

(R-89-1882)

RESOLUTION NUMBER R-273015

ADOPTED ON MARCH 7, 1989

WHEREAS, Rancho Bernardo Swim and Tennis Club, by Howard Ayers, President of the Board of Directors, appealed the decision of the Planning Commission in approving Conditional Use Permit Permit No. 88-0577 (Amendment to Conditional Use Permit No. 5002) submitted by Rancho Bernardo Swim and Tennis Club, Owner/Permittee, for the development of two tennis courts, expansion of the existing northwest parking lot and the addition of a new parking area to be located in the central portion of the club property, on Lot 1, Map No. 5203, City of San Diego, located on the north side of Rancho Bernardo Road, west of Pomerado Road, south of Frontera Road and east of Bernardo Oaks Drive, in the Rancho Bernardo Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on March 7, 1989, 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 Permit No. 88-0577:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or

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the community plan. The proposed use is designed to be compatible with existing surrounding development, and will fulfill community recreational needs.

2. The proposed use, 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 proposed use is a nonprofit community recreational facility whose primary purpose is the promotion of public health and recreational service to the community.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to conditional use permits and meets the criteria and guidelines of the adopted Rancho Bernardo Community Plan. The proposed development will be of new construction and will meet all development standards.

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

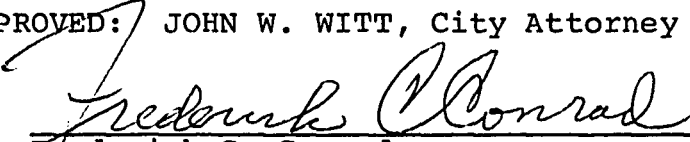
BE IT FURTHER RESOLVED, that the appeal of Rancho Bernardo Swim and Tennis Club, is granted; the decision of the Planning Commission is sustained, and Conditional Use Permit Permit No. 88-0577 is hereby granted to Rancho Bernardo Swim and Tennis

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Club, 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

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03/30/89
CUP No. 88-0577
Or.Dept:Clerk
R-89-1882
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CONDITIONAL USE PERMIT NO. 88-0577
AMENDMENT TO CUP NO. 5002

CITY COUNCIL

This Conditional Use Permit Amendment is granted by the City Council of the City of San Diego to RANCHO BERNARDO SWIM AND TENNIS CLUB, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to the development of two new tennis courts, patio, a new 41 space parking area to be located in the central portion of the club site, and relocation of an existing baseball field, located, on the north side of Rancho Bernardo Road, west of Pomerado Road, east of Bernardo Oaks Drive, and south of Frontera Road, described as Lot 1, Map No. 5203, City of San Diego, in the R1-5000 Zone.
2. The facility shall consist of the following:
 - a. Three swimming pools, an adult center, locker building, recreation building, shuffleboard facility, office building, teen center, tot lot and sand, volleyball, basketball court, craft center, racquetball court building, nine tennis courts and a baseball field;
 - b. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 174 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 7, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Zoning Regulations 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
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 for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 7, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or 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 for approval. The plans shall be in substantial conformity to Exhibit "A," dated March 7, 1989, 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 and is to be maintained in a disease-, weed- and litter-free condition at all times.
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 101.0510.k. of the Municipal code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
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;
 - 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 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.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
14. 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, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.
15. The project 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.
16. 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 the 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 the 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 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 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 101.1506 or 101.0507.
17. Prior to building or grading permit issuance the reciprocal parking agreement with the church shall be amended to include a schedule of hours of church use of the parking area, and limit the church parking use to the eastern and central parking areas only, to the satisfaction of the Planning Director.
18. The light standards or post for the new central parking area shall be located as far as possible away from adjacent residential use and still remain functional.
19. The wood fence along the northern and northeastern property line shall be maintained in a state of good repair at all times.
20. Prior to building or grading permit issuance a sign or signs shall be placed near the exit of the north-west parking lot

which informs drivers that there is additional parking off of Pomerado Road. This sign or signs shall be reviewed by the Planning Director prior to installation.

21. Prior to building or grading permit issuance a parking and signage plan for special events, tournaments, and parking lot maintenance which limits parking on adjacent residential streets shall be submitted, approved and adhered to, to the satisfaction of the Planning Director.
22. The new central parking area shall be developed concurrent or prior to the development of the two new tennis courts.
23. The existing northerly tennis courts maybe night lighted, if approved by the community planning group and the adjacent neighbors to the satisfaction of the Planning Director.
24. 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 court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the City Council on March 7, 1989.

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MAR 7 1989

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-273015** Adopted **MAR 7 1989**