(R-2020-260)

ITEM # 332B
01/14/2020

RESOLUTION NUMBER R- 312819

DATE OF FINAL PASSAGE JAN 14 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 2279389 FOR COURTHOUSE COMMONS TUNNEL – PROJECT NO. 634065.

WHEREAS, the County Of San Diego, Owner, and Holland Acquisition Co., LLC , a Colorado Limited Liability Company, Permittee, filed an application with the City of San Diego for a Site Development Permit for a 10,260-square foot, 360 feet long, underground tunnel extending beyond the ultimate curb lines into the public right-of-ways connecting County Central Jail Building located at 1173 Front Street to the New San Diego Central Courthouse located at 1100 Union Street in the CCPD-PC of the Centre City Planned District Ordinance (CCPDO) within the Downtown Community Plan area, Transit Priority Area, and Transit Area Overlay Zone. The project site is legally described as: Lots 1 through 6, Inclusive, in Block 2 as shown on Map of Middletown in the City of San Diego, County of San Diego, State of California, according to partition Map thereof made by order of the reference in the case of Baldwin, ET vs. Couts, EL. AL., in the District Court of Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874 and Lots G through L, inclusive, of Block K of Horton's addition according to Map thereof made by L.L. Lockling in the City of San Diego, County of San Diego, State of California, according to Map thereof, filed in the Office of the Clerk of San Diego County, June 1871; including the adjacent public right-of-way to said Lots; and

WHEREAS, the activity is covered under the New San Diego Central Courthouse for the Superior Court of California, County of San Diego, Environmental Impact Report (EIR) SCH No. 2000021015, certified in December 2010, by the California Administrative Office of

the Courts (AOC), as Lead Agency. This EIR analyzed the construction of an inmate tunnel to connect the New San Diego Central Courthouse with the County's Central Jail, as well as relocation of utilities. The City of San Diego (City) as a Responsible Agency, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096, considered the Final EIR SCH No. 2000021015. It has been determined that in accordance with CEQA Guidelines Section 15162(a): (1) No substantial changes are proposed in the project that would require major revisions of the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;(2) No substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would have required major revisions to the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous environmental documents were certified that shows any of the circumstances described in CEQA Guidelines 15162(a)(3)(A) - (D) would be applicable. Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental documents. All of the impacts were adequately addressed and disclosed in the previously certified Final EIR SCH No. 2000021015; and

WHEREAS, on December 5, 2019, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 2279389, and pursuant to Resolution No. 5060-PC voted to recommend City Council approval 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 January 14, 2020, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 2279389:

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0505

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

a. The proposed development will not adversely affect the applicable land use plan. The Courthouse Commons Tunnel project (Project) would allow for the transfer of detainees through a tunnel between the existing San Diego County Jail (1173 Front Street) and the constructed New San Diego Central Courthouse (1100 Union Street). This would remove transportation of said detainees from the public streets where the transport is less contained and controlled. The tunnel will cross/traverse public rights-of-way (ROW) at Front and Union Streets and Old Courthouse block, between 'B' Street and 'C' Street, and has no exposed structure to the public. The 10,260-square foot, 360 feet long, concrete tunnel will be constructed using a method of excavation to keep all adjacent facilities and infrastructure operational.

The project site is located between the San Diego County Jail Building located at 1173 Front Street to the New San Diego Central Courthouse located at 1100 Union Street within public ROW of Front and Union Streets and the Old Courthouse block between those streets, between 'B' Street and 'C' Street. The site is zoned CCPD-PC of the Centre City Planned District Ordinance (CCPDO) within the Downtown Community Plan area, Transit Priority Area, and Transit Area Overlay Zone. All adjacent property to the north, south, east, and west are public service facilities for the local justice system including, County Sheriff, San Diego Superior Court, Law Library, and Detention Facilities.

The New San Diego Central Courthouse was completed in October 2017. The new courthouse project replaced the old County Courthouse, the Family Courthouse, and the Madge Bradley Courthouse in downtown San Diego. These buildings were found to be unsafe, overcrowded, and inadequate for modern court operations. The new courthouse provides the court's central court district with a full-service, consolidated facility for criminal, probate, family court, and small claims services. It also brings downtown a small claims calendar from the Kearny Mesa courthouse, improving service to residents of the central San Diego area. The new courthouse project includes a bridge between the new courthouse and the Hall of Justice (constructed) and a tunnel between the New San Diego Central Courthouse and the San Diego County Jail Building (not constructed).

The Project is in the Public/Civic (PC) Land Use District within the Civic Core neighborhood of the Downtown Community Plan area. This land use classification is primarily intended to encourage, support, and enhance the Core as a high-intensity office and employment center. The Project is consistent with the intended "pedestrian-oriented" and "civic and governmental" uses established in the Downtown Community Plan. The proposed intergovernmental connection and civic use of the tunnel meets Policy 3.1-P-1 to: "Foster development of the Core into a compact but high intensity office and employment hub of downtown, with a strong government, financial, commercial, and visitor-serving orientation, while permitting residential development to provide vitality during non-work hours." By providing a tunnel that improves and enhances transfer of detainees between governmental buildings while improving safety on the downtown streets by connecting the San Diego County Jail Building to the New San Diego Central Courthouse in an underground tunnel, and separating detainees from automobile traffic, the proposed project meets Goal 6.1-G-2 to: "Strengthen Civic/Core as a focus of civic uses and government activity, and reconnect government buildings and open spaces to the public realm." Therefore, the proposed project is consistent with the Downtown Community Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The Project would allow for the transfer of detainees through a tunnel between the existing San Diego County Jail (1173 Front Street) and the constructed New San Diego Central Courthouse (1100 Union Street). This would remove transportation of said detainees from the public streets where the transport is less contained and controlled. The tunnel will cross/traverse public ROW at Front and Union Streets and the Old Courthouse block between 'B' Street and 'C' Street and has no exposed structure to the public. The 10,260-square foot, 360 feet long, concrete tunnel will be constructed using a method of excavation to keep all adjacent facilities and infrastructure operational.

The Project activity is covered under the New San Diego Central Courthouse for the Superior Court of California, County of San Diego, Environmental Impact Report (EIR) SCH No. 2000021015, certified in December 2010, by the California Administrative Office of the Courts (AOC), as Lead Agency. This EIR analyzed the construction of an inmate tunnel to connect the New San Diego Central Courthouse with the County's Central Jail, as well as relocation of utilities. The City of San Diego (City) as a Responsible Agency, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096, considered the Final EIR SCH No. 2000021015. It has been determined that in accordance with CEQA Guidelines Section 15162(a): (1) No substantial changes are proposed in the project that would require

major revisions of the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) No substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would have required major revisions to the previous environmental documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous environmental documents were certified that shows any of the circumstances described in CEQA Guidelines 15162(a)(3)(A) - (D) would be applicable. Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental documents. All of the impacts were adequately addressed and disclosed in the previously certified Final EIR SCH No. 2000021015.

The public improvement plans would be reviewed, permitted, and inspected by the City for compliance with all applicable development regulations. The State has jurisdiction over the building permit; therefore, the State would review, permit, and inspect the Project for compliance with all applicable building, mechanical, electrical, and fire codes. The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this Project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The Project will comply with the development conditions in effect for the subject property as described in Site Development Permit No. 2279389, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

c. **The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The Project would allow for the transfer of detainees through a tunnel between the existing San Diego County Jail (1173 Front Street) and the constructed New San Diego Central Courthouse (1100 Union Street). This would remove transportation of said detainees from the public streets where the transport is less contained and controlled. The tunnel will cross/traverse public ROW at Front and Union Streets and Old Courthouse block, between 'B' Street and 'C' Street, and has no exposed structure to the public. The 10,260-square foot, 360 feet long, concrete tunnel will be constructed using a method of excavation to keep all adjacent facilities and infrastructure operational.

The Project is not requesting any deviations from the Land Development Code (LDC). The proposed structure will "encroach" into the public ROW, however there will be no need for public improvements beyond patch and repair of existing sidewalk and street along Union Street. The development requires a Process Five Site Development Permit (SDP) for development of a major underground structure which extends into the public ROW beyond the ultimate curb lines or other encroachments which are of sufficient public interest to warrant City Council approval, in accordance with LDC Section 126.0502(e)(5). The proposed development will comply with the regulations ofthe LDC and no deviations are required.

2. **Site Development Permit Supplemental Findings-Public Right-Of-Way Encroachments -SDMC Section 126.0505(M):**

a. **The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.** The Project would allow for the transfer of detainees through a tunnel between the existing San Diego County Jail (1173 Front Street) and the constructed New San Diego Central Courthouse (1100 Union Street). This would remove transportation of said detainees from the public streets where the transport is less contained and controlled. The tunnel will cross/traverse public ROW at Front and Union Streets and the Old Courthouse block between 'B' Street and 'C' Street, and has no exposed structure to the public. The 10,260-square foot, 360 feet long, concrete tunnel will be constructed using a method of excavation to keep all adjacent facilities and infrastructure operational.

The Project directly relates to the provision of public travel and ensures that such travel is not hindered by the continual transport of detainees during business hours. The Project will also provide a public purpose by eliminating the transport of detainees between these two buildings from public streets and public space, which will increase public safety and welfare. Additionally, the Project will improve pedestrian facilities and services within the County Complex and surrounding properties by providing unhindered access to buildings and public spaces. All tunnel improvements required would be entirely within the County of San Diego's ownership and would not encroach on any other private property. Therefore, the proposed encroachment is reasonably related to public travel, benefits a public purpose, and the record owner (Country of San Diego) agrees to maintain the encroachment.

b. **The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.** The subterranean Project will provide for the safe and controlled transport of detainees to and from the San Diego County Jail and New San Diego Central Courthouse. This would remove transportation of said detainees from the public streets where the transport is less contained and controlled. The Project directly relates to the provision of public travel and ensures that such travel is not hindered by the continual transport of detainees during business hours. As the Project is subterranean, it will not interfere with the free and unobstructed use of the public ROW, but, instead, will include the ability of the public to use the ROW and eliminate the current obstruction that occurs during the transport of detainees.

c. **The proposed encroachment will not adversely affect the aesthetic character of the community.** The subterranean Project will be located within the public ROW at Front and Union Streets, and the Old Courthouse block between 'B' Street and 'C' Street, and has no exposed structure to the public. The 10,260-square foot, 360 feet long, concrete tunnel will be constructed using a method of excavation to keep all adjacent facilities and infrastructure operational. The entrances to the tunnel would include controlled access from both the courthouse and the jail, and would not be visible or accessible to the public. All adjacent property to the north, south, east, and west are public service facilities for the local justice system including, County Sheriff, San Diego Superior Court, Law Library, and Detention Facilities. Therefore, the proposed encroachment will not adversely affect the aesthetic character of the community.

d. The proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law. As outlined within Site Development Permit Finding (A)(1)(a), (b), and (c) listed above, the Project is in conformity with the provision of the LDC, and complies with provisions or other local, state, or federal law as analyzed with the New San Diego Central Courthouse for the Superior Court of California, County of San Diego, EIR SCH No. 2000021015, dated December 2010. This EIR analyzed the construction of an inmate tunnel to connect the New County Courthouse with the County's Central Jail, as well as relocation of utilities.

e. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplemental Use Regulations of the Coastal Overlay Zone). The project site is located between the San Diego County Jail Building located at 1173 Front Street to the New San Diego Central Courthouse located at 1100 Union Street within public ROW of Front and Union Streets and the Old Courthouse block between those streets. The site is zoned CCPD-PC of the Centre City Planned District Ordinance (CCPDO) within the Downtown Community Plan area. The site is not located within the Coastal Overlay Zone; therefore, the supplemental use regulations of the Coastal Overlay Zone would not apply to the Project.

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

BE IT FURTHER RESOLVED, that Site Development Permit (SDP) No. 2279389 is granted to THE COUNTY OF SAN DIEGO, Owner and HOLLAND ACQUISITION CO., LLC, a Colorado Limited Liability Company, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

CLN:als
12/19/2019
Or.Dept:DSD
Doc. No.: 2266122

Attachment: Site Development Permit No. 2279389

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: 24008308 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2279389
COURTHOUSE COMMONS TUNNEL-PROJECT NO. 634065 [MMRP]
CITY COUNCIL

This Site Development Permit No. 2279389, is granted by the City Council of the City of San Diego to The County of San Diego, Owner and Holland Acquisition Co., LLC, a Colorado Limited Liability Company, Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0505. The project site is located within the public ROW at Front and Union Streets, and Old Courthouse block between 'B' Street and 'C' Street, connecting the new County Courthouse located at 1100 Union Street to the County Central Jail Building located at 1173 Front Street in the CCPD-PC of the Centre City Planned District Ordinance (CCPDO) within the Downtown Community Plan area, Transit Priority Area, and Transit Area Overlay Zone. The project site is legally described as: Lots 1 through 6, Inclusive, in Block 2 as shown on Map of Middletown in the City of San Diego, County of San Diego, State of California, according to partition Map thereof made by order of the reference in the case of Baldwin, ET vs. Couts, EL. AL., in the District Court if Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874 and Lots G through L, inclusive, of Block K of Horton's addition according to Map thereof made by L.L. Lockling in the City of San Diego, County of San Diego, State of California, according to Map thereof, filed in the Office of the Clerk of San Diego County, June 1871; including the adjacent public right-of-way to said Lots.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a underground tunnel extending beyond the ultimate curb lines and cross/traverse the public rights-of-way (ROW) connecting the New San Diego Central Courthouse to the County Central Jail Building; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 14, 2020, on file in the Development Services Department.

The project shall include:

a. Encroachment within the public right-of-way for the construction of a 10,260-square foot, 360 feet long, underground tunnel extending beyond the ultimate curb lines and cross/traverse the public rights-of-way (ROW) connecting the New San Diego Central Courthouse located at 1100 Union Street to the County Central Jail

Building located at 1173 Front Street; and

b. 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 ofthe 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 January 14, 2023.

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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report (EIR) SCH No. 2000021015, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report (EIR) SCH No. 2000021015, 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, including the following issue areas for the tunnel construction:

Archaeology and Paleontology Resources

ENGINEERING REQUIREMENTS:

14. The project proposes to export 3,000 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"), 2018 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Agreement, from the City Engineer, for the tunnel and associated transfer structure and subterranean connection in the Front Street and Union Street Rights-of-Way that includes the provisions outlined in Council Policy 700-18 (A)(3)(a thru d).

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct existing curb gutter and sidewalk on Front Street, as shown on Exhibit A, in a manner satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, to relocate the existing street light adjacent to the site on Front Street, in a manner satisfactory to the City Engineer.

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

19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

GEOLOGY REQUIREMENTS:

20. Prior to recordation of this Site Development Permit, a "Notice of Geologic and Geotechnical Conditions" shall be recorded against the property. The form of the Notice shall be provided by the City of San Diego and shall be executed by the property owner and recorded with the San Diego County Recorder, and filed with the City of San Diego.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

21. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by

permit and bond the realignment design and construction of the existing 10" public water main within Front Street as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and the City Engineer.

22. 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 right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

23. 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.

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 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 January 14, 2020 and by Resolution No. RR- 312819.

Permit Type/PTS Approval No.: SDP No. 2279389
Date of Approval: JAN 14 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

_____

Jeffrey A. Peterson
Development Project Manager
Development Services Department

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.

THE COUNTY OF SAN DIEGO,
Owner

By _____
Name:
Title:

HOLLAND ACQUISITION CO., LLC,
Permittee

By _____
Name:
Title:

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

Passed by the Council of The City of San Diego on JAN 14 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☑	☐	☐	☐
Jennifer Campbell	☑	☐	☐	☐
Chris Ward	☑	☐	☐	☐
Monica Montgomery	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☐	☐	☑	☐
Vivian Moreno	☑	☐	☐	☐
Georgette Gómez	☑	☐	☐	☐

Date of final passage JAN 14 2020.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312819