Exhibit B

**DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
SCRIPPS MERCY HOSPITAL CAMPUS PROJECT**

Project No. 658548
SCH No. 2021040374

April 2023

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1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. § 15000 et seq.) require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1), above, that are required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects of the project may include a wide variety of measures or actions as set forth in Guidelines Section 15370’s definition of mitigation, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR

and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR for the Scripps Mercy Hospital Campus project (project), Project No. 658548/State Clearinghouse No. 2021040374, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

Furthermore, the Findings and SOC have been submitted by the City Development Services Department as Candidate Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

1.2 Record of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft EIR;
- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;

- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Draft EIR, the Final EIR, and any responses to comments in the Final EIR;
- The revised and/or updated reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, Federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the City, Development Services Department, 1222 First Avenue, San Diego, California 92101. The Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

The Draft EIR was placed on the City Clerk's web-site at <https://www.sandiego.gov/ceqa.draft>; and the Final EIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

2.0 PROJECT SUMMARY

2.1 Project Location

The 21.07-acre Scripps Mercy Hospital Campus project site is located within the Medical Complex neighborhood of the Uptown community, in the City of San Diego, San Diego County. The Uptown community is in the central portion of the City of San Diego and the San Diego Metropolitan Area. The site is located in an urbanized community and is situated north of Washington Street, south of development along Arbor Drive and Mercy Canyon open space, west of State Route 163 (SR 163) and Eighth Avenue, and east of Fourth Avenue in the Uptown community. Multi-family residential developments exist to the north and single-family residences are located to the northwest, immediately adjacent to the project, north of Mercy Canyon. Medical offices are located immediately to the west, east, and south of the site. SR 163 and open space slopes are located to the east and northeast. Regional access to the site is provided by SR 163 immediately east of the project site. Local vehicle access to the site occurs via Washington Street, Fourth Avenue, Fifth Avenue, Sixth Avenue, and Lewis Street.

The Scripps Mercy Hospital Campus project site has been previously graded and developed with the Scripps Mercy Hospital campus, consisting of medical office and hospital buildings, surface and structured parking, internal streets and driveways, and landscaping. The majority of the campus is situated on a relatively flat mesa adjacent to canyons and slopes with surface elevations of approximately 290 feet to 295 feet above mean sea level (AMSL). The south-central portion of the campus was developed within an east-west trending drainage feature that is partially infilled and has surface elevations ranging from 235 feet to 240 feet AMSL. Another roughly east-west trending drainage feature is located along the northern property boundary with slopes descending approximately 100 feet from existing buildings at an approximate inclination of 1.5:1 (horizontal: vertical). The canyon slopes and bottom are generally vegetated with grass, brush, and trees. An east-facing cut slope descends to the Sixth Avenue access to SR 163. The campus is sparsely landscaped and has generally been graded to provide sufficient surface drainage.

Redevelopment of Scripps Mercy Hospital Campus is to occur in the central portion of the campus, generally bounded by Washington Street along the south, Fifth Avenue in the southwest corner, Fourth Avenue along the western border, and SR 163 along the east. The Cancer Center, located between Fourth and Fifth Avenue in the southwest portion of the campus, was recently constructed as a 40,000 square foot facility with structured parking. As a part of Sixth Avenue Parking Structure and Bridge project currently under construction (PTS# 645493), a previously-existing pedestrian bridge that connected employee surface parking east of Sixth Avenue to the main body of the campus has been demolished, and a new pedestrian bridge will be constructed to connect the parking structure under construction directly to the main Hospital Building. Vehicular access to and from this parking structure will be provided from a new signalized driveway on Sixth Avenue, as well

as a driveway on Eighth Avenue. The construction of this parking structure will be completed in advance of major construction efforts of the project with an estimated completion date of Year 2023. No additional development/redevelopment is planned for the Cancer Center and the Sixth Avenue Parking Structure.

Existing SDG&E utilities serve the campus from numerous locations adjacent to and through the campus. Three electrical circuits provide service to the campus along Fourth Avenue, Fifth Avenue, Sixth Avenue, Eighth Avenue, Lewis Street, and Washington Street. Portions of these circuits are located in easements on the campus. Gas service is provided through both medium- and high-pressure lines along Washington Street, Fourth Avenue, Fifth Avenue, and Lewis Street. Gas lines are located in easements on the campus at the western side of the campus and along Lewis Street. Electrical and gas facilities that pass through the campus serve both the campus and offsite ratepayers.

2.2 Project Description

2.2.1 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 3.1.2 of the Final EIR, the project has the following objectives:

- Meet the seismic safety requirements of Senate Bill 1953 by replacing the non-conforming existing hospital buildings on the campus by 2030 while maintaining existing health care operations in the community.
- Replace aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development.
- Maximize development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting.
- Enhance the work environment and increase employment opportunities with expanded services offered.
- Promote a welcoming patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community.
- Establish an integrated campus of programs, facilities, and operations that serve the current community health care needs.
- Establish Medical Office Buildings to house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities as well as flexibility in meeting evolving outpatient needs.

- Improve campus access and circulation while minimizing transportation effects to adjoining neighborhoods.
- Improve transportation-related facilities including parking structures, transit, and passenger drop-off and pick-up areas in a way that allows for intuitive vehicular, biking, and patient-oriented access.
- Enhance the campus entry for patients, visitors, and employees, as well as the surrounding community.
- Separate facility supply delivery and support services access from patient, visitors and staff to enhance delivery of health care services on campus.

2.2.2 Project Components

The Scripps Mercy Hospital Campus is comprised of medical office and hospital buildings, surface and structured parking, internal streets and driveways, and landscaping. The project includes modifications to the existing campus site plan through demolition and new construction. Redevelopment of the Scripps Mercy Hospital campus is anticipated to occur over a period of 20 to 25 years. Because the project involves redevelopment of an existing and operational hospital campus, maintaining existing hospital services is essential. Site restrictions, limitations, and the intensity of proposed uses will dictate relocation of existing services, demolition of existing buildings and facilities, and construction of new buildings and facilities. Demolition and construction will occur in portions of the campus, while existing buildings and services remain in operation. Construction of the proposed buildings and facilities will occur in a manner that allows for current and future healthcare services to co-exist while maintaining existing hospital operations.

Relative to demolition, the project includes the demolition of several buildings on the Scripps Mercy Hospital Campus site to allow for construction of proposed buildings. Demolition includes the following:

- 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)

The project includes construction of the following facilities:

- 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)

Vehicular parking is provided throughout the project site. Existing parking areas to remain include 12 parking spaces at Mercy Gardens, a single parking space for MRI parking, 648 parking spaces in Parking Lot 12, and five designated spaces for official Scripps' vehicle parking. Currently under construction with separate, approved permits are a 140-space Cancer Center parking structure and a 1,274-space parking structure off Sixth Avenue. The project will develop new parking structures in concert with various project buildings, including:

- HSB Parking Structure – approximately 248 spaces
- Emergency Department Parking Lot – approximately 10 spaces
- MOB Parking Structure – approximately 350 spaces
- East Lewis Street Parking – approximately seven spaces
- Delivery Parking – approximately 10 spaces

A total of 1,155 vehicle parking spaces are required per the SDMC. The project will meet the SDMC vehicle parking requirements. The project will also meet or exceed the Municipal Code parking requirements for short-term and long-term bicycle parking spaces, motorcycle parking, accessible parking spaces, and parking for electric vehicles.

The project includes construction of improvements to surrounding public infrastructure, including improvements to Lewis Street, Washington Street, Fourth Avenue, Fifth Avenue, and Sixth Avenue, as well as pedestrian access and bicycle mobility. As a part of implementing the ultimate classification of Washington Street as a Major Arterial, the project will provide half-width improvements to include a contiguous sidewalk that will be constructed along the project frontage on the north side of Washington Street fronting the HSB. On the east side of Fifth Avenue between Fifth Avenue and Washington Street, the project will construct a 10-foot-wide parkway with a five-foot-wide landscape buffer and a five-foot-wide non-contiguous sidewalk. On the north side of Fifth Avenue between Fourth Avenue and Fifth Avenue, the project will construct a 10-foot-wide parkway with a five-foot-

wide contiguous sidewalk and five feet of landscape. On the east side of Fourth Avenue between Lewis Street and Fifth Avenue, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk. On the east side of Fourth Avenue between Lewis Street and the MOB frontage, the project will construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk.

The project also includes pedestrian connections within the site with walkways, paths, and sidewalks to facilitate pedestrian circulation. The project will provide an 11-foot-wide pedestrian path north of the Emergency Department parking lot that will provide new pedestrian access from Lewis Street to Fifth Avenue, as well as connect Hospital I and Hospital II.

To promote bicycle mobility, the project will construct half-width improvements along its Washington Street frontage to implement the ultimate classification of a 4-lane Major with buffered Class II bicycle lanes per the Uptown Community Plan. As a part of this improvement, the project will stripe the buffered bike lanes on the north side of Washington Street along the project frontage. Additionally, the project will stripe shared lane markings to delineate a Class III Bike Route on Fifth Avenue between Fourth Avenue and Washington Street, and on Fourth Avenue, between Lewis Street and Fifth Avenue. As part of providing bicycle amenities within the site, the project will provide 10 showers and over 420 lockers for employee use. The project will also meet or exceed the City of San Diego Climate Action Plan (CAP) requirement and SDMC requirements for short-term and long-term bicycle parking spaces.

Relative to transit access improvements, the project will upgrade the existing bus stop on the north side of Washington Street and Fifth Avenue (Stop ID 11243) by adding a shelter and maps/way finding signage, and will provide transit information in the hospital and MOB lobbies. The project will also provide a 30 percent subsidy (which is approximately \$1.00 per day per employee for the current monthly pass of \$72.00) towards transit passes for Metropolitan Transit System (MTS) Bus, Trolley, or COASTER trains for employees who request them to promote transit usage and will allow transit passes to be purchased on a pre-tax basis through convenient payroll deduction.

The project includes modifications to existing landscaping based on a series of landscape palettes. The *Canyon Accent* palette is primarily located in narrow courtyards between buildings and adjacent properties. This palette utilizes clustered groups of large shade/screening trees, as well as palms, to provide screening and vertical accents. The *Screening/Buffer – Evergreen Ornamental* palette intends to provide a “green wall,” or soft screen, that feels garden-like within the campus complex between Hospital I and Hospital II. Evergreen shrubs are combined with loose-massed bark or rock mulch at all planting areas of this palette. The *Streetscape* palette is intended to provide a clean, low-maintenance, and uniform streetscape palette that communicates continuity throughout the Scripps Mercy Hospital Campus. This palette is located primarily along Fifth Avenue, Lewis Street, and

Washington Street, and utilizes street trees to match surrounding evergreen cover in accordance with the Streetscape Manual. Landscaping in front of Hospital I, as well as some other areas between Hospital II, Hospital I, and HSB, will utilize the *Accent* palette, which will feature evergreen elm trees. This zone implements canopy and flowering accent trees in order to provide shade and comfort in circulation areas, seating areas, and other key focal points. In the eastern portion of the site, along Sixth Avenue, the *Screening/Buffer – Chapparal Canyon* palette, where the intention is to tie project landscaping into the existing canyon landscape through the utilization of native trees and evergreen shrubs in drifts, masses, and groves to provide screened views in and out of the site. The *Bio-filtration Planting* zone is intended to use materials that express riparian character of natural streams and arroyos and is located at stormwater treatment areas on the project site.

Brush management for the project occurs where the campus interfaces with canyon areas along the northern and eastern boundaries of the project site. Zone 1 will occur immediately east of the Eastern Utility Yard, to the north and south of the Western Utility Yard, and to the north of existing to remain Mercy Gardens. Zone 2 will be located along the north and east perimeters of the project site and will include the existing undisturbed native or naturalized vegetation. No new planting is expected to occur in this zone, so no new irrigation is needed within this area. If any disturbance occurs and re-planting is needed, temporary irrigation would be included during the establishment period. In addition, no structures will be constructed in this zone, this area will be maintained on a regular basis, and thinning and pruning of existing shrubs in this area will occur per the City of San Diego Brush Management Guidelines. A portion of Alternate Compliance area will be located immediately east of the proposed MOB, as a full defensive space for Zone 1 cannot be provided due to the existing slope gradient of greater than 4:1. Alternate compliance will include dual glazed windows, a sprinklered building, and a Brush Management Plan for the abutting property.

The project requires relocation of portions of public utilities (e.g., storm drain and water and sewer lines) and vacation of Public Service Easements. Easements for these utilities will be vacated and relocated in accordance with City requirements. Numerous remnant easements for public utilities where the utilities no longer exist will be vacated. Public utilities for storm drains and water and sewer lines that serve only the campus are to be privatized, and the easements for those utilities will be vacated. Additionally, on the east side of Sixth Avenue, remnant easements for earth excavation or embankment slopes and incidental purposes will be vacated. This property has been developed, and maintenance of the slope by the City is no longer required.

This project requires relocation and expansion of SDG&E utilities to accommodate the redevelopment. All activities pertaining to SDG&E utilities will occur within the hospital campus or on nearby public rights-of-way. Portions of an existing high pressure gas line and electrical circuit that are currently located in Washington Street, Fifth Avenue, and Lewis Street will be relocated and installed underground. Electrical switchgear will be added near the intersection of Fourth Avenue and Lewis Street. A new SDG&E electrical switch yard is to be constructed along Sixth Avenue. In addition

to the physical infrastructure changes, numerous easements held by SDG&E for utilities that are no longer in use or are being relocated as part of this project will be modified or quitclaimed. The project includes the relocation of the existing heliport from the existing hospital roof to the roof of Hospital I, approximately 400 feet to the east-southeast. Construction of the new heliport is not expected to substantially change the type or volume of aircraft in day-to-day operations. The replacement heliport will be designed to accommodate larger aircraft up to and including the Sikorsky UH-60 "Black Hawk" and variants; however, these aircraft would only be utilized in response to a mass-casualty event or other extreme circumstances. All other operations are expected to continue to be carried out by typical Emergency Medical Services (EMS) helicopters, such as REACH/Calstar Air Medical Services and Mercy Air/Air Methods, which currently serve the hospital. Increase in operations is expected to continue commensurate with local population growth. The replacement heliport will allow pilots greater flexibility with respect to approach and departure paths, providing a 180-degree-plus flight path arc from northeast through southwest. This is expected to enhance aviation safety, with minimal impact to surrounding land uses. Pursuant to Federal Aviation Regulations and State law, the heliport design will be subject to review, comment, and/or approval by the Federal Aviation Administration (FAA), California Department of Transportation (Caltrans) Division of Aeronautics, and San Diego County Airport Land Use Commission.

As allowed by Section 141.1103 of the SDMC, the project includes a Comprehensive Sign Plan to modify applicable sign requirements and include signs that, as a whole, are in conformance with the intent of the City's sign regulations, result in an improved relationship among the signs and building façades on the premises, and better serve the hospital campus. Overall, for wall-signs, the project will not exceed the maximum amount allowed by the City's sign regulations when totaling all existing and proposed wall signs, including signage proposed for non-public right-of way signs. Additionally, all ground mounted signs will be at the property line or set back from the property line and will be located outside of visibility triangles.

The project also involves elements of the hospital campus that have been constructed, are undergoing construction, or will not be affected by the project. The Cancer Center and associated parking structure, the College Building, Mercy Gardens, the Chapel, Central Energy Plant, Parking Structure 12, and the Generator Building and Cooling Tower will remain; no additional development, redevelopment, or modifications are proposed for these facilities. The Mercy Chapel, which is a San Diego registered historic resource, will be rehabilitated in accordance with the Secretary of Interior's Standards for the Treatment of Historic Resources. A new parking structure, providing approximately 1,274 parking spaces, and associated pedestrian bridge is under construction on the east side of Sixth Avenue to serve the Scripps Mercy Hospital Campus. Vehicular access to and from this parking structure will occur at a new signalized driveway on Sixth Avenue, as well as a driveway on Eighth Avenue. The reconstructed pedestrian bridge will connect the parking structure on the east side of Sixth Avenue to the Scripps Mercy Hospital Campus on the west side of Sixth Avenue.

2.3 Discretionary Actions

For the Scripps Mercy Hospital Campus project, the following discretionary actions are being requested:

2.3.1 Conditional Use Permit

An amendment to Conditional Use Permit (CUP) No. 304755 is required to incorporate the project components as summarized above and described in detail in Section 2.3.1, *Project Components*.

2.3.2 Site Development Permit

In accordance with the Uptown Community Plan CPIOZ Type A, structure height in the project location is limited to 65 feet in height. The project will exceed the 65-foot limitation of the CPIOZ; per the CPIOZ regulations, a Site Development Permit (SDP) is required for structure height in exceedance of 65 feet.

2.3.3 Planned Development Permit

A Planned Development Permit (PDP) is required for development that deviates from the regulations in the underlying zones. The project includes deviations for structure height, floor area ratio (FAR), and driveway width, in the locations and amounts described below.

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

- MOB – Maximum height per CC-3-8 zone: 100 feet; project height: 150 feet
- Hospital I – Maximum height per CC-3-8 zone: 100 feet; project height: 315 feet
- Hospital II – Maximum height per CC-3-8 zone: 100 feet; project height: 252 feet, 8 inches
- HSB – Maximum height per CC-3-8 zone: 100 feet, project height 130 feet

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

- Maximum FAR per CC-3-8 zone: 2.0; project FAR: 2.44

2.3.4 Neighborhood Use Permit

A Neighborhood Use Permit (NUP) is required for a Comprehensive Sign Plan for the Scripps Mercy Hospital Campus. The comprehensive sign plan is requested to modify applicable sign requirements where the proposed signs, as a whole, are in conformance with the intent of the sign regulations and where the exceptions result in an improved relationship among the signs and building facades on the premises.

2.3.5 Tentative Map

A Tentative Map (TM) is required to adjust property lines and vacate Public Service Easements.

2.3.6 Public Utility Easements Vacations

The project requires public utilities relocations and Public Service Easements to be vacated. Additionally, easements for slope embankments are to be vacated.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted environmental review under CEQA (California Public Resources Code Sections 21000, et seq.) and the Guidelines promulgated thereunder in California Code of Regulations, Title 14. Further, the City as lead agency shall be primarily responsible for carrying out the project. In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on April 6, 2018, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a virtual public agency scoping meeting, allowing the public to provide comments from April 16, 2021, through May 16, 2021. The purpose of this meeting was to seek input from the public regarding the environmental effects that may potentially result from the project. Various agencies and other interested parties responded to the NOP. The NOP, comment letters, and transcript of comments made during the scoping meeting are included as Appendices A and B of the Final EIR.

The City prepared and published a Draft EIR, which was circulated for a 45-day public review and comment period beginning on September 12, 2022, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

During the public review period, the City received comments on the environmental document. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR. The Final EIR and the response to comments for the project was published on April XX, 2023. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific environmental issues resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project will have no impacts with respect to the following issues:

- Agricultural Resources and Forestry
- Biological Resources
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology
- Mineral Resources
- Paleontological Resources
- Population and Housing
- Public Services (Libraries, Recreation, and Schools)
- Tribal Cultural Resources
- Water Quality
- Wildfire

The Final EIR concludes that the project will have a less than significant impact and requires no mitigation measures with respect to the following issues:

- Transportation/Circulation
- Visual Effects and Neighborhood Character
- Historical Resources
- Greenhouse Gas Emissions
- Public Services
- Facilities and Public Utilities

The Final EIR concludes the project will potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Air Quality
- Noise (construction)

The Final EIR concludes the project will potentially have a **significant unmitigated impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Land Use (Noise)
- Noise (Operational)

5.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the plans, programs, and policies discussed in the Final EIR. The plans, programs, and policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

5.1 Findings Regarding Impacts that will be Mitigated to Below a Level of Significance (CEQA § 21081(a)(1) and CEQA Guidelines § 15091(a)(1))

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code § 21081(a)(1) and State CEQA Guidelines § 15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

5.1.1 Air Quality – Direct Impact: Construction

5.1.1.1 Potentially Significant Effect

The Health Risk Assessment prepared for the project evaluated potential risk to sensitive receivers located proximate to the project site, including the Warwick apartments and a single-family home on Bathhouse Row, as well as Select Specialty Hospital and schools closest to the project site (Florence Elementary School and Green Beans Daycare Center). The noncancer chronic and acute risks due to construction of the project are below the SDAPCD CEQA thresholds. The cancer risk, however, exceeds the SDAPCD CEQA thresholds, which is considered a significant impact.

5.1.1.2 Facts in Support of Finding

SDAPCD Rule 1200 (Toxic Air Contaminants – New Source Review) adopted on June 12, 1996, requires evaluation of potential health risks for any new, relocated, or modified emission unit that may increase emissions of one or more toxic air contaminants. The rule requires projects that propose to increase cancer risk to between one- and 10-in-one-million implement toxics best available control technology (T-BACT) or impose the most effective emission limitation, emission control device or control technique to reduce the cancer risk. At no time shall the project increase the incremental cancer risk to over 10-in-one-million or a health hazard index (chronic and acute HI) greater than one. Projects creating cancer risks less than one-in-one-million are not required to implement T-BACT

technology.

As shown in Table 5.4-8. *Health Risk Results from Construction DPM Emissions*, of the Final EIR, construction activities associated with the project contribute diesel emissions, which result in exceeding the 30-year cancer risk threshold. Reducing diesel exhaust emissions from all construction equipment greater than 100 horse power, as well as employing other measures reduce diesel particulate matter, such as reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously, is required to ensure that health risk impacts from construction do not exceed significance levels.

Mitigation Measures:

MM 5.4-1: Diesel Exhaust Emissions Reduction. During construction activities, efforts shall be made to reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Interim or better equipment, including equipment with an installed diesel particulate filter (DPF), where feasible, and by use of other emission reduction practices. Construction equipment that is certified less than Tier 4 Interim may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible. Additionally, measures shall be employed to reduce DPM emissions, that may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed project using cleaner vehicle fuel, and/or limiting the number of individual construction project components occurring simultaneously. These measures would be used to ensure that health risk impacts from construction do not exceed significance levels.

A qualified air quality monitor shall be on-site during grading and demolition phases to confirm that construction equipment greater than 100 hp employs Tier 4 Interim or better equipment and that construction equipment that is certified less than Tier 4 Interim is being used only where Tier 4 Interim equipment is unavailable from vendors. When such equipment is being used, such equipment shall be installed with DPFs whenever possible. The monitor shall also determine the need to be on-site during construction, if multiple construction equipment with larger engines is planned for use at the same time.

5.1.2.3 Finding

With implementation of mitigation measure MM 5.4-1, potentially significant impacts due to diesel emissions during construction will be reduced to below a level of significance.

Reference: Final EIR § 5.4.

5.1.2 Noise (Construction)

5.1.2.1 Potentially Significant Effect

Due to the proximity of sensitive receptors, demolition and construction noise levels exceed City of SDMC during several phases resulting in a significant noise impact.

5.1.2.2 Facts in Support of Finding

The project involves the demolition of existing buildings and the construction of buildings on the Scripps Mercy Hospital Campus. Construction will be completed in phases. Noise levels are anticipated to exceed City of SDMC during several phases resulting in a significant noise impact associated with construction. Most exceedances occur during demolition phases. In order to meet City standards and reduce impacts to below a level of significance, mitigation measures are required. Specific implementation of these noise control measures, with planning and oversight by a qualified acoustic consultant, will reduce significant construction noise impacts to below a level of significance.

Mitigation Measures:

MM 5.6-1: The following measures shall be planned and reviewed by a qualified acoustic consultant to limit noise levels to meet requirements of the SDMC. These measures shall be applied to all phases of the project site demolition and construction work.

- Ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- Turn off idling equipment, whenever possible.
- Construction activities shall be limited to daytime hours, 7 a.m. to 7 p.m. No noise generating construction activities shall take place on Sundays and holidays.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that assure the minimization of noise and compliance with directions from management to minimize noise.
- Give preference to the use quieter technology or other measures rather than lengthening construction duration (i.e. it is not recommended to lower noise by having fewer pieces of equipment running at a time thereby leading to extended construction duration).
- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways that minimize noise.

- Ensure that site managers periodically check the site, nearby residences and other sensitive receptors for noise problems so that solutions can be quickly applied.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours and other relevant practices (e.g. minimizing the use of engine brakes and periods of engine idling).
- Consider alternatives to diesel and gasoline engines and pneumatic units such as hydraulic or electric-controlled units where, feasible and reasonable.
- Examine and implement, where feasible and reasonable, alternatives to pile driving using a diesel hammer, such as hydraulic hammer, hydraulic press-in, or vibratory piledriver.
- To reduce the impact of backup alarms, examine and consider implementing, where feasible and reasonable, ambient sensitive back-up alarms, signal workers, turning circles and side loading/unloading trucks.
- To reduce the line-of-sight noise transmission to residences and other sensitive receptors, temporary noise barriers shall be erected as required prior to demolition of the Parking Lot 4.1, Behavioral Health Building, 550 Washington Street, Emergency Department, Existing Hospital, and Facility and Generator Building, and prior to construction of MOB , Hospital I, Hospital Support Building, and Mercy Manor.
 - Temporary noise barriers can be constructed from boarding (plywood boards, panels of steel sheeting or compressed fiber cement board) with no gaps between the panels at the site boundary. Stockpiles and shipping containers can also be used as effective noise barriers.
 - Planned barrier type, height, and placement shall be outlined in a Noise Report prepared by a qualified acoustic consultant at the time of issuance of building permits for the aforementioned buildings.
 - A qualified noise monitor shall be on-site in areas identified for noise barriers to ensure that noise levels are reduced to meet City standards.

5.1.2.3 Finding

With implementation of mitigation measure MM 5.6-1, potentially significant impacts due to construction noise will be reduced to below a level of significance.

Reference: Final EIR § 5.6.

5.2 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA § 21081(a)(2)) and CEQA Guidelines § 15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are

no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

5.3 Findings Regarding Infeasible Mitigation Measures (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding air quality impacts associated with operations:

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean *capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors*. The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4 Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

Because the project has the potential to cause one or more significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project’s significant environmental effects while achieving most of its objectives (listed in Section 2.3, above, and Section 3.1.2 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code § 21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the

mitigation measures or alternatives identified in the Final EIR (Project No. 658548/SCH No. 2021040374) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean *capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors*. The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative, along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as circumstances under which the project does not proceed. In other words, the No Project/No Build alternative assumes that the project site would not be developed with the project.

Under the No Project/No Build alternative, the project would not be implemented on the site. None of the improvements or redevelopment associated with the project would occur. Instead, the site would remain as it exists currently, with the Scripps Mercy Hospital in operation. The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the Scripps Mercy Hospital Campus would remain in operation as it does today.

5.4.1.1 Potentially Significant Effects

The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the property would remain as it is today. When compared to the project, the No Project/No Build alternative would avoid the significant unmitigated operational noise impact associated with the project. The No Project/No Build alternative would also avoid mitigable impacts to health risk associated with air quality and construction noise impacts. This alternative would result in the same level of less-than-significant impact or no impact as the project relative to land use, transportation and circulation, visual effects and neighborhood character, public utilities, and public services and facilities.

5.4.1.2 Finding and Supporting Facts

The No Project/No Build alternative would not meet any of the project objectives. Most importantly, the No Project/No Build alternative would not meet the seismic safety requirements of Senate Bill 1953 by replacing the non-conforming existing hospital buildings on the campus by 2030 while maintaining existing health care operations in the community. This alternative would also not replace aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development. The No Project/No Build alternative would not result in maximizing development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting. A new MOB, which would house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities as well as flexibility in meeting evolving outpatient needs, would not be constructed. The work environment for employees would not be enhanced and there would be no increase in employment opportunities with the expanded services offered as part of the project.

From a design perspective, the No Project/No Build alternative would not promote a welcoming patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community and would not further an integrated campus of programs, facilities, and operations that serve the current community health care needs. Additionally, access to and circulation within the medical campus would not be improved and new parking structures, transit, and passenger drop-off and pick-up areas would not be aligned in a way that allows for intuitive vehicular, biking, and patient-oriented access. The campus entry would not be enhanced for patients, visitors, and employees, as well as the surrounding community; nor would facility supply delivery and support services access be re-oriented in a manner that allows the campus design to focus on the patient, visitors, and staff for enhanced delivery of health care services.

Furthermore, the No Project/No Build alternative would not be feasible. State law and seismic building codes require modifications to the hospital and associated buildings in order to meet HCAI requirements by January 1, 2030.

Finding: The No Project/No Build alternative is rejected because specific economic, social, or other considerations, including matters of public policy, make this alternative infeasible.

Rationale: The No Project/No Build alternative is rejected because it would not feasibly accomplish the basic objectives of the project.

Reference: Final EIR § 10.5.1.

5.4.2 Replace Hospital Buildings Only Alternative

The Replace Existing Hospital Buildings Only alternative would demolish and reconstruct the central portion of the campus as two new hospitals and HSB in a manner that meets the requirements of Senate Bill 1953. The Behavioral Health Building and the 550 Washington Building would be demolished to allow for construction of Hospital I and the HSB. The existing Emergency Department and Scripps Mercy Hospital would then be demolished, and Hospital II would be constructed. This would allow for the existing Scripps Mercy Hospital to remain in operation while Hospital I is being constructed. All other portions of the campus would remain as they are today. Like the project, overall bed count would not change from what exists today. The MOB proposed as part of the project would not be developed under this alternative. Instead, the location of the MOB would remain a parking structure.

5.4.2.1 Potentially Significant Effects

The Replace Existing Hospital Buildings Only alternative would avoid significant and unmitigated operational noise impacts associated with the project, as this alternative would result in a decrease in trips. However, like the project, this alternative would result in significant noise impacts associated with construction and significant air quality health risk impacts associated with diesel emissions and would require mitigation measures as presented in Chapter 5.0, *Environmental Analysis*, of the Final EIR. This alternative would result in the same level of less than significant impact or no impact as the project relative to land use, transportation and circulation, visual effects and neighborhood character, public utilities, and public services and facilities.

5.4.2.2 Finding and Supporting Facts

While the Replace Existing Hospital Buildings Only alternative would meet the project's primary objective to replace existing hospital buildings on the campus in accordance with seismic safety requirements of Senate Bill 1953 by 2030, this alternative would not meet any of the project's other objectives. Specifically, this alternative would not result in replacing aging buildings and utilities infrastructure through redevelopment of the Scripps Mercy Hospital Campus in a manner that promotes community wellness, healthcare, and technology in both its facilities and its site development and would not maximize development intensity on the project site to allow for the optimal expansion of services to meet the needs of the community by providing patient centered, personalized, private care in the appropriate setting. The work environment on only a portion of the campus would be upgraded and enhanced. Due to the reduced intensity of this alternative increase employment opportunities associated with expanded services offered would not occur. Because a wholesale redesign of the medical campus would not occur, improvements to the patient experience by ensuring ease of access and wayfinding efficiency and by establishing the medical campus as a destination for healthcare within the community would also not occur and there would not be an

opportunity to fully integrate into the community a campus of programs, facilities, and operations that serve the current community health care needs. A new MOB to house ambulatory services and programs designed to support hospital-based programs in a lower cost environment and provide growth opportunities, as well as flexibility in meeting evolving outpatient needs, would also not occur under this alternative. Additionally, access to and circulation within the medical campus would not be improved and new parking structures, transit, and passenger drop-off and pick-up areas would not be aligned in a way that allows for intuitive vehicular, biking, and patient-oriented access. The campus entry would not be enhanced for patients, visitors, and employees, as well as the surrounding community; nor would facility supply delivery and support services access be re-oriented in a manner that allows the campus design to focus on the patient, visitors and staff for enhanced delivery of health care services.

Finding: The Replace Existing Hospital Buildings Only alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: The Replace Existing Hospital Buildings Only alternative is rejected because it would not feasibly accomplish the basic objectives of the project.

Reference: Final EIR § 10.5.2.

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the project against potential unavoidable significant impacts to Land Use (Operational Noise) and Noise (Operational) associated with the project and has examined alternatives to the project that could avoid these significant impacts and has rejected them as infeasible, finding that none of them would fully meet the basic project objectives.

Each of the separate benefits of the project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found whether in the preceding section, which are by reference in this section, the Final EIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

6.1 Considerations

6.1.2 Meets State Mandate to Upgrade Facilities to Seismicity Standards

The Scripps Mercy Hospital Campy project will upgrade the existing hospital to meet State seismic standards, as mandated by Senate Bill 1953. In so doing, the project provides two new hospitals and other buildings designed to provide service of state-of-the art technologies innovative care.

The Uptown community and the City as a whole will have an increase in medical needs throughout the coming years. With the scarcity of property available in the City, the ability to construct new up-to-date medical facilities is limited. Redeveloping the existing medical campus to the full extent – constructing modern buildings in a manner that meets the State’s seismic requirements and providing much needed services – will serve the growing needs of the population through the efficient use of the property at a time when more cost-effective healthcare is needed.

6.1.2 Projected to Serve Anticipated Regional Growth

According to SANDAG’s growth projections, the San Diego region is forecasted to grow to 3.9 million by 2030. The approximately 21-acre project site provides land for a central hospital solution of adequate acreage, with favorable zoning and General Plan land use designation, and appropriate geographic access for a large contingent of Scripps members and employees/care providers. Further, the project provides new facilities that allow for the provision of quality care and superior service, address capacity issues including availability of inpatient beds and operating rooms, and decrease emergency department visit wait times.

6.1.3 Consistent with Community Plan and Zoning

The Uptown Community Plan provides a long-range guide for the future physical development of the community. The Land Use Element of the Uptown Community Plan guides the future growth and development of Uptown through the distribution of land uses and the application of a range of land use designations. The project is consistent with the goals and polices of this element and allows for continued operation of the Scripps Mercy Hospital, as well as the intensification of those existing hospital uses within the current campus footprint. Redevelopment on-site will be compatible in design with the surrounding neighborhood, including residential and open space areas, and will contribute to the mixed-use nature of the adjacent Hillcrest neighborhood. The project also improves pedestrian connectivity through the provision of contiguous and non-contiguous sidewalks with landscaping to include street trees and by providing bicycle improvements along Washington Street and Fifth Avenue.

The project has been designed to comply with the regulations of the Land Development Code (LDC) to the extent possible; however, implementation of the project in a manner that maximizes efficiency

of the site requires deviations for building height, floor area ratio, and driveway widths. The deviations are necessary to allow the site to be developed consistent with the intent of the Uptown Community Plan. Each of the requested deviations relate directly to the design of the project, the property configuration, efficient and maximum use of the site area, and the surrounding development. The deviations result in a more desirable project that efficiently utilizes the site, provides a more cohesive community appearance, allows for adequate site circulation, and improves overall functionality of the project. Other than the requested deviations, the project meets all applicable regulations and development standards in effect for this site per the LDC. Project deviations do not result in significant environment impacts.

6.1.4 Compatible with Community Character

The project contributes to the distinctive character of the Medical Complex neighborhood of the Uptown community through redevelopment with statement architecture, enhanced landscaping, and gateway design components that further contribute to the distinctive character of this neighborhood. Because redevelopment will occur within an existing campus, new buildings have been designed to relate to those remaining on campus, as well as within the surroundings. Building entries will be prominent, visible, and in a location that provides logical and convenient access. Landscape materials and design unify the campus landscape to provide a sense of cohesiveness and clarify and simplify wayfinding and improve overall visitor experience.

6.1.5 Creates Temporary (construction) and Permanent Employee

The project is projected to create 900 temporary construction/trade jobs.

6.1.6 Facilitates Conservation Goals

Implementation of the project will further the City of San Diego General Plan's Conservation Element, as well as several climate change related policies aimed at reducing GHG emissions. The project establishes the following goals and strategies:

- A. Building/parking structure integrated photovoltaic and solar panels
- B. Recycled use of demolition and construction waste
- C. Incorporate nature and LED lighting to maintain Circadian rhythm
- D. Natural ventilation strategies
- E. Chilled beams in office and lab spaces
- F. Roof mounted photovoltaic system
- G. Transportation Management Plan including bicycle storage, showers, and changing stations, preferred parking for carpools, vanpools, and electric vehicles
- H. Landscapes with Southern California native, drought-tolerant species

- I. Reduced overall water usage
- J. Reclaimed water for landscape irrigation
- K. Water efficient sterilizers

6.1.7 Implements the City's Climate Action Plan

The City's CAP is a proactive step toward addressing and reducing the City's GHG emissions. The CAP provides a road map for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist, which evaluates such factors as land use consistency, energy and water efficiency of buildings; clean and renewable energy; and bicycling, walking, transit, and land use.

The project is consistent with the CAP and facilitates San Diego's goals of addressing climate change. The project incorporates a Transportation Demand Management (TDM) plan that encourages staff and visitors to use alternative forms of transportation other than single-occupancy vehicles and to shift vehicle trips out of the peak hour. The following TDM plan will be provided:

- The project would upgrade the existing bus stop on Washington Street and Fifth Avenue (Stop ID 11243). The project would add a shelter and maps/wayfinding signs.
- The project would provide transit information in the hospital and MOB lobbies.
- The project would provide a 30 percent 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 who request them to promote transit usage. Additionally, the project would allow transit passes to be purchased on a pre-tax basis through convenient payroll deduction.

The project consolidates medical office space/uses and hospital care space/uses into a single campus, thereby potentially reducing impacts on existing roadways. Furthermore, the project consolidates medical office spaces/uses and hospital care space/uses into a single campus in order to cut down on vehicular trips to and from multiple health care provider sites.

The project includes improvements to facilitate the movement of motorists, bicyclists, and pedestrians within the site and provide connections to the surrounding areas. Project improvements relevant to reducing traffic hazards include:

- Construct half-width improvements to Washington Street to include a 14-foot-wide parkway with contiguous sidewalk that along the project frontage on the north side of Washington Street fronting the HSB. Due to utility and landscape conflicts, the street trees will be located within 10 feet of the right-of-way.

- On the east side of Fifth Avenue between Fifth Avenue and Washington Street, construct a 10-foot-wide parkway with a five-foot-wide landscape buffer and a five-foot-wide non-contiguous sidewalk.
- On the north side of Fifth Avenue between Fourth Avenue and Fifth Avenue, construct a 10-foot-wide parkway with a five-foot-wide contiguous sidewalk and a five-foot-wide landscape buffer.
- On the east side of Fourth Avenue between Lewis Street and Fifth Avenue, construct a 14-foot-wide parkway, which will include an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk.
- On the east side of Fourth Avenue between Lewis Street and the MOB frontage, construct a 14-foot-wide parkway, which includes an eight-foot-wide landscape buffer and six-foot-wide non-contiguous sidewalk
- Construct half-width improvements along Washington Street frontage to implement the ultimate classification of a four-lane Major with buffered Class II bicycle lanes per the Uptown Community Plan. As part of this improvement, the project will stripe a buffered bike lane on the north side of Washington Street along the project frontage.

6.1.8 Reduces Vehicle Miles Traveled

By facilitating easier and improved access to the campus for pedestrians and bicyclists, the project promotes alternative means of travel, which results in a reduction in vehicle miles traveled. Additionally, with a fully integrated medical campus that provides a range of medical care and services in one location, the project allows for combined visits for patients that would otherwise need to travel to multiple locations for specific services, further supporting reduced vehicle miles traveled.

6.2 CONCLUSION

For the foregoing reasons, the City Council finds in accordance with Public Resources Code 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects that were found. Therefore, the City Council has adopted this Statement of Overriding Considerations.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="text-align: center;">Ownership Disclosure Statement</h1>	FORM DS-318
			October 2017

Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title: Mercy San Diego Hospital Conditional Use Permit **Project No. For City Use Only:** _____

Project Address: Scr ippsMercy Hospi talSan Diego, 4077 5th Avenue, San Diego, CA

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General – What State? CA Corporate Identification No. 0111020
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

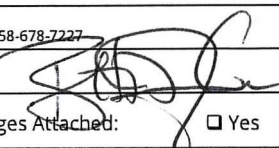
Property Owner

Name of Individual: Brett Tan e Owner Tenant/Lessee Successor Agency

Street Address: 10140 Campus Point Drive

City: San Diego State: CA Zip: 92121

Phone No.: 858-678-7227 Fax No.: _____ Email: tande.brett@scri ppshealth.org

Signature:  Date: 10/17/2023

Additional pages Attached: Yes No

Applicant

Name of Individual: Timothy Jacoby Owner Tenant/Lessee Successor Agency

Street Address: 10140 Campus Point Drive, Suite 210, CPA 255

City: San Diego State: CA Zip: 92121

Phone No.: 858-678-7007 Fax No.: _____ Email: Jacoby.Timothy@scri ppshealth.org

Signature:  Date: 10/16/2023

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: Brett Tane Owner Tenant/Lessee Successor Agency

Street Address: 10140 Campus Point Drive

City: San Diego State: CA Zip: 92121

Phone No.: 858-678-7227 Fax No.: _____ Email: tande.brett@scri ppshealth.org

Signature:  Date: 10/17/2023

Additional pages Attached: Yes No

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 Upon request, this information is available in alternative formats for persons with disabilities.



Scripps Health
10140 Campus Point Drive, CPA400
San Diego, CA 92121

October 11, 2023

Address: 10140 Campus Point Dr. San Diego, CA 92101

Phone: 858-678-7200

Fax: 858-678-6767

Officers

Chris Van Gorder, President and CEO

Brad Ellis, Chief Legal Officer

Brett Tande, Chief Financial Officer

Board of Trustees

Richard Bigelow, Chairman

Honorable Irma Gonzalez, Trustee

Kevin Hamilton, Vice Chairman

Don Goldman, Trustee

Gene Barduson, Trustee

William Gore, Trustee

Jeff Bowman, Trustee

Shireen Matthew, Esq, Trustee

John, Boyer, PhD, Trustee

Elliot A. Scott, Trustee

Robert Buell, Esq, Trustee

Theodore Thomas, MD, Trustee

Jan Caldwell, Trustee,


Chris Van Gorder, Trustee

Nicole Clay, Trustee

Richard Vortmann, Trustee

Dan Feldman, Trustee

Owner's Signature


Chris Van Gorder, President and CEO

10/12/2023
Date


Brett Tande, Chief Financial Officer

10/11/2023
Date

Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		<h2 style="text-align: center;">Community Planning Committee Distribution Form</h2>
Project Name: Scripps Mercy Retrofit and Master Plan		Project Number: 658548	
Community: Uptown			
<p style="text-align: center;">For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p style="text-align: center;">Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input type="checkbox"/> Vote to Approve <input checked="" type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny			Date of Vote: August 02, 2022
# of Members Yes 10	# of Members No 0	# of Members Abstain 1	
Conditions or Recommendations: After discussion in which all commenters agreed as to its historical and site-specific significance, Uptown Planners approves the project with the understanding that the applicant will demonstrate a good faith effort to consider either preserving or repurposing the historic cladding from the Whitson			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Mat Wahlstrom			
TITLE: Chair, Uptown Planners			DATE: August 11, 2022
<i>Attach additional pages if necessary (maximum 3 attachments).</i>			

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUN 11, 2008
DOCUMENT NUMBER 2008-0314642
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:01 PM

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

COPY

JOB ORDER NUMBER 42-5937

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

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

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

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

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

The project or facility shall include:

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

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- j. Maintenance of two of the existing 47-square-foot directional signs located on the pedestrian overpass to Sixth Avenue extension as authorized by CUP 86-0403;
- k. Maintenance of an Emergency Helipad;
- l. Landscaping (planting, irrigation and landscape related improvements); and
- m. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall

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have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Conditional Use Permit No. 94392, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 94392, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program MMRP as specified in the Mitigated Negative Declaration No. 94392 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontology
Biological Resources

16. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

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

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ENGINEERING REQUIREMENTS:

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

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implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

28. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received. Further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the Owner(s)/Permittee(s) and subsequent Owner(s)/Permittee(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.

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

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

TRANSPORTATION REQUIREMENTS:

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

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

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

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

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

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

LANDSCAPE REQUIREMENTS:

36. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.
37. Prior to issuance of any construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
38. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee or Subsequent Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
39. In the event that a foundation only permit is requested by the Owner/Permittee or Subsequent Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
40. Prior to issuance of any construction permits for buildings, including shell, the Owner/Permittee or Subsequent Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
41. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee or Subsequent Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
42. The Owner/Permittee or Subsequent Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of

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trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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

44. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee or Subsequent Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

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

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

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

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

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

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

54. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

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55. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
56. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
57. Other than those signs authorized by CUP 86-0403, all signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.
58. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
59. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
60. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
61. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

HELIPAD OPERATION

62. Operation of the helicopter landing facility requires a permit from the California Department of Transportation, Aeronautics Division.
63. Heliport lights shall be adjusted or screened so as not to create glare or shine upon adjacent streets or properties.
64. Helicopter flights shall be limited to emergency flights to transport the critically ill and injured emergency cases and shall be limited to an average of 25 round trips per month (landing and takeoffs), or 300 per year. The permittee shall maintain records on a monthly basis of flight activity, to be provided for review. An amendment to the permit shall be required, along with appropriate environmental review if deviation from the maximum of 300 flights per year occurs.

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

WASTEWATER REQUIREMENTS:

72. All onsite sewer facilities that serve only this site shall be private.
73. Prior to the issuance of any building permits, the developer shall privatize the existing onsite public sewer mains that serves only this lot, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
74. The developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with grass-concrete, satisfactory to the Metropolitan Wastewater Department Director.
75. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.

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76. No approved improvements or landscaping, including grading, irrigation, private utilities and enhanced paving, shall be installed in or over any easement prior to the applicant acquiring an Encroachment Maintenance and Removal Agreement.
77. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.
78. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.
79. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
80. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
81. Prior to the issuance of any public improvement permits, an Industrial Waste Permit will be required from the Metropolitan Wastewater Department (858-654-4106) for this site.

WATER REQUIREMENTS:

82. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), if required, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
83. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Water Department Director and the City Engineer.
84. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of

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

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

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

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

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

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

90. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

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

GEOLOGY REQUIREMENTS:

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

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

On June 5, 2008 before me, Raquel Herrera, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Mike Westlake

Name(s) of Signer(s)

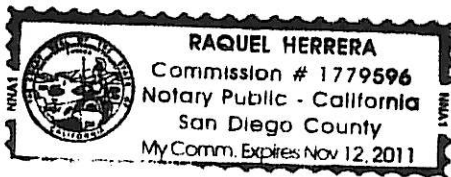
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Raquel Herrera

Signature of Notary Public



Please Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Scripps Mercy Hospital; PTS 94392

Document Date: May 20, 2008

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

On June 4, 2008 before me, P Severns, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Richard R. Sheridan

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

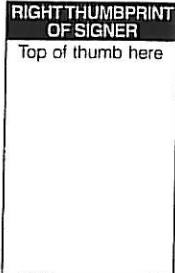
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

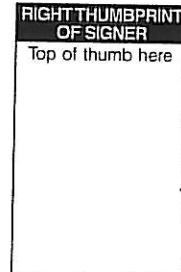
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. SUPPLEMENTAL FINDING

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

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel C. Lipsky
Rachel C. Lipsky
Deputy City Attorney

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

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Passed by the Council of The City of San Diego on May 20, 2008 by the following vote:

YEAS: PETERS, FAULCONER, ATKINS, YOUNG, MAIENSCHIN,
FRYE, MADAFFER, HUESO.
NAYS: NONE.
NOT PRESENT: NONE.
VACANT: NONE.
RECUSED: NONE.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Mary Zumaya, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-303736 approved by the Council of the City of San Diego, California on
May 20, 2008.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: *Mary Zumaya*, Deputy

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