

RESOLUTION NUMBER R-294522

ADOPTED ON FEBRUARY 6, 2001

WHEREAS, Hidden Trails, L.L.C., Owner/Permittee, filed an application with the City of San Diego for a Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit to construct a residential development known as the Hidden Trails project, located at the east side of Ocean View Hills Parkway between Lyndhurst Terrace and Del Sol Boulevard, and legally described as the Northeast Quarter of Section 30, Township 18 South, Range 1 West, San Bernardino Base Meridian, in the Otay Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A1-10 zone and HRO Hillside Review Overlay zone), which is proposed to be rezoned to the RS-1-14, RM-2-5, and OP-2-1 zones (previously referred to as the R1-5000, R-1500, and OS-P zones, respectively); and

WHEREAS, on November 30, 2000, the Planning Commission of the City of San Diego considered PRD/RPO Permit No. 89-0739, and pursuant to Resolution No. 3056-2-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 6, 2001, 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 PRD/RPO Permit No. 89-0739:

I. PLANNED RESIDENTIAL DEVELOPMENT FINDINGS (SAN DIEGO MUNICIPAL CODE SECTION 101.0901)

A. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan.

The development of this 207.7 gross acre (194.5 net acre) site within the Otay Mesa Community Plan area will fulfill the community need for construction of single-family and multiple-family residential dwelling units and a park site, and will not adversely affect the City of San Diego Progress Guide and General Plan or the community plan. Multiple Species Conservation Program [MSCP] and Multiple Habitat Planning Area [MHPA] lands are being preserved through the addition of open space lots and a vernal pool reserve. The Hidden Trails Precise Plan has been developed for additional design guidelines and descriptions of development goals. Surrounding development projects have previously been approved and modified for MSCP and MHPA sensitivities and this project "fits" into those existing patterns of streets, public facilities and open space.

B. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

The proposed development of 205 single-family, 224 multiple-family residential units, a park site and open space lots will not be detrimental to the health, safety or general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity of this 207.7 gross acre site. Surrounding properties have been previously approved for similar forms of residential development and have been determined to conform to the MSCP/MHPA plans for the area. The Hidden Trails project fits into the existing street patterns and open space system. The proposed project conforms to the designation of the Otay Mesa Community Plan for land use. Public facilities, including water and sewer lines, have been constructed in anticipation of the buildout of the community, and schools, commercial shopping needs, and other services, both private and public, are existing or planned to meet the needs of this area. In addition, Environmental Impact Report No. 89-0739 has been completed, and the adoption of a Mitigation, Monitoring and Reporting Program will reduce all identified significant impacts to a level below significance.

C. The proposed use will fully comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

This project was submitted and processed under City of San Diego land use codes and regulations existing prior to the adoption of a new Land Development Code in January, 2000. The PRD Permit, in conjunction with the RPO Permit, Rezone, Tentative Map and other actions, satisfies criteria of the adopted Otay Mesa Community Plan. In addition, the project has been evaluated for conformance to the City's MSCP and MHPA plans for preservation of sensitive lands and habitats. The buildout of this 207.7 gross acre site for 205 single-family dwelling units, 224 multiple-family dwelling units, a park, a retention basin and sewer pump station site, along with lots for open space, brush management and a vernal pool reserve, complies with the regulations of the SDMC, the community plan goals, policies and principles of land development as applied within the City of San Diego.

II. RESOURCE PROTECTION ORDINANCE FINDINGS (SAN DIEGO MUNICIPAL CODE SECTION 101.0462)

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 Hidden Trails project was first submitted in 1989 and after numerous revisions and the recordation of adjoining projects, is represented by the current exhibits and proposals dated for the consideration of the City of San Diego in the year 2000/01. The project proposes subdividing a 207.7 acre site into 60.9 acres of development area for single-family and multiple-family residential use, a 9.6 acre park site, 7.7 acres of roads, a 23.5 acre vernal pool preservation site and 106 acres of open space (MSCP/MHPA). The accompanying PRD Permit guides the residential component of the development and park site while the RPO Permit controls the development of the environmentally sensitive lands, including the hillsides and biologically sensitive areas. A MHPA boundary adjustment also is utilized whereby encroachment of 16.9 acres of MHPA occurs and 23.2 acres are added to the MHPA. The residential development area is compatible with adjacent projects and designed within the Hidden Trails project site to preserve vernal pools and link open space sensitive areas for the best extent possible. Minimal impacts upon sensitive areas is being achieved.

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.

The 207.7 acre Hidden Trail project is developing a 9.5 acre park site consisting of 4.1 usable developable acres and the remainder being passive areas. There are no other adjacent parks or recreation areas. Sensitive habitat areas consisting of hillsides and biological resources are being preserved through open space designations and vernal pool preserves. Brush management zones which buffer the residential areas from the open space properties help to assure these resources are protected. Environmentally sensitive areas within this project are linked with other existing lands to form the network of habitat areas envisioned and identified by the MSCP and MHPA plans.

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

Geotechnical studies and reports have been submitted and accepted for the development of the 205 single-family and 224 multiple-family residential dwellings proposed for this 207.7 gross acre site with a park site and infrastructure improvements. The grading will be consistent with the City of San Diego Land Development regulations, and the City Engineer has reviewed drainage plans for the project to assure that the alteration of the landform for this project will not result in undue risks from geologic and erosional forces, floods and fire hazards. Manufactured slopes will be revegetated for erosion control and slope gradients will be a minimum 2:1.

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.

This area of Otay Mesa, generally east of I-805, south of Otay Valley, west of Brown Field Airport and north of State Route 905, is being developed with a variety and mix of residential types and designs with support commercial and roadways for circulation and freeway access. The City of San Diego has identified a MSCP plan and MHPA area for the sensitive hillsides and habitats within the area whose preservation is achieved through the subdivision of the lands and granting of open space easements, dedications, vernal pool preserves, and limitations of grading for the development proposed. 129.5 acres of this 207.7 gross acre site is being preserved for open space and vernal pool preserves, the boundaries of which align with those areas set aside by the adjoining development projects to create the viable habitat areas envisioned. Revegetation and proper brush management will work to restore any areas visually degraded by past off-road vehicle use and the over all Hidden Trails development plan will be compatible between these open space areas and the building pads.

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 Hidden Trails 207.7 gross acre development with rezonings to permit the buildout of 205 single-family residential units and 224 multiple-family dwelling units, with a park site, detention basin, sewer pump station and open space, will conform with the amendments proposed to the City's Progress Guide and General Plan and the Otay Mesa Community Plan, the MSCP Plan and all the City's land use and development regulations. The preparation and completion of an Environmental Impact Report and the City staff review of a Vesting Tentative Map, discretionary permits, and the Hidden Trails Precise Plan, provide for the determination that the project, through adequate conditions, will conform to all applicable plans and regulations in effect for the site.

III. 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.

The proposed Brush Management Program, by providing the brush management zones of the Landscape Regulation in the SDMC as referenced by the Biology Guidelines adopted by the City Council under Ordinance No. O-18451, and additional guidelines of the Landscape Technical Manual as shown on Exhibit "A," dated February 6, 2001, on file in the Development Services Department 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 Two 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 alteration of vegetation and will not result in undue risks from erosional forces.

The proposed Brush Management Program, by using Alternative Compliance Provision (Section 6.2 Landscape Technical Manual) and provisions of SDMC section 142.0412 (Brush Management), Ordinance No. O-18451, as shown on Exhibit "A," dated February 6, 2001, on file in the Development Services Department, 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. All new plantings on slopes will conform to the Revegetation Standards of the Landscape Technical Manual, section 7, and incorporate low precipitation irrigation systems to minimize runoff.

IV. BRUSH MANAGEMENT (ALTERNATIVE COMPLIANCE) FINDINGS

A. The proposed brush management program will meet the purpose and intent of Appendix IIA of the Uniform Fire Code.

The proposed development complies with the purpose and intent by providing an effective fire break while minimizing the potential for soil erosion by incorporating Zone Reduction and the Alternative Compliance provisions consistent with Landscape Technical Manual, section 7, and brush management zones of the SDMC section 142.0412, Ordinance No. O-18451.

B. The brush management program because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area.

Requirements incorporated into the permit provide an effective fire break and ensure minimal risk of erosional forces affecting hillsides by providing revegetation to all slopes per the Landscape Technical Manual, section 7.

C. The provisions outlined in sections 6.6-2 of the Landscape Technical Manual (Document No. RR-274506) shall be satisfied and the proposed development shall provide other fire resistive features as required by the Fire Chief.

The Architectural Features (Landscape Technical Manual, Section 6.6-2, and SDMC § 142.0412, Ordinance No. O-18451) of the Landscape Technical Manual have been incorporated into the project per Exhibit "A," dated February 6, 2001, on file in the Development Services Department. No other fire resistive features are required by the Fire Chief.

D. Compliance with the provisions of this section in addition to any other applicable adopted plans or ordinances would preclude reasonable development on the site.

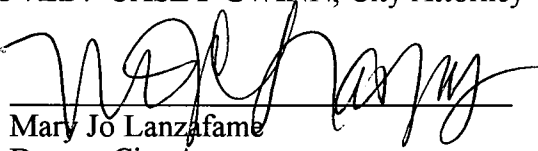
Due to site constraints, including the MHPA boundary line of the MSCP, this project would encroach into sensitive habitat and the adjoining property, therefore the Alternative Compliance Provision of the Landscape Technical Manual has been implemented to allow for reasonable development of the site. A modified Brush Management Program is provided which supports the purpose and intent of the other applicable adopted plans and ordinances including the Biology Guidelines in Ordinance No. O-18451, which references the Brush Management requirements of SDMC section 142.0412, while providing the necessary fire protection as required by the Uniform Fire Code on this site.

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 Planned Residential Development/Resource Protection Ordinance Permit No. 89-0739 is granted to Hidden Trails, L.L.C., 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



Mary Jo Lanzafame
Deputy City Attorney

MJL:mdw:lc
08/01/01
Or.Dept:Clerk
R-2001-1587
Form=permitr.frm
Reviewed by Robert Korch

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

**PLANNED RESIDENTIAL DEVELOPMENT AND
RESOURCE PROTECTION ORDINANCE PERMIT NO. 89-0739 (MMRP)
HIDDEN TRAILS**

CITY COUNCIL

This Planned Residential Development/Resource Protection Ordinance [PRD/RPO] Permit is granted by the Council of the City of San Diego to Hidden Trails, L.L.C., a California Corporation, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462, 101.0901, and 111.0510. The 207.7 gross acre site is located on the east side of Ocean View Hills Parkway, between Lyndhurst Terrace and Del Sol Boulevard in the AR-1-1 zone (previously referred to as the A1-10 zone and HRO Hillside Review Overlay zone), which is proposed to be rezoned to the RS-1-14, RM-2-5, and OP-2-1 zones (previously referred to as the R1-5000, R-1500, and OS-P zones, respectively) of the Otay Mesa Community Plan. The project site is legally described as the Northeast Quarter of Section 30, Township 18 South, Range 1 West, and the Southwest Quarter of the Southeast Quarter of Section 19, Township 18 South, Range 1 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to subdivide the 194.5 net acre site into 233 lots to create 205 single-family building sites, one multiple-family site, twenty-four open space lots, one park site, one retention basin and one sewer pump station site, described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated February 6, 2001, on file in the Development Services Department. The project shall include:

- a. Two hundred five single-family residential dwelling units in compliance with the underlying zone and the Design Guidelines of the Hidden Trails Precise Plan (as permitted by the PRD Permit);
- b. Two hundred twenty-four multiple-family dwelling units, including (at the Applicants' option) a 10 percent increase in dwelling units if Affordable Housing Requirements are

complied with, for apartment use on a 9.2 acre lot which requires a site-specific amendment before development of the apartments can occur;

- c. A 9.5 gross acre – 4.1 usable acre Park – on Lot 209, a 0.9 acre sewer pump station on Lot 207, and a 1.6 acre retention basin on Lot 208;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities;
- f. Open space, vernal pool preserve and restoration lots, entry monument signs, walls and fences, maintenance roads and public viewpoint areas with benches; and
- g. 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 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:

- c. 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 agencies.

6. The Owner/Permittee shall secure all necessary building permits. The applicant 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.

7. 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 February 6, 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit have been granted.

8. 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 entitled 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 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.

9. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

10. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

11. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated February 6, 2001, on file in the Development Services Department).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report LDR No. 89-0739, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Landform Alteration/ Visual Quality
Geology, Soils/Erosion
Hydrology/Water Quality
Biological Resources
Historical Resources
Paleontological Resources
Noise
Public Facilities/Services

13. The issuance of this permit by the City of San Diego does not authorize the applicant 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.).

14. 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.

15. Prior to issuance of a grading or pre-grading permit from the City of San Diego for any portion of the project site, proof of an incidental take permit under Section 7 or Section 10(a) of the ESA relative to the California gnatcatcher shall be provided to the City Manager. If such permit is not required, written verification to that effect from the USFWS shall be provided. Any project redesign required in obtaining a Sections 7 or 10a permit will require reconsideration by the appropriate City decision making body.

ENGINEERING REQUIREMENTS:

16. This Permit shall conform to Vesting Tentative Map No. 89-0739.

17. The original geotechnical study is over twelve years old and must be updated by the original authors or by geotechnical consultants of equivalent licensure. During the past twelve years, significant changes have occurred in the scientific and technical community in the understanding of San Diego Geology, including the discovery of several active fault systems heretofore unknown. Changes have also occurred since 1988 (the year the original report was published) in the application and practice of geotechnical engineering. The City of San Diego Technical Guidelines for Geotechnical Reports require geologic and geotechnical reports to be reviewed and updated after a period of three years. The information should be updated by the responsible party to verify pertinence to the proposed project.

PLANNING/DESIGN REQUIREMENTS:

18. No fewer than 410 off-street garage parking spaces shall be provided and maintained for the 205 single-family detached dwelling units (at a ratio of 2:1) on the property at all times in the approximate locations shown on the approved Exhibits "A," dated February 6, 2001, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager. In addition, 205 on-street parking spaces shall meet the requirement for guest parking for the single-family units. Parking for the future development of the multiple-family dwelling unit site will be evaluated and determined upon a site specific amendment for that site.

19. 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 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.

20. 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.

21. 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

22. Varied setbacks for the single-family homes are required. In order for staff to assure that the project provides adequate varied setbacks, the setback can be determined by staff during the construction permitting stage (at the time building permits are submitted), whereby prior to the issuance of any building permits, staff will determine the front yard setback for each lot in order to assure compliance with the requirement for varied front yard setbacks.

23. Development of the multi-family units requires an amendment to the PRD and will be reviewed under the development standards of the new multi-family zone, identified as RM-2-5, and as specified in the Precise Plan and Multiple-family Design Guidelines. As incorporated by the Planning Commission, the Applicant may increase the multi-family density by 10 percent (twenty-four dwelling units) if an agreement is entered into with the San Diego Housing Commission to provide an Affordable Housing Program.

24. 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.

25. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Director of the Development Services Department. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

26. All signage associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

28. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

29. All sidewalks shall be non-contiguous throughout the subdivision unless shown to physically not be possible due to accessibility requirements or other constraints as determined by the City Manager.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Technical Manual (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated February 6, 2001, on file in the Development Services Department.

31. No change, modification or alteration shall be made to the project unless appropriate application or amendment to this Permit has been granted by the City.

32. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated February 6, 2001, on file in the Development Services Department.

33. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land including irrigation shall be submitted in accordance with the Landscape Technical Manual section 7 and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this PRD/RPO Permit No. 89-0739 (including environmental conditions) and Exhibit "A," dated February 6, 2001, on file in the Development Services Department.

34. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control slope planting and the associated irrigation systems (temporary or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

35. 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. A No Fee

Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

36. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

37. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT:

39. The Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated February 6, 2001, on file in the Development Services Department.

- a. 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," Landscape Concept Plan, dated February 6, 2001, on file in the Development Services Department, and shall comply with the Uniform Fire Code (SDMC § 55.0889.0201), the alternative compliance provision of section 6 of the Landscape Technical Manual (Document No. RR-274506), on file in the Office of the City Clerk and the SDMC section 142.9412 (Ordinance No. O-18451).
- b. The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of SDMC section 142.0412 as follows:

<u>Zone One</u>	<u>Zone Two</u>
35'	40'

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- c. The construction documents shall conform to the Architectural Features as described in Section 6.6-2 of the Landscape Technical Manual.
- 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, and gazebos, etc. Non-combustible accessory structures and 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 Manger.
- 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 eminent health and safety risks still exist.
- f. Provide the following 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 a representative of the Development Services Department staff to discuss and outline the implementation of the Brush Management Program."

40. Prior to the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

41. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, section 6.

WATER REQUIREMENTS:

42. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of appropriate public water facilities as identified in the accepted water studies, necessary to serve this development, in a manner satisfactory to the Director of the Water Department and the City Engineer. Parallel water mains shall have a minimum separation of 20 feet.

43. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main, then the developer shall install adequate facilities to provide a redundant water supply, satisfactory to the Director of the Water Department.

44. The developer agrees to design and construct all proposed water facilities in accordance with established criteria in the most current editions of the City of San Diego Water and Sewer Design Guidelines.

45. Providing water for this development is dependent upon prior construction of certain water facilities in previously approved developments in this area. If facilities have not been constructed when required for this development, then the construction of certain portions of these previously approved water facilities, as required by the City Engineer, will become off-site improvements required for this development.

SEWER REQUIREMENTS:

46. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of certain sewer facilities, identified in the accepted studies, necessary to provide sewer services to the proposed development in a manner satisfactory to the Director of the Metropolitan Wastewater Department.

47. Prior to the issuance of any building permits, the applicant shall provide evidence satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each dwelling unit will have its own sewer lateral or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

48. The developer agrees to design all proposed public sewer facilities in accordance with established criteria in the City of San Diego's current Sewer Design Guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

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 permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on February 6, 2001, by Resolution No. R-294522.

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R-294522

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.

HIDDEN TRAILS, L.L.C.,
a California Corporation
Owner/Permittee

By _____

By _____

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

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