

(R-87-1807)

RESOLUTION NUMBER R-267820

ADOPTED ON MARCH 3, 1987

WHEREAS, RANCHO BERNARDO COMMUNITY PLANNING BOARD, by Gary A. Kreitzer, appealed the decision of the Planning Commission in approving Conditional Use Permit No. CUP-85-0680 submitted by WESTWOOD VALLEY PARTNERSHIP, a general partnership, Owner/Permittee, to construct, use and maintain a private recreation facility on a portion of Rancho San Bernardo Patent Book 2, Page 462, located on the north side of Duenda Road extension, between City/County limits and Matinal Road, within Unit No. 8 in the Westwood Valley Development, in the Rancho Bernardo Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on March 3, 1987, 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 Conditional Use Permit No. CUP-85-0680:

1. The project will fulfill a need and will not adversely affect the neighborhood, General Plan or the Rancho Bernardo Community Plan. The recreation facility will provide a needed area for residents of Westwood Valley Unit 8 to exercise and relax. The facility will be located in the northwest portion of

the site to mitigate noise and traffic impacts to the surrounding area.

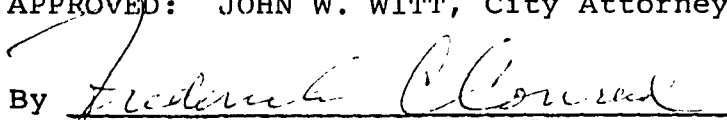
2. The project, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The Conditional Use Permit has incorporated conditions which will mitigate any adverse impacts to a level of insignificance.

3. The project will comply with the relevant regulations in the Municipal Code.

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 appeal of RANCHO BERNARDO COMMUNITY PLANNING BOARD, by Gary A. Kreitzer, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-85-0680 is hereby granted WESTWOOD VALLEY PARTNERSHIP, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
04/14/87
Or.Dept:Clerk
R-87-1807
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-85-0680
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to Westwood Valley Partnership, a general partnership, Owner/Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a recreation area located on the north side of Duenda Road extension between City/County limits and Matinal Road within Unit 8 of the proposed Westwood Valley Development, described as Portion of Rancho San Bernardo, in the R1-5000 Zone.
2. The facility shall consist of the following:
 - a. A 0.7-acre private recreation area including a pool, spa, cabana, and children's play area;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than four off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 3, 1987, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
4. No permit for construction of any facility 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 Planning Department;
 - b. The Conditional Use Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director and Park and Recreation Department Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 3, 1987, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director and Park and Recreation Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated March 3, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

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

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510k of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is considered by the Planning Commission.

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

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use Permit is a covenant running with the lands 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.

13. Construction of the recreational facility shall begin during the construction period for the dwelling units in Unit 8 and shall be in operation for use by the residents at the time that 50 percent of the homes in Unit 8 are occupied.

Passed and Adopted by the City Council of The City of San Diego on March 3, 1987.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 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 permit and promises to perform each and every obligation of Permittee hereunder.

WESTWOOD VALLEY PARTNERSHIP
 a general partnership
(Permittee)

By _____
By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq.
Form=p.ack

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MAR 03 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maureen O'Connor* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-267820 Adopted MAR 03 1987