

RESOLUTION NUMBER R-298343

ADOPTED ON SEPTEMBER 2, 2003

WHEREAS, the City of San Diego, Owner; Wells-Kemper, LLC, Owner; Serv-Pac, Inc., Owner; and Vietnam Veterans of San Diego, Permittee, filed an application with the City of San Diego to amend Conditional Use Permit [CUP] No. 90-1127 to expand an existing 10,800 square foot, eighty-seven bed residential care facility to include 224 beds and twenty four transitional apartment units comprising approximately 92,130 square feet of gross floor area (as described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated September 2, 2003, on file in the Development Services Department), known as the Veterans Village project, located at 4141 Pacific Highway, and legally described as Lots 1-8 of Block 223, Lots 10-12 and a portion of Lots 13-17 of Block 222, Right-of-Way Lots 191-198 and the unnumbered lot North of Lot 198, portions of Lots 1-9 of Block 228, together with a portion of Pacific Highway, a portion of Kurtz Street, and a portion of Witherby Street, vacated; all in Middletown, in the North Bay Redevelopment Project Area and Midway/Pacific Highway Corridor Community Plan area, in the IS-1-1 zone (previously referred to as the M-SI zone); and

WHEREAS, on September 2, 2003, the Council of the City of San Diego considered CUP No. 6194, pursuant to the San Diego Municipal Code [SDMC]; and

WHEREAS, after approval of the above referenced project by the City Council, Serv-Pac, Inc., Owner, transferred its portion of the property to Vietnam Veterans of San Diego, Permittee, thereby making Vietnam Veterans of San Diego the new Owner of Serv-Pac Inc.'s portion of the Veterans Village of San Diego project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it approves the following findings with respect to CUP No. 6194:

CONDITIONAL USE PERMIT SDMC SECTION 126.0305

1. The proposed development will not adversely affect the applicable Land Use Plan.

The current Veterans Village residential care facility is located at 4141 Pacific Highway within the North Bay Redevelopment Project Area and Midway/Pacific Highway Corridor Community Plan and is designated for light industrial land use. The proposed project would not affect the designated land use, which provides for a wide range of industrial and nonindustrial land uses promoting economic vitality and a neighborhood scale within urbanized areas. The existing 10,800-square-foot Vietnam Veterans of San Diego [VVSD] facility treats eighty-seven clients, and the proposed project will expand existing facilities into a state of the art living and support facility for the treatment of homeless veterans to include 224 early treatment beds and twenty-four transitional apartment units comprising approximately 92,130 square feet of gross floor area. The design of the facility is modeled on a campus environment to provide centralized facilities for medical, educational and counseling support to the veterans to facilitate their reintegration into the community after treatment. The proposed project will support the Midway/Pacific Highway Corridor Community Plan planning goals regarding Community Facilities and Services by providing adequate educational facilities to meet the existing and future needs of the community and will improve the quality of the educational learning environment where feasible. The proposed development's incorporation of courtyards and use of stucco and tile building materials for the facility will allude to a Spanish style of architecture and will complement the design of the Marine Corps Recruit Depot [MCRD], located south of the project site across Pacific Highway.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed expansion project for the VVSD facility will not be detrimental to the public health, safety, and welfare. VVSD clients are highly involved in their own treatment, and the program aims to empower adults with psychiatric disabilities to live, socialize and work in the community. Training and support for employment, independent living and disease self management are key factors in VVSD's 75.3 percent success rate, recognized by the Veterans Administration as the highest in the nation for such a facility. Conditions of the permit require a resident manager and at least one assistant manager so that there shall be a manager on the premises at all times and has provisions for supplementing security operations at the facility if determined by the City Manager to be necessary. Additionally, the permit establishes operational parameters for the facility including curfews for the residents, prohibition of loitering outside of the residential care facility at any time, and the sale and/or consumption of alcoholic beverages is prohibited on the premises at all times. A Mitigation, Monitoring and Reporting Program will be implemented as part of the project and will reduce the effects of Geology, Water Quality, Hydrology, Air Quality, Health and Safety and Historical Resources (Archaeology) to below a level of significance. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations governing the construction and continued operation of development apply to this project to prevent adverse affects to those persons or properties in the vicinity.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed project is located within the IS-1-1 zone, which provides for a wide range of industrial and nonindustrial land uses promoting economic vitality and a neighborhood scale within urbanized areas, and allows for residential care and transitional housing facilities with a conditional use permit. The Proposed project complies with all development regulations of the IS-1-1 zone including height, building setbacks, parking, floor area ratio [FAR] and landscaping and no deviations or variances are required for the project. The project would provide 125 off-street parking spaces on-site and includes construction of adequate public improvements for water, sewer and storm drain utilities to serve the project. Conditions of the permit require compliance with all pertinent regulations of the SDMC, including those relating to residential care and transitional housing facilities.

4. The proposed use is appropriate at the proposed location. The existing 10,800-square-foot VVSD facility treats eighty-seven clients and has operated smoothly at the project site under the current Conditional Use Permit No. 90-1127 which was approved by the Planning Commission on June 6, 1991 (PC Resolution No. 9039). The proposed project will expand existing facilities into a state of the art living and support facility for the treatment of homeless veterans to include 224 beds and twenty-four transitional apartment units comprising approximately 92,130 square feet of gross floor area, and the use is appropriate at the proposed location. As detailed in Finding No. 2 above, the conditional use permit establishes operational parameters for the facility including the provision of on-site resident managers, curfews for the residents, prohibition of loitering and the sale and/or consumption of alcoholic beverages is prohibited on the premises at all times. The proposed redevelopment will revitalize a block of older light industrial uses within the North Bay Redevelopment Project Area and the visual quality of the neighborhood will be improved through the renovation and construction of the new facility, including the removal of a large existing billboard sign which does not conform to current signage regulations, and the installation of new site landscaping and street trees. The architectural design of the facility will allude to a Spanish style of architecture and will complement the historically significant architectural design of the MCRD, located south of the project site across Pacific Highway.

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

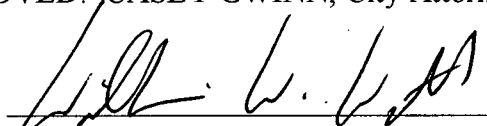
BE IT RESOLVED, that Conditional Use Permit No. 6194, is hereby granted to the City of San Diego; Owner; Wells-Kemper, LLC, Owner; and Vietnam Veterans of San Diego, Owner/



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

APPROVED: CASEY GWINN, City Attorney

By


William W. Witt
Deputy City Attorney

WWW=dm:mm:pev

08/25/03

11/12/03 Cor. Copy

Or. Dept: Clerk

R-2004-240

Reviewed by: PJ Fitzgerald

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE


PUBLIC RIGHT-OF-WAY VACATIONS AND CONDITIONAL USE PERMIT
VETERANS VILLAGE - PROJECT NO. 3787 [MMRP]
AMENDMENT TO CUP NO. 90-1127
CITY COUNCIL

This Public Right-of-Way Vacation No. 6195, Public Right-of-Way Vacation No. 22430, and Conditional Use Permit [CUP] No. 6194 (amendment to CUP No. 90-1127) is granted by the City Council of the City of San Diego to the City of San Diego, Owner; Wells-Kemper, LLC, Owner; and Vietnam Veterans of San Diego, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 125.0901 and 126.0301. The approximately 5.0-acre site is located at 4141 Pacific Highway in the IS-1-1 zone of the Midway/Pacific Highway Corridor Community Plan. The project site is legally described as bounded by Witherby Street, Pacific Highway, Coutts Street and the railroad tracks east of Kurtz Street and is legally described as Lots 1-8 of Block 223, Lots 10-12 and a portion of Lots 13-17 of Block 222, Right-of-Way Lots 191-198 and the unnumbered Lot north of Lot 198, Portions of Lots 1-9 of Block 228, together with a portion of Pacific Highway, a portion of Kurtz Street, and a portion of Witherby Street, vacated; all in Middletown, in the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee to expand an existing eighty-seven bed residential care facility to 224 beds, and twenty-four transitional apartment units (containing an additional 140 beds), and vacate portions of the Public Right-of-Way at Pacific Highway and Witherby Street, and Kurtz Street and Witherby Street, between Witherby Street and Coutts Street, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated September 2, 2003, on file in the Office of the Development Services Department. The exhibits are identified as follows:

- A-1: Development Concept Plans: Sheets 1-16
- A-2: Traffic Impact Assessment (dated February 12, 2003)
- A-3: Drainage Study (dated October 1, 2002)
- A-4: Sewer Study (dated April 8, 2003)

The project or facility shall include:

 298343

a.

<u>Use</u>	<u>Square-footage</u>
Resident Facilities (2 @ 112 bed/ea)	19,700
Counseling Center	9,900
Kitchen/Dining/Multi-purpose	5,200
Employment/Education/Admin	12,100
Admissions	1,630
Transitional Housing (24 units with 140 beds)	32,800

<i>Subtotal of New Buildings</i>	81,330
Existing facilities/Warehouse/Exercise	10,800
<hr/>	
Project Total (new + existing)	92,130

- b. Bicycle racks, children's play area, signage and screen walls;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. Accessory improvements determined by the City Manager 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 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 City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the 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 applicant 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 any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A-1. 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. Prior to issuance of any grading and/or public improvement permits for this project, a lot consolidation parcel map that prevents land locked parcels shall be recorded on the subject property.

11. This Permit may be developed in phases. Each phase shall be constructed in conformance with the conditions and exhibits approved for each respective phase per the approved exhibits, dated September 2, 2003, in conformance with the Disposition and Development Agreement, on file in the office of the Redevelopment Agency of the City of San Diego.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. As conditions of Public Right-of-Way Vacation No. 6195, Public Right-of-Way Vacation No. 22430, and CUP No. 6194 (amendment to CUP No. 90-1127), the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration [MND], LDR No. 42-0378 shall be noted on all related construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in the MND, LDR No. 42-0378 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:

- geology
- water quality
- hydrology
- air quality
- health and safety
- historical resources (archaeology)

15. The MMRP shall require a deposit of \$2,000 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

17. The drainage system proposed with this development is subject to approval by the City Engineer.

18. Prior to building occupancy, the applicant shall conform to the San Diego Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

TRANSPORTATION REQUIREMENTS:

19. No fewer than 125 off-street parking spaces shall be maintained on the property at all times in the approximate locations as shown on the approved exhibits, dated September 2, 2003. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

20. Prior to issuance of a building permit for building No. 7, as part of Phase 2 (per the approved exhibits, dated September 2, 2003) the project shall obtain an engineering permit and

bond for the removal of existing stairs and the installation of a pedestrian ramp on Witherby Street, in compliance with the ADA standards and satisfactory to the City Engineer.

21. Kurtz Street Right-of-Way Vacation: Prior to the recordation of the parcel map vacating a portion of Kurtz Street between Witherby Street and Coutts Street, public improvements to reconfigure the intersections of Witherby Street and Coutts Street on Kurtz Street (per the approved exhibits, dated September 2, 2003) shall be installed to the satisfaction of the City Engineer

22. During the site construction, off-street parking shall be provided as shown on the Phasing Diagram plan to serve the residential treatment facility that remains operational during the construction period and also to accommodate parking for construction crews on site. During Phase one construction, no fewer than forty-seven parking spaces shall be provided. For Phase two and three, no fewer than fifty-three parking spaces shall be provided.

23. The project shall install advance-warning turning signs (W3) on Kurtz Street and Coutts Street prior to Kurtz/Coutts intersection, to the satisfaction of the City Engineer.

24. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with exhibits, dated September 2, 2003. No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

26. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

27. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

28. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

PLANNING/DESIGN REQUIREMENTS:

29. The existing pole mounted advertising sign fronting Pacific Highway shall be removed prior to issuance of any Certificate of Occupancy for the first newly constructed building on the premises.
30. A 10:00 p.m. curfew shall be established for all residents, except Friday and Saturday evenings, when the curfew shall be extended to 12:00 midnight. There shall be no loitering outside of the residential care facility at any time.
31. The sale and/or consumption of alcoholic beverages shall be prohibited on the premises at all times.
32. The Owners/Permittees shall employ a resident manager and at least one assistant manager so that there shall be a manager on-duty 24 hours a day, seven days per week.
33. Security personnel shall be employed on a 24 hour, seven day per week basis, if needed, as determined by the City Manager. Such determination shall be made at any time during the effective life of this Conditional Use Permit. Said security personnel shall be employed within thirty calendar days from receipt of written notice from the City Manager.
34. 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.
35. 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.
36. 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.
37. 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.
38. Prior to the issuance of any building permits, the applicant shall grant to the San Diego County Airport Authority an aviation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an aviation easement has been granted across the property. The note shall include the County Recorder's recording number for the aviation easement.
39. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (exhibits, dated September 2, 2003); or
 - b. Citywide sign regulations.
40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
41. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
42. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
43. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
44. 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 structure whose top and sides may include grillwork, louvers, and latticework.
45. No merchandise, material, or equipment shall be stored on the roof of any building.
46. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials [SDMC] to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit A-1, dated September 2, 2003.

WASTEWATER REQUIREMENTS:

47. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the construction of all public sewer facilities as required by the accepted sewer study necessary to serve this development. Sewer facilities, as shown on the approved site plan, may require modification based on the accepted sewer study.
48. 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. Proposed facilities that do not meet the current standards shall be private or re-designed.
49. Prior to the issuance of any building or grading permits, the developer shall abandon all on-site public sewer mains or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
50. No private sewer facilities shall be installed or maintained in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

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

52. 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.

WATER REQUIREMENTS:

53. Prior to the issuance of any building or grading permits of any kind, the Owners/Permittees shall abandon (cut, plug and remove) all existing public water facilities within the portion of Pacific Highway right-of-way to be vacated in a manner satisfactory to the Water Department Director and the City Engineer.

54. Prior to the issuance of any building or grading permits of any kind, the Owners/Permittees shall grant a general utility easement over the entire portion of Kurtz Street right-of-way to be vacated, between Couts Street and Witherby Streets, in a manner satisfactory to the Water Department Director and the City Engineer.

55. Prior to the issuance of any building or grading permit, the Owners/Permittees shall provide evidence of the actual grade and alignment of the existing 18-inch water transmission pipeline traversing the project site. If proposed grading adversely impacts the existing pipeline, then, prior to the issuance of any building or grading permits, the Owner/Permittee shall design and construct a relocated pipeline, into an acceptable alignment, in a manner satisfactory to the Water Department Director and the City Engineer.

56. It is the sole responsibility of the Owners/Permittees for any damage caused to or by the 18-inch water transmission pipeline traversing the project site, due to the construction activities associated with this development. In the event the pipeline loses integrity, then, prior to the issuance of any building permits, the Owner/Permittee shall design and construct a relocated pipeline, into an acceptable alignment, in a manner satisfactory to the Water Department Director and the City Engineer.

57. Prior to the issuance of any building permits, the Owners/Permittees shall assure, by permit and bond, the design and construction of new water service(s), connecting to public water facilities within adjacent improved rights-of-way, and the removal of all existing water services within or adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

58. Prior to the issuance of any certificates of occupancy, the Owners/Permittees shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

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

60. The Owners/Permittees agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on approved Exhibit "A," will require modification at final engineering to comply with standards.



INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on September 2, 2003 by Resolution No. R-298343.

A handwritten signature in black ink, appearing to be a stylized 'C' or similar character, located at the bottom right of the page.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

CITY OF SAN DIEGO
Owner

By _____


WELLS-KEMPER, LLC
Owner

By _____

VIETNAM VETERANS OF SAN DIEGO
Owner/Permittee

By _____

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

 298343