

(R-91-1856)

RESOLUTION NUMBER R-277772

ADOPTED ON APRIL 23, 1991

WHEREAS, Juegos de Juan Tennis Club Homeowners Association by Voyd H. Beights appealed the decision of the Planning Commission in denying Conditional Use Permit/Planned Residential Development Permit No. 90-0170 (amendment to CUP No. 10-448-PC and PRD Permit No. 20-207) submitted by Tennis Townhomes Homeowners Association, Owner/Permittee, for the continuation of a tennis club and accessory uses to operate on three existing lighted tennis courts, located at 4960 Waring Road at the intersection of Adobe Falls Road and is further described as Lot 1, Juegos de Juan Tennis Club, Map No. 8393, in the Navajo Community Plan area, in the R-1-5 and R-1-40 zones; and

WHEREAS, the matter was set for public hearing on April 23, 1991, 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/Planned Residential Development Permit No. 90-0170:

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 proposed PRD is located in the Navajo Community Plan area which shows this area for open space.

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Further language in the Navajo Community Plan designates those areas which are shown for open space with alternative language to allow residential development at a very low density, based on a slope analysis, slopes which have 0-12 percent may be permitted to develop according to the average of the surrounding area. Slopes with 13-34 percent should be developed up to two dwelling units per acre, and slopes of 35 percent or greater should be developed at no more than one dwelling unit per acre. According to a slope analysis provided by the applicant the proposed density does not exceed the adopted community plan, therefore, the City Council has determined that this finding can be met. The existing tennis club will provide a recreational service to the residential community. Existing restrictions on the hours of operation and lighting would be retained and should ensure that adjacent residential and commercial properties would not be impacted by the facility.

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 City Council has determined that this finding can be met in that the Engineering and Development Department and the Fire Department have indicated that there is adequate access for emergency vehicles and for vehicular traffic. Access will be from Waring Road. In addition, limitations on hours of

operation, allowable activities and parking will eliminate any adverse effects to other properties in the area which could result from this use.

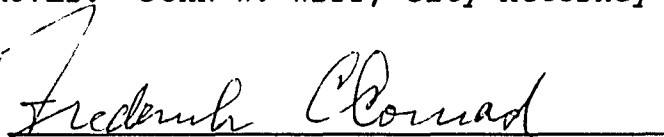
3. The proposed use will comply with the relevant regulations in the Municipal Code. The City Council has determined that this finding can be met in that the applicant is providing a recreational facility to include a spa, swimming pool, four lighted tennis courts, a picnic area and a play area. The applicant is providing a total of 5.7 acres of total open space where 3.9 is required.

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 Juegos de Juan Tennis Club Homeowners Association is granted, the decision of the Planning Commission is overruled, and Conditional Use Permit/Planned Residential Permit No. 90-0170 is hereby granted to Tennis Townhomes Homeowners Association, 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:lc
05/24/91
Or.Dept:Clerk
R-91-1856
Form=r.permit

CONDITIONAL USE PERMIT/PLANNED RESIDENTIAL
DEVELOPMENT PERMIT NO. 90-0170
(AMENDMENT TO CUP 10-448-PC AND PRD 20-207)

JUEGOS DE JUAN TENNIS CLUB

CITY COUNCIL

This conditional use permit/planned residential development permit (amendment to CUP 10-448-PC and PRD 20-207) is granted by the Council of The City of San Diego to TENNIS TOWNHOMES HOMEOWNERS ASSOCIATION, a California corporation, Owner/Permittee, under the conditions contained in Sections 101.0510 and 101.0901 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to operate a planned residential development described as Lot 1, Juegos de Juan Tennis Club, Map No. 8393 in the City of San Diego, located at 4960 Waring Road, at the intersection of Adobe Falls Road, in the R1-5000 and R1-40000 zones.
2. This conditional use permit/planned residential development permit amendment shall include the total of the following facilities:
 - a. Sixteen (16) attached units;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director;
 - d. Spa, swimming pool, one lighted tennis court, picnic area and play area; and
 - e. Three lighted tennis courts for the exclusive use of a private tennis club with a maximum of 50 members.
3. Rezoning of the subject property shall be approved by the City Council and become effective with the recordation of the subdivision map.
4. A "Non-Building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

5. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval.

All plans shall be in substantial conformity to Exhibit "A," dated December 13, 1990 for Planned Residential Development (PRD) Permit 20-207, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. Fifty-seven (57) total parking spaces shall be provided (at a ratio of 3.5 spaces per dwelling unit). Curb spaces may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated December 13, 1990, for Planned Residential Development Permit 20-207. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.
8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
9. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
10. No manufactured slope shall be steeper than a ratio of 2:1.
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-5000 Zone.
13. Sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.
14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of final action by the City Council or the effective date of a concurrent rezoning case. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0901 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
16. No development shall commence, nor shall any permit for operation be issued, until:
 - a. The Permittee signs and returns the permit to the Planning Department;
 - b. The conditional use permit/planned residential development permit amendment is recorded in the Office of the County Recorder.
17. The property included within this conditional use permit/planned residential development amendment shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
18. This conditional use permit/planned residential development permit amendment may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.
19. This conditional use permit/planned residential development amendment shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.

20. All accessory structures less than 100 square feet require the approval of the Planning Director and must meet zoning criteria and conditional use permit/planned residential development permit amendment guidelines and standards regardless of Building Inspection Department requirements for building permits.
21. Unless otherwise provided specifically within this permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
22. This conditional use permit/planned residential development amendment shall be constructed prior to sale to individual owners ensure that all development is consistent with conditions and exhibits submitted to and approved by the Planning Director.
23. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
24. No parking shall be permitted on any private street except in approved locations.
25. The operation of the lighted tennis court shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
26. The total number of participants using the tennis club at any one time shall be limited to sixteen.
27. Membership shall be open to all persons regardless of race, sex, creed, or national origin, consistent with Council Policy 000-12.
28. This conditional use permit/planned residential development permit amendment supersedes all previous permits and/or amendments including Conditional Use Permit No. 10-448-PC, Conditional Use Permit 10-441-1 and PRD 20-207.
29. The 21-parking spaces for the Tennis Club shall be marked and reserved for Tennis Club members only.
30. The Tennis Club shall not be permitted to sponsor any tournaments on site.
31. No retail activities (pro-shop) shall be conducted on site.
32. Hours of operation for the Tennis Club shall be restricted to 6:00 a.m. to 10:00 p.m.

33. No tennis professional shall be employed by the Tennis Townhomes Association to provide tennis either private or group instruction at the tennis facility.
34. 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.
35. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
36. This project shall comply with the phasing and financing standards, policies and requirements relating to growth management in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City of San Diego after January 11, 1990.
37. 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.

APPROVED by the Council of The City of San Diego on April 23, 1991.

05/24/91
R-277772

APR 23 1991

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"/>
John Hartley	<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"/>
Tom Behr	<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 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  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-277772 Adopted APR 23 1991