

(R-90-1015)

RESOLUTION NUMBER R-274774

ADOPTED ON NOVEMBER 21, 1989

WHEREAS, the City of Escondido, by Jonathan Brindle, Assistant Planning Director, appealed the decision of the Planning Commission in denying Conditional Use Permit No. 89-0183 submitted by the City of Escondido, Permittee, for the purpose of developing a 40-acre site within the City of San Diego as a portion of a larger 143-acre regulation size 18-hole golf course, on property described as a portion of the south one-half of Section 1, Township 13 South, Range 2 West, San Bernardino Base and Meridian, located approximately 35 miles north of downtown San Diego, about one-half mile north of Lake Hodges, three-quarters of a mile east of Bear Valley Parkway and the North County Fair Regional mall and just south of San Pasqual Road and the San Pasqual Winery, in the San Pasqual Valley area, in the A-1-10 zone; and

WHEREAS, the matter was set for public hearing on November 21, 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 No. 89-0183:

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1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The golf course will be open to the public and serve the recreational needs of the City of Escondido and the northern San Diego area. The General Plan and the community plan are required, as a condition of the permit, to be amended to allow for the golf course use.

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 golf course has been designed through its layout to retain five acres of sensitive habitat vegetation and reduces any interference with adjacent residential uses through the use of landscape buffers and fencing.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The golf course does not propose any structure(s), lighting, or parking facilities on the 40-acre site. Any future structures which are proposed for the subject site requires a CUP amendment except for temporary toilet facilities.

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

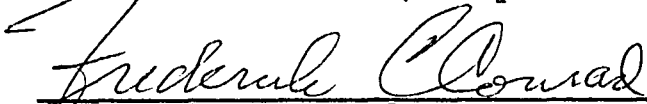
BE IT FURTHER RESOLVED, that the appeal of the City of Escondido, is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 89-0183 is hereby

granted to the City of Escondido, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Planning Department is hereby directed to work with the City of Escondido on the mitigation concerns.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
12/20/89
Or.Dept:Clerk
R-90-1015
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-0183

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to the CITY OF ESCONDIDO, General Law City, Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Permittee to develop a 40.0-acre site within the City of San Diego as a portion of a larger 143-acre regulation size 18-hole golf course. Holes 3, 4, 5, 6 and portions of 2 and 7 are to be located on the subject 40-acre parcel, located east of Interstate 15, south of San Pasqual Road, north of Lake Hodges, and west of the San Dieguito River, described as a portion of the south one-half of Section 1, Township 13 South, Range 2 West, San Bernardino Base and Meridian (see Lease Agreement with City of Escondido, Document No. RR-270925, filed May 9, 1989), in the A-1-10 zone.
2. The facility shall consist of the following:
 - a. A portion of an 18-hole golf course, holes 3, 4, 5 6 and portions of 2 and 7;
 - b. 10-foot to 30-foot-high green nylon deflection;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. 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.
4. 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 November 21, 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.

5. 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 November 21, 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.
6. 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 the extension is applied for.
7. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
8. 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.
9. 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.
10. 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 in this permit and all referenced documents.
11. 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.
12. Deflection fences consisting of 10-foot to 30-foot-high nylon netting shall be installed along the southern edge of Hole 5 and the northern side of Hole 6.

13. The proposed deflection fencing shall be of a green colored netting material to the satisfaction of the Planning Director.
14. Any future structure to be used on the site for toilet facilities shall be architecturally treated and include accent landscaping to the satisfaction of the Planning Director.
15. Prior to issuance of any grading permit, a fertilization program which limits the amount and monitors the fertilizer used on the golf course shall be reviewed and administered to the satisfaction of the Planning Director.
16. At a minimum, sandbagging or placement of hay bales shall be used around the perimeter of graded areas until landscaping and drainage systems have been installed. Graded slope areas shall be seeded as soon as possible after they are created.
17. Prior to obtaining the grading permit, the mitigations shall be reviewed at an advertised public hearing before the San Diego City Council in a timely fashion in order not to affect the development or the process.
18. In the event that any condition of this permit, on a legal challenge by the 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 Council of The City of San Diego on November 21, 1989.

FCC:lc
12/20/89
r-90-1015

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 _____, 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.

CITY OF ESCONDIDO
Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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R-274774

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Passed and adopted by the Council of The City of San Diego on NOV 21 1989,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>
Bob Filner	<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 Ellen Leonard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 274774 Adopted NOV 21 1989