

RESOLUTION NUMBER R- 502297
DATE OF FINAL PASSAGE JAN 22 2007

WHEREAS, Clews Land & Livestock, LLC, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit/planned development permit to develop a horse ranch/boarding facility, two single-family residences, historical use area, two pastures, and open space to be known as the Clews Horse Ranch project [Project], located at 11490, 11500, 11525 and 11600 Clews Horse Ranch, and legally described as a portion of Section 19 and the north half of the southwest quarter of Section 20 and a portion of the northwest quarter of the southeast quarter of Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the Carmel Valley Community Plan and Carmel Valley Neighborhood 8 Precise Plan areas, in the AR-1-1, MF-1, and OS zones which are proposed to be partially rezoned to the OS and AR-1-1 zones, respectively; and

WHEREAS, on November 9, 2006, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 166238/Site Development Permit [SDP] No. 9092 and Planned Development Permit [PDP] No. 166237 and pursuant to Resolution No. 4161-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 _____,
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 Coastal Development Permit No. 166238/Site Development Permit
No. 9092/Planned Development Permit No. 166237:

A. **PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE**
[SDMC] SECTION 126.0600

1. **Findings for all Planned Development Permits**

a. **The proposed development will not adversely affect the applicable land use plan.** The entire site is designated as Open Space in the Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program. Development may be permitted within designated open space to achieve the 25 percent developable area allowed by the Environmentally Sensitive Lands [ESL] regulations. The useable area for the ranch is generally sited within the 25 percent least sensitive portion of the site plus an additional 2-acre area obtained through an offsite Multi-Habitat Planning Area [MHPA] boundary adjustment. The Precise Plan Open Space Element identifies three categories of open space: an area for floodway management, areas for natural resource conservation and areas for “developed” open space. The Precise Plan intends that the floodplain and coastal bluff resources be conserved as “Natural” open space. “Developed” open space “will take many forms including recreation areas, the golf course, and slope treatments along roadways.” These areas are intended to “define the character of the neighborhood, provide visual interest, and serve a more important function of tying the community together.” The project site is outside the Carmel Valley Restoration Enhancement Program [CVREP] floodway and the horse ranch will provides a recreation use characteristic of “developed” open space. Historically, farms and horse ranches were also prevalent within Carmel Valley prior to construction of the freeway and CVREP.

Further, a site specific biological survey and report was prepared to evaluate the sensitivity of onsite natural resources intended for conservation as “Natural” open space. The report indicates that biological resources intended for conservation as “Natural” open space. The report indicates that biological resources on portions of the project site have been reduced by past agricultural use. Proposed development is generally being located within the portion of the site that was previously used for agriculture with a minor encroachment to the MHPA boundary and a 0.61-acre impact to environmentally sensitive Coastal Sage Scrub [CSS] habitat. These impacts will be offset by onsite habitat restoration, and an offsite MHPA boundary adjustment. The visible portions of the coastal bluffs within the project site will be preserved, although there will be some impacts to lower slopes to accommodate the configuration of the ranch.

The Precise Plan also requires that there be no net loss of sensitive biological resources within the Coastal Zone, including impacts as a result of Zone 2 brush management activities. The no net loss requirement was established by the Coastal Commission as a condition of approval for the Sea Breeze Carmel View plan amendment. A condition has been added to the proposed Coastal Development Permit that requires direct impacts to 0.61-acres of Coastal Sage Scrub habitat be offset through onsite restoration of previously disturbed areas remaining within the MHPA. Potential restoration areas include disturbed portions of the site adjacent to the historic use area and an eroded area within the existing detention basin near Carmel Country Road.

The project has also been designed to minimize the effect of Brush Management Zone 2 activities within natural areas proposed for open space conservation. Brush management is required for the three residential structures proposed within the ranch. The width of Brush Management Zone 2 has been reduced through a combination of an increased Zone 1 width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining CSS habitat subject to Brush Management Zone 2 activities has been invaded by seedy species that will be specifically removed through required brush management. Sensitive plants that could occur within this area will also be left undisturbed. In conclusion the proposed horse ranch development is consistent with the applicable land use plans in effect for the site.

b. The proposed development will not be detrimental to the public health, safety, and welfare. Conditions of approval for the Planned Development Permit, Site Development Permit and Coastal Development Permit address public health, safety and welfare issues. Compliance with applicable building, plumbing, electrical and grading regulations will be required during the construction phase of the proposed project. A fire management plan will provide for two 5,000-gallon privately owned water storage tanks with associated fire hydrants to be installed next to the single-family residences to provide emergency water. The project includes a Mitigation Plan and a letter from the County of San Diego verifying that the Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site. As proposed the development will not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with regulations of the Land Development Code. The proposed development complies with the Carmel Valley Neighborhood 8 Precise Plan and site specific development regulations with respect to agricultural land uses, sensitive resources preservation, setbacks, building heights, access and parking, except as allowed through the approval of a Planned Development Permit. One deviation is requested. The deviation is from the Brush Management Zone regulations. The width of Brush Management Zone 2 has been reduced through a combination of an increased Zone 1 width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining Coastal Sage Shrub habitat subject to Brush Management Zone 2 activities has invaded by weedy species that will be specifically removed through required brush management. Sensitive plants that could occur within area will also be left undisturbed. This deviation is supported because the Carmel Valley Neighborhood 8 Precise Plan recommends limiting disturbances in the open space and because the deviation would eliminates impacts and preserves sensitive resources within the MHPA of the City's MHPA.

d. **The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development will benefit the community by preserving natural habitat as open space and by providing a public equestrian trail that will link to existing off-site trails including those within the CVREP, as well as, closing and rehabilitating unofficial trails through sensitive open space areas. Private recreation activities such as riding clinics, trail rides, and horse shows will also benefit the surrounding community. The project will also provide a low-intensity land use buffer to the CVREP and maintain the rural character adjacent to the community's major open space system.

e. **Any proposed deviations pursuant to SDMC Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed development complies with the Carmel Valley Neighborhood 8 Precise Plan and site specific development regulations with respect to agricultural land uses sensitive resources preservation, setbacks, building heights, access and parking, except as allowed through the approval of a Planned Development Permit. A deviation is requested from the Brush Management Zone regulations: The width of Brush Management Zone 2 has been reduced through a combination of an increased Zone 1 width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining Coastal Sage Shrub habitat subject to Brush Management Zone 2 activities has been invaded by weedy species that will be within this area will also be left undisturbed. The deviation is supported because the Carmel Valley Neighborhood 8 Precise Plan recommends limiting disturbances in the open space and the deviation would eliminate impacts and preserves sensitive resources within the MHPA of the City's MHPA.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0500

1. Findings for all Site Development Permits:

a. **The proposed development will not adversely affect the applicable land use plans.** The entire site is designated as Open Space in the Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program. Development may be permitted within designated open space to achieve the 25 percent developable area allowed by the Environmentally Sensitive Lands [ESL] regulations. The useable area for the ranch is generally sited within the 25 percent least sensitive portion of the site plus an additional 2-acre area obtained through an offsite MHPA boundary adjustment. The Precise Plan Open Space Element identifies three categories of open space: an area for floodway management, areas for natural resource conservation and areas for "developed" open space. The Precise Plan intends that the floodplain and coastal bluff resources be conserved as "Natural" open space. "Developed" open space "will take many forms including recreation areas, the golf course, and slope treatments along roadways." These areas are intended to "define the character of the neighborhood, provide visual interest, and serve a more important function of tying the community together." The project site is outside the CVREP floodway and the horse ranch will provide a recreation use characteristic of "developed" open space. Historically, farms and horse ranches were also prevalent within Carmel Valley prior to construction of the freeway and CVREP.

Further, a site specific biological survey and report was prepared to evaluate the sensitivity of onsite natural resources intended for conservation as "Natural" open space. The report indicates that biological resources intended for conservation as "Natural" open space. The report indicates that biological resources on portions of the project site have been reduced by past agricultural use. Proposed development is generally being located within the portion of the site that was previously used for agriculture with a minor encroachment to the MHPA boundary and a 0.61-acre impact to environmentally sensitive CSS habitat. These impacts will be offset by onsite habitat restoration, and an offsite MHPA boundary adjustment. The visible portions of the coastal bluffs within the project site will be preserved, although there will be some impacts to lower slopes to accommodate the configuration of the ranch.

The Precise Plan also requires that there be no net loss of sensitive biological resources within the Coastal Zone, including impacts as a result of Zone 2 brush management activities. The no net loss requirement was established by the Coastal Commission as a condition of approval for the Sea Breeze Carmel View plan amendment. A condition has been added to the proposed Coastal Development Permit that requires direct impacts to 0.61-acres of Coastal Sage Scrub habitat be offset through onsite restoration of previously disturbed areas remaining within the MHPA. Potential restoration areas include disturbed portions of the site adjacent to the historic use area and an eroded area within the existing detention basin near Carmel Country Road.

The project has also been designed to minimize the effect of Brush Management Zone 2 activities within natural areas proposed for open space conservation. Brush management is required for the three residential structures proposed within the ranch. The width of Brush Management Zone 2 has been reduced through a combination of an increased Zone 1 width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining CSS habitat subject to Brush Management Zone 2 activities has been invaded by seedy species that will be specifically removed through required brush management. Sensitive plants that could occur within this area will also be left undisturbed. In conclusion the proposed horse ranch development is consistent with the applicable land use plans in effect for the site.

The project proposal is to develop the 38.44-acre site with two single-family residences, a horse ranch/boarding facility, two pastures, a public equestrian trail, restoration and relocation on-site of historic structures, and farm labor housing. These proposed uses are consistent with the Carmel Valley Neighborhood 8 Precise Plan which designates the site as open space, as well as, developed open space for recreational uses. Therefore, the proposed Clews Horse Ranch development will not adversely affect the applicable land use plan which is the Carmel Valley Neighborhood 8 Precise Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. Conditions of approval for the Planned Development Permit, Site Development Permit and Coastal Development Permit address public health, safety and welfare issues. Compliance with applicable building, plumbing, electrical and grading regulations will be required during the construction phase of the proposed project. A fire management plan will provide for two 5,000-gallon privately owned water storage tanks with associated fire hydrants to be installed next to the single-family residences to provide emergency water. The project includes a Mitigation Plan and a letter from the County of San Diego verifying that the Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site. As proposed the development will not be detrimental to the public health, safety and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development complies with the Carmel Valley Neighborhood 8 Precise Plan and site specific development regulations with respect to agricultural land uses, sensitive resources preservation, setbacks, building heights, access and parking, except as allowed through the approval of a Planned Development Permit. One deviation is requested. The deviation is from the Brush Management Zone regulations. The width of Brush Management Zone 2 has been reduced through a combination of an increased Zone 1 width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining Coastal Sage Shrub habitat subject to Brush Management Zone 2 activities has invaded by weedy species that will be specifically removed through required brush management. Sensitive plants that could occur within area will also be left undisturbed. This deviation is supported because the Carmel Valley Neighborhood 8 Precise Plan recommends limiting disturbances in the open space and because the deviation would eliminate impacts and preserves sensitive resources within the MHPA of the City's MHPA.

2. Supplemental Findings—Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbances to environmentally sensitive lands. As required by the City's Multiple Species Conversation Program [MSCP] Subarea Plan and the Environmentally Sensitive Lands Ordinance, the project will be located on the least environmentally sensitive portions of the project site. Over the 94 percent of the project's development or use areas occur within the least sensitive portions of the site consisting of disturbed, developed, landscaped, or non-native habitats. Major areas of environmentally sensitive biological areas and all steep slopes and flood plain areas are preserved in open space. Measures to eliminate or significantly reduce edge effects to the adjacent MSCP Preserve are designed into the project or incorporated into project conditions as indicated in the Mitigations, Monitoring and Reporting Program [MMRP]. Further, in accordance with MSCP provisions, a Boundary Line Adjustment is proposed which will replace 1.21 acres of MHPA Preserve Area proposed for development with 1.72 acres of habitat of equivalent or higher biological value located on a 9.93 acre-parcel in Soledad Canyon, together with an additional 0.97 acre inside the MHPA on the parcel. This parcel, which has been approved as a mitigation and MHPA replacement site by the resource agencies, provides mitigation and MHPA replacement property. Mitigation is proposed for all impacts to sensitive biological resources. The site is physically

suitable for the design and siting of the proposed ranch, therefore the development will result in minimum disturbances to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The majority of the proposed development is sited on areas that were previously disturbed by agriculture activities that historically took place on the site. The project design and recommended conditions of approval for the project address drainage and geologic conditions. The project is not located on or adjacent to a high geologic risk category or geologic hazards.

A "Water Quality Technical Report Preliminary Drainage Design Analysis, Clews Horse Ranch" (October 2003, revised July 1, 2004) was prepared for this project by RBF Consulting. According to the report, the existing site is located within the 52-square-mile Los Penasquitos watershed and is connected via storm drain to Carmel Valley Creek approximately 250 feet north of the project site. The project site accounts for less than 0.1 percent of the local watershed area. Under the existing condition, the project site drains from south to north towards Carmel Valley Creek, and the runoff generated from the site is directed towards a series of culverts. These culverts were constructed as part of the CVREP project and have been protected with adequate riprap to prevent erosion. The project pads would be graded to direct runoff away from the structures on the site, and vegetated swales would convey runoff around the site toward the outfall pipes to Carmel Valley Creek. The storm drain system would direct off-site runoff toward the 48-inch culvert, which is adequately sized to handle the runoff. A bio-retention area would also be constructed which would intercept runoff for treatment before directing the discharge to Carmel Valley Creek.

According to the report, this project is considered a medium priority project and is not expected to generate significant amounts of pollutants. The report identified potential project pollutants of concern which would include sediments, nutrients, metals litter and trash, oxygen demanding substances (including biodegradable organic material and chemicals), oil, grease, and other hydrocarbons, and pesticides. Project Best Management Practices [BMP's] were selected for these pollutants.

The source control of BMP's would include the use of grass swales as an alternative to curbs and gutters along residential streets; riprap placed at culvert and storm drain outfalls to prevent erosion; the enclosure of dumpsters; the collections and temporary storage of animal waste, manure and bedding in facilities screened and self-contained to prevent contaminated run-off from leaving the site; the use of drip irrigation and drought tolerant landscaping; and regular landscape maintenance. The treatment control BMP's includes the installation of vegetated swales and a bio-retention area. All permanent BMP's would be subject to a required regular maintenance plan.

The proposed project is subject to the City's Standard Permanent Storm Water BMP's and would be required to comply with all requirements of the State Water Resources Control Board Order No. 99-08, Municipal Storm Water Permit Order No. 2002-02, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. A Storm Water Pollution Prevention Plan and a Monitoring Program Plan would also

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be implemented concurrently with the commencement of grading activities. Compliance with State and City Stormwater Standards would preclude direct and cumulatively considerable impacts to water quality. In conclusion, the proposed development minimizes the alteration of the natural landform and will not result in undue risks from geologic and erosional forces or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. As required by the City's MSCP Subarea Plan and the Environmentally Sensitive Lands Ordinance, the project is designed and conditioned with measures to reduce edge effects to adjacent sensitive lands. Offsite impacts caused by potential brush management activities have been avoided by increasing Brush Management Zone 1 on a portion of the site; water quality resources on adjacent lands are protected by implementation of measures to naturally treat runoff before discharging to offsite drainages, and lighting will be restricted to that which provides the minimum necessary for safety and reduces light spill offsite. The project has been found to be in compliance with MSCP Land Use Adjacency Guidelines and will therefore prevent adverse impacts to adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project is consistent with the MSCP Subarea Plan. The project design and conditions of approval reduce or eliminate drainage, grading, grading noise, and lighting impacts to the adjacent MHPA area. The United States Fish & Wildlife Service and the California Department of Fish and Game have accepted a MHPA Boundary Line Adjustment for the project which uses the approved Soledad Canyon site for its replacement acreage. Environmental impacts will be mitigated on-site and replacement MHPA preserve land will be provided off-site. All on-site steep hillsides will be preserved. In conclusion, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project is located over two miles from the shoreline. The project's Water Quality Technical Report and the conditions of approval for the project require erosion control and water quality measures to minimize the potential for stormwater pollution. The proposed project will discharge into the City of San Diego storm drain system and will not contribute to erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The project has been designed to minimize disturbances to the environment and reduce all impacts to a level below significance. The proposed development will be located on the least environmentally sensitive portions of the property. The City of San Diego conducted an Initial Study in accordance with the California Environmental Quality Act. The Initial Study determined that the project could have a significant environmental effect in the following areas: Historical and Archaeological Resources, Paleontological Resources, Biological Resources/MHPA, Land Use/MHPA, and Hazardous Waste. A draft Mitigated Negative Declaration was prepared, and a MMRP have been developed to ensure that the project

would not have a significant negative environmental impact on these resources. The MMRP contains measures that have been identified in various approved technical reports to reduce potential project impacts to the identified resources. The MMRP contains measures that have been identified in various approved technical report to reduce potential project impacts to below a level of significance. Thus, all mitigation reasonable related to and calculated to alleviate negative impacts created by the proposed development have been or will be incorporated into the conditions of the development permits.

C. COASTAL DEVELOPMENT PERMIT- SDMC SECTION 126.0700

1. Findings for all Coastal Development Permits

a. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed development site is disturbed by past agricultural uses and is currently vacant with the exception of several historic buildings. The property is located within the Carmel Valley Neighborhood 8 Precise Plan Local Coastal Program area. The project site is located approximately two miles east of the Pacific Ocean. No physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program will affect upon approval of this project. Public views to and along the ocean are unaffected by the proposal because of the site's distance from the ocean and its location at lower elevations in comparison to surrounding properties. In conclusion, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in any Local Coastal Program land use plan.

b. **The proposed coastal development will not adversely affect environmentally sensitive lands.** As required by the City's MSCP Subarea Plan and the Environmentally Sensitive Lands Ordinance, the project will be located on the least environmentally sensitive portion of the project site. Over 94 percent of the project's development or use areas occur within the least sensitive portions of the site consisting of disturbed, developed, landscaped, or non-native habitats. Major areas of environmentally sensitive biological areas and all steep slopes and flood plain areas are preserved in open space. Measure to eliminate or significantly reduce edge affects to the adjacent MSCP Preserve are designed into the project or incorporated into project conditions as indicated in the MMRP. Further, in accordance with MSCP provisions, a Boundary Line Adjustment is proposed which will replace 1.21 acres of MHPA Preserve Area proposed for development with 1.72 acres of habitat of equivalent or higher biological value located on a 9.93 acre-parcel in Soledad Canyon, together with an additional 0.97 acre inside the MHPA on the parcel. This parcel, which has been approved as a mitigation and MHPA replacement site by the resource agencies, provides mitigation and MHPA replacement property. Mitigation is proposed for all impacts to sensitive biological resources.

As required by the City's MSCP Subarea Plan and the Environmentally Sensitive Lands Ordinance, the project's development area is located on the least environmentally sensitive portion of the project site. The development and use areas are located on areas previously utilized for ranch and agricultural purposes. These areas predominately contain disturbed, development, landscaped, and non-native habitats, therefore the proposed coastal development will not adversely affect environmental sensitive lands.

c. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The certified Carmel Valley Neighborhood 8 Local Coastal Program and the Carmel Valley Neighborhood 8 Precise Plan, designates the 38.44-acre site as Open Space. The open space designation permits both natural open space, as well as, developed open space for recreational uses. The proposed coastal development is in conformance with the Local Coastal Program and the Carmel Valley Neighborhood 8 Precise Plan by construction a horse ranch/boarding facility, two pastures, a public equestrian trail, restoration and relocation on-site of historic structures. Specifically, the horse ranch and its associated uses have been found to provide for significant open space and recreational opportunities for area residents for recreational uses. Therefore, the proposed Clew Horse Ranch is in conformance with certified Local Coastal Program land use plan and the Carmel Valley Neighborhood 8 Precise Plan.

d. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in the conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The site is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Overlay Zone. All development would occur on private property. The site is two miles from the Pacific Ocean; therefore, the project as proposed will have no impact on any public access or public recreation policies of Chapter 3 of the California Coastal Act because of its distance and relative location from the sea or any water body in the coastal zone.

2. Carmel Valley Planned District Section 103.0600

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 Planned District Ordinance.** The project proposal is to develop the 38.44-acre site with two single-family residences, a horse ranch/boarding facility, two pastures, a public equestrian trail, restoration and relocation on-site of historic structures, and farm labor housing. These proposed uses are consistent with the Carmel Valley Neighborhood 8 Precise Plan which designates the site as open space as well as for developed open space for recreational uses. Therefore, the project will not adversely affect the Precise Plan.

The project is also in compliance with the City of San Diego MSCP Subarea Plan, a major complement of the Carmel Valley Community Plan Open Space Element, by preserving major portions of the projects sensitive biological habitats and all of the site's sensitive steep hillsides and projects sensitive biological habitats and all of the site's sensitive steep hillsides and floodplain.

The site is designated for Open Space in the Carmel Valley Community Plan and in the Carmel Valley Neighborhood 8 Precise Plan. Therefore the proposed development will not adversely affect the Carmel Valley Neighborhood 8 Precise Plan or the Carmel Valley Planned District Ordinance. The project will benefit needs in the community by preserving natural habitat as open space and providing a public equestrian trail that will link to existing off-site trails, including those within the Carmel Valley Restoration and Enhancement Project, as well as, closing and rehabilitating unofficial trails through sensitive open space areas.

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. Conditions of approval for the Planned Development Permit, Site Development Permit and Coastal Development Permit address public health, safety and welfare issues. Compliance with applicable building, plumbing, electrical and grading regulations will be required during the construction and continued operation of the proposed project. A fire management plan will provide for two 5,000-gallon privately owned water storage tanks with associated fire hydrants to be installed next to the single-family residences to provide emergency water. The project includes a MMRP that requires an Animal Waster Management Plan and a letter from the County of San Diego verifying that the Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site. As such, the proposed development will not be detrimental to the public health, safety and welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

c. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. The proposed development complies with the Carmel Valley Neighborhood 8 Precise Plan and site specific development regulations with respect to agricultural land uses, sensitive resources preservation, setbacks, building heights, access and parking, except as allowed through the approval of a Planned Development Permit. One deviation is requested. The deviation is from the Brush Management Zone regulations. The width of Brush Management Zone Two has been reduced through a combination of an increased Zone One width and provision of a 1-hour fire rating for the structures. The biology survey also determined that the remaining Coastal Sage Shrub habitat subject to Brush Management Zone Two activities has been invaded by weedy species that will be specifically removed through required brush management. Sensitive plants that could occur within this area will also be left undisturbed. This deviation is supported because the Carmel Valley Neighborhood 8 Precise Plan recommends limiting disturbances in the open space and because the deviation would eliminate impacts and preserves sensitive resources within the MHPA of the City's MHPA.

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 Coastal Development Permit No. 166238/Site Development Permit No. 9092/Planned Development Permit No. 166237 is granted to Clews

Land & Livestock, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/02/07
Or.Dept:DSD
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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 41-0522

COASTAL DEVELOPMENT PERMIT NO. 166238
SITE DEVELOPMENT PERMIT NO. 9092
PLANNED DEVELOPMENT PERMIT NO. 166237
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
NO. 388306
CLEWS HORSE RANCH [MMRP]
CITY COUNCIL

This Coastal Development Permit No. 166238/Site Development Permit No. 9092, Planned Development Permit No. 166237/Multi-Habitat Planning Area Boundary Line Adjustment No. 388306, is granted by the City Council of the City of San Diego to Clews Land & Livestock, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0500, 126.0600, and 126.0700. The 38.44-acre site is located at 11490, 11500, 11525, 11555 and 11600 Clews Horse Ranch Road, west of Carmel Country Road and south of State Route 56 in the MF-1, AR-1-1 and OS zones of the Carmel Valley Community Plan area. The project site is legally described as a portion of Section 19 and the north half of the southwest quarter of Section 20 and a portion of the northwest quarter of the southeast quarter of Township 14 South, Range 3 West, San Bernardino Base and Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a horse ranch/boarding facility, including two single-family residences, a farm employee residence, pastures, a public equestrian easement, demolition of a silo, and open space, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. A horse ranch/boarding facility, including two single-family residences, a farm employee residence, pastures, a public equestrian easement, demolition of a silo, and open space;

- b. The manure bin will be screened to prevent flies, used for short-term storage of manure, and would be emptied on an as-needed basis or at least once every month.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.
- f. Adoption of Design Guidelines.

STANDARD REQUIREMENTS:

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

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

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

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." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

11. This Permit shall become effective after the California Coastal Commission certifies the associated Local Coastal Plan Amendment.

PLANNING/DESIGN REQUIREMENTS:

12. Prior to the issuance of any grading permit, an enhancement fee shall be deposited with the Development Services Department for the Los Penasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded. The enhancement fee shall be computed by the applicant and certified by the Development Services Department.

13. Prior to the issuance of any building permit, an enhancement fee shall be deposited with the Development Services for the Los Penasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of all the impervious surfaces at the rate of \$0.03 per square foot for the impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and certified by the Development Services Department.

14. A maximum of 135 horses and sixteen cows shall be allowed on the ranch.

15. No fewer than forty-five off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." 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.

16. 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.

17. 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.

18. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the

building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

19. 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.

20. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A"); or
- b. Citywide sign regulations

21. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

22. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

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

24. There shall be no net loss within the Coastal Zone of sensitive biological resources. Proposed impacts to 0.61-acre of CSS habitat shall be offset by creation of an equivalent amount of Tier I or Tier II habitat within the disturbed or developed portions of the site that will be conserved as part of the MHPA preserve. Prior to issuance of any grading permits, the owner/Permittee shall prepare a Final Revegetation Plan using appropriate native species.

25. Brush Management Zone 2 activities are not permitted within environmentally sensitive Tier I and II habitat areas when these activities significantly disrupt habitat values. The Brush Management Program shall incorporate measures to protect sensitive species and avoid disruption of habitat values within Zone 2 areas.

26. Barriers are required between the horse ranch and areas within the MHPA to control access as identified on the Exhibit "A," Landscape/Fencing Plan. Required fencing between designated private use areas and MHPA/open space areas shall not be altered, removed or relocated. Fencing along the northern edge adjacent to CVREP shall be "ranch" style (split-rail, wood or wood-like rail), with landscaping for screening.

27. All development shall utilize materials that blend with the natural landscape and specify neutral, earth tone, muted colors.

28. All development shall be designed and constructed to conform to the design objectives of the Carmel Valley Neighborhood 8 Precise Plan Design Element and the Clews Horse Ranch Architectural Guidelines.

29. Buildings and landscaping shall be designed and constructed to incorporate measures to implement the water and energy conservation guidelines of the Carmel Valley Neighborhood 8 Precise Plan Conservation Element.

30. Public trail access is identified by the Carmel Valley Neighborhood 8 Precise Plan Circulation Plan at two locations over the site. Public recreation easements for trail use shall be granted to the City of San Diego as shown on the Exhibit "A," Site Plan/Grading Plan. These easements will permit public trail access between City-owned open space parcels adjacent to the site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

32. As conditions of Coastal Development Permit No. 166238, Site Development Permit No. 9092, Planned Development Permit No. 16623, and the Multi-Habitat Planning Area Boundary Line Adjustment No. 388306, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION PROJECT NO. 5568 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

33. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION PROJECT NO. 5568 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical and Archaeological Resources, Paleontological Resources, Biological Resources/MHPA, Land Use/MHPA, and Hazardous Waste.

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

LANDSCAPE REQUIREMENTS:

35. In the event that the Landscape Plan and the Site Plan conflict, the Landscape Plan shall prevail.

36. Any change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

37. A native landscape palette is required to be used adjacent to swales and bio-retention basins.

38. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydroseeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A" (including Environmental conditions).

39. 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 and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

40. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner 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.

41. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

42. 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 and/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.

43. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

44. Prior to the issuance of a grading permit, the Landscape Architect of Record shall demonstrate to the satisfaction of the Landscape Architectural Section that the soil cut or back fill shall sustain long-term plant growth. The soil of the cut and fill slope shall be amended and specification shall be submitted based on the soil type and plant material selected.

45. Prior to a grading permit, the Landscape Architect of Record shall demonstrate to the satisfaction of the Landscape Architectural Section that a phasing and soil stock-piling plan is in place. The first six to eight inches of native topsoil shall be retained and stock-piled in an area designated on the plans. The stock-piled topsoil shall be re-applied to the slope surface in a method satisfactory to the City Geologist.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

46. All Brush Management Zones shall be planted or maintained in accordance to the standards referenced within the Land Development Manual - Landscape Standards LDC section 142.0412.

47. BRUSH MANAGEMENT ZONE 1 - All ornamental plantings shall be kept well watered and all irrigation water should drain toward the street. Rain gutters and drainage pipes shall be cleaned regularly and all leaves removed from the roof before the fire season begins. All planting, particularly non-irrigated natives and large trees shall be regularly pruned to eliminate dead fuels, to reduce excessive fuel and to provide adequate space between plants and structures.

48. BRUSH MANAGEMENT ZONE 2 - This zone should include removal of dead woody plants, eradication of weedy species and periodic pruning and thinning of trees and shrubs. Removal of weeds shall not be done with hand tools such as hoes, as this removes valuable soil. The use of weed trimmers or other tools which retain short stubble that protects the soil is recommended. Native shrubs should be pruned in the summer after the major plant growth occurs. Well pruned healthy shrubs should typically require several years to build up excessive live and dead fuel.

49. BRUSH MANAGEMENT ZONE 2 - On slopes all drainage devices must be kept clear. Reinspect after each major storm since minor soil slips can block drains. Various groundcovers (e.g. Ivy) should be periodically sheared and thatch removed (grasses and some Ice Plants). Diseased and dead wood should be pruned from trees. Fertilizing trees and shrubs is not typically recommended as this may stimulate excessive growth. However, a light application of balanced fertilizer may be beneficial in producing new growth when severely pruning old shrubs and wood groundcovers.

50. Conduct regular inspections and landscape maintenance to minimize potential damage or loss of property from brush fires, erosion and slope failure. Each property is unique; therefore property owners should expect to provide maintenance according to each brush management zone.

51. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications and brush management plans) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

52. Prior to issuance of any grading permit, to include slope restoration, the Permittee or subsequent Owner shall enter into a Landscape Establishment/Maintenance Agreement [LEMA] to assure long-term establishment and maintenance of the slope areas. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Permittee or subsequent Owner posting a new bond to cover the terms of the agreement.

53. Construction Documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department.

54. The Permittee or subsequent Owner shall set up a Pre-Con meeting for the special Brush Management requirements with the Mitigation Monitoring Coordination Section of the City of San Diego to ensure the appropriate measure are set in place prior to any grading on site as reflected on the Brush Management Exception notes # 1-2.

55. Brush Management Zones shall be provided as noted on Detail "A" and "B" on the Fire Protection/Brush Management Plan Exhibit "A" of Zone 1, 35'-55' and Zone 2 of 40' for structures 4, 5, and 6 with the associated 1-hour rating and the private fire protection water storage tanks.

56. In no event shall *Pinus torreyana* or any high fuel load plant material be introduced or allowed in the Brush Management areas.

ENGINEERING REQUIREMENTS:

57. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance, satisfactory to the City Engineer.

58. Prior to the issuance of any construction permit, the applicant shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

59. Prior to the issuance of any construction permit, the applicant shall incorporate and show the type and location of all post construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

60. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

61. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

62. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

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

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

TRANSPORTATION REQUIREMENTS:

65. The applicant shall provide a minimum of a 20 foot wide paved access from a public street to the proposed project, to the satisfaction of the City Engineer.

66. The proposed access onto Carmel Country Road shall be right in/right out only, with appropriate signage provided by the project.

WASTEWATER REQUIREMENTS:

67. The developer/owner shall contact Director of Public Health (County of San Diego Health Department) for septic system permit and shall provide a copy of permit prior to building permit issuance.

68. The property owner shall sign and record an agreement against their property to connect to sewer "within thirty days after the public sewer system becomes available" prior to building permit issuance.

WATER REQUIREMENTS:

69. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of a single new domestic water service and additional fire and irrigation services within the Carmel Country Road right-of-way adjacent to the project site, as needed to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer.

70. The Owner/Permittee shall design and construct all on-site irrigation systems, served by irrigation meter, to utilize reclaimed water in a manner satisfactory to the Water Department Director and the City Engineer. If reclaimed water is not yet available, then the irrigation systems shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.

71. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices on each water service to the development, including domestic, fire and irrigation, in a manner satisfactory to the Water Department Director and the City Engineer.

72. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall implement the Fire Management Plan include on Sheet 6 of Exhibit "A," satisfactory to the Fire Department, the Water Department Director, and the City Engineer. Any on-site fire hydrants shall be private.

73. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling or commercial unit or common area.

74. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and associated easements, as shown on approved Exhibit "A," shall be modified at final engineering in accordance with accepted studies and standards.

FIRE REQUIREMENTS:

75. Residential buildings 5 and 6 shall be equipped with a fire sprinkler system, satisfactory to the Fire Marshall.

AFFORDABLE HOUSING REQUIREMENT:

76. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

HISTORIC USE REQUIREMENT:

77. The Clews Horse Ranch (Historical Name: Mount Carmel Ranch) has been designated Historic Resource No. 391 by the City of San Diego. The Conditions and Architectural Guidelines referenced in the MMRP shall apply. Any alterations, additions, modifications, demolition, or enhancements to the approved project must be reviewed by Historical Resources Board [HRB] staff for consistency with all applicable standards and regulations, consistent with San Diego Municipal Code sections 143.0210, 143.0211 and 143.0251. This project as identified in detail in the proposed project documents has been reviewed and approved by the HRB staff. Any changes to the approved design must be brought back to staff for review and approval PRIOR to the proposed plan changes being carried out.

INFORMATION ONLY:

- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of building/engineering permit issuance.

- The applicant shall conform to Municipal Code provisions for “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 City Engineer.

APPROVED by the City Council of the City of San Diego on JAN 22 2007,
2007, by Resolution No. 302297.

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.

CLEWS LAND & LIVESTOCK LLC
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04