

RESOLUTION NO. 218153

R.77-2001

Conditional Use Permit No. 472-PC

APR 13 1977

WHEREAS, JUNG NGOON TOM, TRUSTEE, Owner, and WALTER LAPINSKI, hereafter referred to as "Permittee," filed an application to construct and operate a private tennis club consisting of 23 tennis courts, two practice tennis lanes, a half-size tennis court for lessons, eight racquetball courts, three swimming pools, a volleyball court, a clubhouse, teen bath house, restaurant, bar, sauna baths, jogging tract, locker rooms, tennis pro shop, a tot lot, 175 parking spaces, and landscaping, on 10.1 acres in the R-1-5 Zone, located north of Morena Boulevard between Knoxville Street and Tecolote Road, more particularly described as a portion of Pueblo Lot 265; and

WHEREAS, on December 30, 1976, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 472-PC, and filed said decision in the office of the City Clerk on January 10, 1977; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, RALPH D. McCLAIN appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 13, 1977; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 472-PC:

1. The proposed recreational facility at this location would be desirable to provide a service or facility which would contribute to the general well being of the neighborhood and community.

The applicant indicates that the need for tennis, racquetball, swimming, and other recreational facilities is very apparent because of the growing interest in physical fitness, which has caused an increasing demand upon all the existing public facilities of this type.

2. The proposed use, under the circumstances of this particular case, should not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity, nor injurious to property or improvements (existing or future) in the vicinity.

Solid fencing and landscape screening is to be provided along the perimeters of the proposed development to screen activities on site from adjacent residences. In addition, to ensure compatibility of the recreational facility with adjacent residences, vehicular access to the property has been restricted to Tecolote Road and night lighting has been eliminated from the seven most northerly tennis courts closest to adjacent residences. To further insure compatibility of the subject facility with the adjacent residential uses, the Planning Department would recommend that outdoor lighting for those tennis courts that will be lighted, be turned off at nine o'clock p.m. Should special events at the facility cause

overflow parking, excess parking would likely be on Tecolote Road rather than the residential streets westerly of the subject property.

3. The proposed use would comply with all the regulations and conditions specified in the Municipal Code for such use.

The proposed recreational facility would be consistent with requirements for recreational centers of this type.

4. The granting of this conditional use permit would not adversely affect the General Plan of the City, the Clairemont Mesa Community Plan or the adopted plan of any governmental agency.

The Municipal Code (Zoning Ordinance) provides that both public and private recreational facilities may be permitted in residential zones subject to the granting of a Conditional Use Permit by the Planning Commission.

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

BE IT FURTHER RESOLVED, that the appeal of RALPH D. McCLAIN is denied, and this Council does hereby grant to JUNG NGOON TOM, TRUSTEE, Owner, and WALTER LAPINSKI, Permittee, Conditional Use Permit No. 472-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
4/27/77
Or.Dept.:Clerk

CONDITIONAL USE PERMIT NO. 472-PC

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to JUNG NGOON TOM, TRUSTEE, Owner, and WALTER LAPINSKI, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner and Permittee to construct and operate a private recreation center located on the southeast side of Knoxville Street, north of Morena Boulevard, described as a portion of Pueblo Lot 265, Misc. Map No. 36, in the R-1-5 Zone.

2. The private recreation facility shall include and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

a. Twenty-three tennis courts - 16 lighted.

b. Eight racquetball courts, a volleyball court, swimming pools, clubhouse, teen bath house, restaurant, bar, sauna, jogging tract, locker rooms, tot lot and pro shop.

c. Offstreet parking.

d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. No less than 175 offstreet parking spaces shall be provided and maintained on the subject property in the

in the approximate located shown on Exhibit A, dated December 30, 1976, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Parking areas at the southwest and northeast corners of the property shall have low level ground lights, not exceeding 18 inches in height.

5. Outdoor lighting for tennis courts shall be turned off at 9:00 p.m. The seven most northerly tennis courts shall not be lighted.

6. The tennis courts and swimming pool shall be utilized only between the hours of 8:00 a.m. and 9:00 p.m. No outdoor activities shall be permitted after 9:00 p.m. The bar and restaurant shall not remain open for business after 10:00 p.m.

7. The bridged access to Tecolote Road shall be not less than 25 feet wide.

8. There shall be no vehicular access to Knoxville Street except for a chained emergency access at the southwesterly corner of the property.

9. A ten-foot-wide dedicated public access shall be provided from Knoxville Street to Tecolote Road, across the subject property in an alignment and improved with pavement satisfactory to the City Engineer.

10. Additional street improvements along the Knoxville street frontage of the property shall be provided satisfactory to the City Engineer.

11. An encroachment permit shall be obtained for the entrance bridge across the channel next to Tecolote Road.

12. Prior to the issuance of any permits, a final parcel map shall be recorded on the subject property.

13. If any special events at the facility result in overflow parking, all excess parking shall be restricted to the Tecolote Road right-of-way rather than residential streets west of the property.

14. Prior to the issuance of any building permits, revised landscape plans indicating appropriate screen planting shall be approved by the Planning Director.

15. The Planning Commission shall review the Conditional Use Permit in one year from date of Certificate of Occupancy.

16. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted April 13, 1977.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated December 30, 1976, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated December 30, 1976, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

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4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

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City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said County
and State, residing therein, duly commissioned and sworn, person-
ally appeared PETE WILSON, , known to me to be the Mayor, and
EDWARD NIELSEN, known to me to be the City Clerk of The City of
San Diego, the municipal corporation that executed the within
instrument and known to me to be the persons who executed the
within instrument on behalf of the municipal corporation therein
named, and acknowledged to me that such municipal corporation
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to
each and every condition of this conditional use permit and promises to
perform each and every obligation of Permittee hereunder.

Jung Ngoon Tom, Trustee

Walter Lapinski

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19 __, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19 __, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Passed and adopted by the Council of The City of San Diego on APR 13 1977,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

LB
 1977-2 11:10:17
 City of San Diego

APR 13 1977

CC-1276 (REV. 12-76)

Office of the City Clerk, San Diego, California	
Resolution Number 218153	Adopted APR 13 1977

for