

RESOLUTION NUMBER R-291192

ADOPTED ON JANUARY 19, 1999

WHEREAS, Meditrust Corporation, Owner/Permittee, filed an application with The City of San Diego for a Mission Valley Planned District/Resource Protection Ordinance Permit to construct a five-story, 163 unit La Quinta Hotel, located at 1891 Hotel Circle South, and legally described as Parcel 4 of Parcel Map PM-16459, in the Mission Valley Community Plan area, in the MV-CV zone; and

WHEREAS, on October 29, 1998, the Planning Commission of The City of San Diego considered Mission Valley Planned District/Resource Protection Ordinance [MVPD/RPO] Permit No. 96-7234, and pursuant to Resolution No. 2717-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 19, 1999, 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 this Council adopts the following findings with respect to MVPD/RPO Permit No. 96-7234:

**MISSION VALLEY PLANNED DISTRICT PERMIT FINDINGS**

**A. The proposed development is consistent with the Mission Valley Community Plan and the City's Progress Guide and General Plan.**

The proposed development is consistent with the Mission Valley Community Plan and the City's Progress Guide and General Plan. The community plan designates the site for office or commercial recreation use which includes lodging facilities.

**B. The proposed development provides the required public facilities and is compatible with adjacent open space areas.**

The proposed development provides the required public facilities and is compatible with adjacent open space areas. An on-site open space easement abuts the Multiple Habitat Planning Area [MHPA] to the south. Landscape material adjacent to the open space easement will consist of native, drought tolerant species. No non-native invasive species will be used. The project will be constructed per the requirements of the Planned District Ordinance [PDO] for buildings over 40 feet in height: the project will not encroach onto the natural hillside vegetation and topography, and a minimum 30-foot wide view corridor will be maintained.

**C. The proposed development meets the general purpose, intent and criteria of the Mission Valley Planned District including the applicable "Guidelines for Discretionary Review," adopted as a part of this Planned District Ordinance.**

The proposed development meets the general purpose, intent and criteria of the Mission Valley Planned District including the applicable "Guidelines for Discretionary Review." The project is oriented to the river and does not encroach into the valley's steep hillsides. The 0.62 acre of natural hillside vegetation and topography on-site have been preserved in an open space easement. The red tile roof and earth tone color of the stucco walls will be compatible with existing commercial and residential development along Hotel Circle South.

**D. The proposed development will comply with all other relevant regulations of the San Diego Municipal Code in effect for this site.**

The proposed development will comply with all other relevant regulations of the San Diego Municipal Code in effect for this site. A detailed noise study will be submitted by the Permittee to ensure that interior noise levels do not exceed 45 d(B) CNEL. No variances or deviations from the City's regulations have been requested. The red tile roof and earth tone color of the stucco walls will be compatible with existing commercial and residential development along Hotel Circle South.

**RESOURCE PROTECTION ORDINANCE PERMIT FINDINGS**

**A. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.**

The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. The project will not impact 25 percent slope and the 0.18 acre of mixed chaparral impacted by the project would be mitigated by preserving the remaining 0.46 acre of mixed chaparral within the 0.62 acre on-site open space easement. The project will not encroach into the existing open space easement and will provide landscaping compatible with sensitive natural habitat. If a survey of

raptors during the breeding season (February 1 through August 31) identifies active nests, then construction work shall not be conducted until young are independent of their parents.

**B. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.**

Although there are no adjacent parks or recreation areas, the on-site open space easement will buffer the MHPA from any potential adverse impacts of the project.

**C. The proposed development will minimize the alteration of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.**

The proposed development will minimize the alteration of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire. The grading is not excessive and the project will not encroach into any natural steep slope areas and all manufactured slopes will be planted with erosion control vegetation. The Owner/Permittee shall submit an erosion control plan for review and approval prior to issuance of a grading permit.

**D. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.**

The proposed development will be visually compatible with the character of adjacent development. The red tile roof and earthtone colors will be visually compatible with existing commercial and residential development along Hotel Circle South.

**E. The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, the Local Coastal Program, or any other applicable adopted plans and programs in effect for this site.**

The proposed development will conform with the City's Progress Guide and General Plan, the applicable community plan, and other applicable adopted plans and programs in effect for this site. The community plan designates the site for office or commercial recreation uses which include lodging facilities. The project is consistent with the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review."

### **BRUSH MANAGEMENT FINDINGS**

**A. The proposed Brush Management Program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code Section 101.0462.**

The proposed Brush Management Program, by providing the required brush management zones per the Landscape Technical Manual as shown on Exhibit "A," will modify the existing vegetation to the least practical extent while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code, Appendix IIA. Plant materials in Brush Management Zone One will be selected to visually blend with the existing hillside vegetation and no invasive species shall be used.


**B. The proposed Brush Management Program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.**

The proposed Brush Management Program will minimize the alteration of the existing vegetation for purposes of fire protection providing an effective fire break which incorporates zone reduction (Sections 6.6-3 and 6.6-5) and alternative compliance provisions of the Landscape Technical Manual. All the new plantings on the slopes will conform to the revegetation standards of the Landscape Technical Manual, Section Seven, and incorporate low precipitation irrigation systems to minimize runoff.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Permit No. 96-7234 is hereby granted to Meditrust Corporation, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
03/16/99  
04/20/01 (Permit corrected due to transfer of ownership.)  
Or.Dept:Clerk  
R-99-829  
Form=permitr.frm  
Reviewed by Mary Roush

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Mission Valley Planned District/  
Resource Protection Ordinance Permit No. 96-7234  
**MARAVILLA II (LA QUINTA INN)**  
City Council

This Permit is granted by the Council of The City of San Diego to Hotel Circle Partners, LLC, a California limited liability company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.2100 and 101.0462. The 5.09 acre site is located at 1891 Hotel Circle South in the Mission Valley Community Plan Area in the proposed MV-CV Zone. The project site is legally described as Parcel 4 of Map 16469.

Subject to the terms and conditions set forth in this permit, permission is granted to the Owner and to the Permittee to construct a 166 unit La Quinta Inn described herein and identified by size, dimension, materials, quantity, type and location on the approved Exhibit "A," dated January 19, 1999, on file in the Office of Development Services. The facility shall include:

- A. A 5-story, 99,103 square foot, 166-unit hotel with a maximum height of 65 feet except for the 75-foot tower which does not contain occupied floor area, mechanical equipment or signage above 65 feet.
- B. Landscaping (planting, irrigation and landscape related improvements); and
- C. Off-street parking facilities (183 spaces provided; 166 required); and
- D. Bicycle parking racks (9 bicycle spaces provided; 9 spaces required); and
- E. Swimming pool; and
- F. Pedestrian walk connecting Hotel Circle South with lobby of hotel; and
- G. Sign plan; and
- H. 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 Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code 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 Development Services; 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 agencies.
6. Issuance of this permit by The City of San Diego does not authorize the Owner/Permittee for said permit 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 U.S.C. Section 1531 et seq.)
7. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If

mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

8. **The Owner/Permittee shall secure all necessary building permits.** The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. **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," dated January 19, 1999, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless finding of substantial conformance or amendment of this permit shall have been granted.
10. 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 discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the 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 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.

11. All projects shall be in compliance with SDMC section 101.0101.25 (Gross Floor Area) and all appropriate related definitions.

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

The following mitigation measures are required to reduce potential adverse impacts of the project to below a level of significance:

12. **Biology. Prior to issuance of a grading or building permit**, the following note shall be included on both the grading and building permit: "To avoid impacts on potential nesting raptors, on-site eucalyptus trees should not be removed during the raptor breeding season (February 1 through August 31). If trees must be removed during this period, the Owner/Permittee shall conduct a pre-construction survey for active raptor nests. The pre-construction survey shall be conducted by a qualified biologist and the survey results shall be submitted to the Environmental Review Manager prior to grading permit issuance. If the survey identifies active nests, then construction work shall not be conducted until young are independent of their parents."
13. **Hydrology/Water Quality. Prior to issuance of a grading permit**, the Owner/Permittee shall submit an erosion control plan for review and approval by the Environmental Review Manager. The plan shall include, but not be limited to, the following best management practices:
- a) Short-term placement of sediment trapping facilities such as sand bags, matting, mulch, brush barriers, filters, berms, hay bales, silt fences, and/or sediment pools (or similar devices) along all pertinent graded areas to minimize off-site sediment transport. Such facilities would likely be required at the base of manufactured slopes as well as all areas adjacent to or upstream of drainage courses.
  - b) All manufactured slopes shall be covered within 30 days of completion of grading with straw, mulch, jute netting or other approved geotextile material capable of controlling surface soil erosion.
  - c) Use of proper fill materials, placement methodology, and compaction to increase the stability of fill slopes.
  - d) Concentrated local runoff shall be conveyed in stabilized paths to preclude runoff flow on graded slopes. Stabilization may consist of erosion control mats, temporary culverts, rock stabilization, use of vegetation-lined swales and/or drainage ditches to filter runoff from the project site and remove suspended sediment, benching, berms, check dams, brow ditches, slope drains, and outlet protection.
  - e) Placement of temporary and/or permanent desilting basins, dikes, check dams, sediment basins, rip rap, or other appropriate structures shall be provided at applicable points upstream of all drainage courses and wetlands, or where substantial drainage alteration is proposed.
  - f) Construction entrances shall be stabilized. Stabilization of construction vehicle and equipment access points by temporary paving, graveling, and/or use of sediment trapping devices to reduce the movement of sediment onto public roadways and rights-of-way. Construction fencing shall be placed where necessary to keep vehicles or equipment from inadvertently entering natural areas.
  - g) Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge



of hazardous materials used during construction (e.g., fuels, lubricants, and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques, and the use of temporary impervious liners and/or barriers to prevent soil and water contamination. The described program to control and contain construction-related hazardous materials shall be subject to review and approval by the Development Services Manager.

- h) Energy dissipating structures (e.g., sediment basins, rip rap aprons, water bars, or drop structures) shall be placed at all storm drain, subdrain, and pipe outlets.
  - i) Subdrains shall be used in applicable areas to redirect subsurface flows.
  - j) Project grading shall be restricted during the rainy season (approximately mid-November to mid-April) unless related erosion control measures are implemented to the satisfaction of the Environmental Review Manager. Measures shall follow standards specified in the City Standard Specifications for Public Work (Green Book).
14. **Noise.** Prior to issuance of a building permit, a detailed noise study shall be submitted for review and approval by the Environmental Review Manager. The study shall provide measures that ensure interior noise levels do not exceed 45 d(B) CNEL.

#### **ENGINEERING REQUIREMENTS:**

- 15. **Prior to the issuance of any building permits**, the Owner/Permittee shall assure by permit and bond, the installation of driveways, satisfactory to the City Engineer.
- 16. **Prior to the issuance of any building permits**, the Owner/Permittee shall obtain a 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 SDMC sections 62.0401 - 62.0423 in a manner satisfactory to the City Engineer.
- 17. The drainage system proposed for this development, as shown on the grading or site plan, is subject to approval by the City Engineer. A drainage study will be required prior to the issuance of a grading permit.
- 18. **Prior to the issuance of any building permits**, Owner/Permittee shall provide a striping plan for Hotel Circle South as a 3 lane collector street. The suggested dimensions are: an 18-foot westbound lane, a 12-foot two-way left turn lane and a 20-foot eastbound lane with no parking on the north side of the street.
- 19. **Prior to the issuance of any building permit**, applicant shall re-stripe Hotel Circle South along project frontage to provide a two-way left turn lane within the existing pavement width, satisfactory to the City Engineer.

20. **Prior to the issuance of any building permit**, applicant shall provide 10 feet of Irrevocable Offer of Dedication (IOD) along the project frontage on Hotel Circle South and shall enter into a Deferred Improvement Agreement with The City of San Diego for the improvement of Hotel Circle South along project frontage, satisfactory to the City Engineer.
21. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants **and/or** thirty (30) dwelling units are located on a dead-end main, then a looped system shall be installed.
22. **Prior to the issuance of any building permits**, the Owner/Permittee shall obtain an encroachment removal agreement, from the City Engineer, for landscaping, a private driveway and any other private structures in the street reservation.
23. **Prior to the preparation of any public improvement drawings**, the Owner/Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Manager, for the sizing of gravity sewer mains and to show that the existing facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies.
24. The Owner/Permittee shall install 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.
25. The Owner/Permittee shall design all public water and sewer facilities to the most current edition of the City of San Diego Water & Sewer Design Guide. If facilities do not meet the current standards, then such facilities shall be private.
26. The Owner/Permittee shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within paved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Department Managers. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. No structures of any kind shall be installed in or over any easement prior to the Owner/Permittee obtaining an encroachment removal agreement.
27. **Prior to building occupancy**, the Owner/Permittee shall conform to SDMC section 62.0203, "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.
28. **Prior to the issuance of any building permits**, the Owner/Permittee shall assure by permit and bond, the installation of a drainage pipe which connects to the existing structures at Interstate 8, satisfactory to the City Engineer.

29. This project proposes to export 7,700 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 processing and sale of the material. All such activities require a separate Conditional Use Permit.
30. **Prior to the issuance of any building permits**, the Owner/Permittee shall:
  - a. Provide building address numbers visible and legible from street or road fronting property or a directory (UFC 901.44).
  - b. Show location of all fire hydrants on plot to conform to Fire Department Policy #F-85-1 (UFC 903.1).
  - c. Provide access in conformance with Fire Department Policy A-93-1 for signs and red curbs (UFC 901 & 902).
  - d. Comply with the City of San Diego Landscaping Technical Manual regarding brush and landscaping (Appendix II-A, Section 16) installation of driveways and a drainage system

**PLANNING/DESIGN REQUIREMENTS:**

31. 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.
32. 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.
33. 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.
34. All signage associated with this development shall be consistent with sign criteria established by the approved project sign plan (Exhibit "A," dated January 19, 1999, on file in the Office of Development Services).
35. All private outdoor lighting shall be shaded and adjusted so as to fall only on the same premises where such lights are located.
36. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

37. The subject property shall be maintained in a neat and orderly fashion at all times.
38. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or 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.
39. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC section 101.2001) 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, and in substantial conformance with the conceptual site plan marked Exhibit "A," dated January 19, 1999, on file in the Office of Development Services.
40. The installation of ground mounted **satellite antenna** shall be in conformance with the Municipal Code.
41. **Prior to the issuance of any Certificate of Occupancy**, the pedestrian walk connecting Hotel Circle South with the lobby of the hotel shall be installed. This is a requirement of the Mission Valley Planned District Ordinance.
42. **At all times**, there shall be maintained an open, 30-foot wide, public view corridor from Hotel Circle South and the freeway to the hillside located on the west side of the project adjacent to the Ramada Inn (eight feet of this corridor consists of a pedestrian easement on the Ramada Inn site).

#### **LANDSCAPE REQUIREMENTS:**

43. **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 Exhibit "A," Landscape Concept Plan, dated January 19, 1999, on file in the Office of Development Services. No change, modification or alteration shall be made unless finding of substantial conformance or amendment of this Permit shall have been granted.
44. The timely erosion control (including planting and seeding) of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
45. **Prior to issuance of any Certificate of Occupancy**, it shall be the responsibility of the 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.

46. 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 Permittee, or subsequent owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.
47. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 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 and/or an increased number) to the satisfaction of the City Manager.

**BRUSH MANAGEMENT REQUIREMENTS:**

48. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated January 19, 1999, on file in the Office of Development Services:
  - a. **Prior to the issuance of any grading permits**, construction documents shall be submitted indicating that the appropriate brush management zones have been recorded on the property in substantial conformance with Exhibit "A," dated January 19, 1999, on file in the Office of Development Services. The construction documents (site plan, landscape/brush management plan) shall show Zone One as "Building Restricted Area."
  - b. **Prior to the issuance of any building permits**, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, SDMC section 55.0889.0201, and Section Six of the Landscape Technical Manual (Document Number RR-274506) on file at the Office of the City Clerk.
  - c. The Brush Management Zone Depths shall be as follows:

Hazard	Zone One	Zone Two	Zone Three
High	70'	0'	0'
  - d. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc. Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more, may be approved within the designated Zone One area subject to

approval by the Fire Chief and the City Manager.

- e. All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
  - f. Plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted.
  - g. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on-site with the contractor and Development Services to discuss and outline the implementation of the Brush Management Program."
49. **Prior to the issuance of any Certificate of Occupancy** for any building, the approved Brush Management Program shall be implemented.
50. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

The following comments in the permit are for information only

- This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Development Services Manager.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

APPROVED by the Council of The City of San Diego on January 19, 1999, by Resolution No. R-291192.

3/3/99

4/20/01 Corrected (new owner)

A:\PERMIT 96-IP96-7234.WPD

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.

**HOTEL CIRCLE PARTNERS, LLC**  
a California limited liability company  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

3/3/99; 4/20/01 - Corrected  
A:\PERMIT 96\P96-7234.WPD