

(R-91-1858)

RESOLUTION NUMBER R-277777

ADOPTED ON APRIL 23, 1991

WHEREAS, Carroll Canyon Golf and Recreation Center by William Ullman, a private individual, Permittee, and Dr. Richard A. Jones and Mary Maxine Jones, private individuals, Owners, applied for Conditional Use/Hillside Review/Resource Protection Overlay Zone Permit No. 87-1104 to develop a 17-acre site with a 275-yard driving range, and a 7,000 square foot clubhouse with a restaurant, golf shop, exercise room and fitness trail, located on the south side of Carroll Canyon Road immediately to the south of the terminus of Pacific Heights Boulevard and is further described as a portion of Sections 3 and 4, Range 3 West, Township 15 South, in the Mira Mesa Community Plan area, in the A-1-10 zone; 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/Hillside Review/Resource Protection Overlay Zone Permit No. 87-104:

1. Conditional Use Permit Findings:

- a. The proposed use will not adversely affect the neighborhood, the General Plan or the Mira Mesa Community

Plan, and will not be detrimental to the health, safety, and general welfare of persons residing or working in the area:

The project is consistent with the community plan and provides a desirable open space/recreational activity for the community; therefore no adverse effect shall occur to the neighborhood. There will be no adverse affects associated with this usage to the community plan nor detriments to the health, safety and general welfare of persons residing or working in the area.

b. The proposed use will comply with the relevant regulations in the Municipal Code:

In accordance with the approved plot plan and conditions imposed with the approval of the CUP, all relevant regulations of the Municipal Code shall be complied with.

2. Hillside Review Permit Findings

a. The site is physically suitable for the design and siting of the proposed development which will cause minimum disturbance to sensitive areas:

The subject development is located within a relatively flat valley floor which is physically suited for the proposed recreational development. Significant areas of open space are proposed and new wetland areas are created by project design, assuring that the minimum disturbance to such sensitive areas will be mitigated.

b. The grading and excavation proposed in connection with the development will not result in soil erosion,

silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation:

Subject to project design which retains the natural topographic character of the land and the construction of proposed improvements, along with the conditions imposed on the project by the CUP, no such erosion, damage, flooding, scarring or silting should occur. All disturbed slopes located outside the maintained area of the golf course are to be planted with native and self sufficient plants.

c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material:

The project is a golf course driving range development which retains and enhances the visual quality of the vicinity through project design including careful and minimal grading, thoughtful siting and architectural treatment of the clubhouse and a comprehensive landscaping program, including a wetlands mitigation program. The site will become a visual amenity for the surrounding industrial uses.

d. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space

and Sensitive Land Element of the community plan, any other adopted applicable plans, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff:

Subject to approval of the CUP and TM, the project conforms to all such applicable plans and to the zoning on the property. An open space easement consistent with the project design will be granted to the City.

e. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines":

The project design conforms with the development guidelines set forth in the "Hillside Design and Development Guidelines." Less than 10 percent of steep slopes will be graded. Disturbed areas will be revegetated with native and self sufficient vegetation.

3. Resource Protection Permit Findings

a. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas:

The project has been designed so that grading is minimized and impacts to the wetland areas have been mitigated by the creation of new wetland areas within the

project so that adverse impacts have been minimized or precluded. Most existing trees and native hillsides will be retained on site.

b. The proposed development will be sited and designed to prevent impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources:

Siting and design of the development primarily covers lands which have been previously impacted by many years of agricultural/equestrian activity, so that such past impacts are prevented. The development is an open space/recreational land use which will enhance and protect, not detract from, adjacent areas.

c. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces or flood and fire hazards:

Conditions imposed on the project by the City require that potential risks from such geological and erosional forces be avoided and the development follows as much as is feasible, the natural ground contours so alterations of natural landforms are minimized and the natural topographic character of the subject property is retained. The project conforms to the steep slope development guidelines of REPOZ. Less than 10 percent of the steep slopes will be graded.

d. The proposed development will be visually compatible with the character of the surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas:

Project design which retains the natural topographic character of the property and provides for significant new areas of natural plants and areas of ornamental plants, restores and enhances the visual quality in an area which has been visually degraded by years of agricultural/equestrian activity and by development and grading activities on adjacent properties. The project will be a visual and recreational asset for surrounding industrial uses.

e. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the community plan, the local coastal program, or any other applicable adopted plans and programs:

Subject to conditions of project approval, the proposed use would conform to all such applicable plans, policies and programs. The Mira Mesa Community Plan establishes recreational uses, such as golf courses, as compatible with the open space designation of the plan.

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

BE IT FURTHER RESOLVED, that Conditional Use/Hillside Review/Resource Protection Overlay Zone Permit No. 87-1104 is hereby granted to William Ullman, a private individual,

Permittee, for Carroll Canyon Golf and Recreation Center, and
Dr. Richard A. Jones and Mary Maxine Jones, private individuals,
Owners, 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
06/14/91
Or.Dept:Clerk
R-91-1858
Form=r.permit

CONDITIONAL USE/HILLSIDE REVIEW/RESOURCE
PROTECTION OVERLAY ZONE PERMIT NO. 87-1104
CARROLL CANYON GOLF AND RECREATION CENTER

CITY COUNCIL

This conditional use/hillside review/resource protection overlay zone permit is granted by the Council of The City of San Diego to DR. RICHARD A. JONES and MARY MAXINE JONES, private individuals, Owners, and to WILLIAM ULLMAN, a private individual, Permittee, pursuant to Sections 101.0454, 101.0462 and 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owners/Permittee to develop a 17-acre site with a 275-yard driving range, and a 7,000-square-foot club house with a restaurant, golf shop, exercise room and fitness trail, located on the south side of Carroll Canyon Road, immediately to the south of the terminus of Pacific Heights Boulevard, described as a portion of Sections 3 and 4, Range 3 West, Township 15 South, in the City of San Diego, County of San Diego, State of California, in the A1-10 zone.
2. The facility shall consist of the following:
 - a. A 275-yard driving range;
 - b. A 7,000-square-foot club house with a restaurant, golf shop, exercise facility and fitness trail;
 - c. The substantial alteration of Carroll Canyon Creek;
 - d. Off-street parking; and
 - e. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 146 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 23, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 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/hillside review/resource protection overlay zone 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 April 23, 1991, 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 April 23, 1991, 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/hillside review/resource protection overlay zone 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 of time 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 City Council; 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 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. Prior to the issuance of any building or public improvement permits, a final subdivision map shall be recorded on the subject property.
15. The project shall provide a three-acre replacement area for riparian vegetation as illustrated on Exhibit "A," Landscape Plan, dated February, 1989. Upon installation of the initial plantings, a letter shall be submitted to the Deputy Director of the Development and Environmental Planning Division (DEP) of the Planning Department. The progress of the replacement program shall be monitored by a qualified biologist on an annual basis for three years. An annual summary of the result of the field checks, prepared by the biologist, shall be submitted to the Deputy Director of DEP. If the replacement area has not been adequately established, the monitoring program shall remain in effect for an additional year.
16. Construction of the fitness trail and workout station shall adhere to the following conditions:
 - a. The final precise trail alignment shall be established based on a field survey to determine the most environmentally sensitive location for the trail. The final trail alignment shall be submitted to DEP for review.
 - b. The trail shall be constructed using hand-held tools. No motorized vehicles shall be used to construct the trail.
 - c. The trail shall be cut into the native slopes rather than filling out from them to increase trail stability.
 - d. Edges shall be well-defined to prevent users from wandering from the trail bed, which causes destruction of adjacent vegetation and increases erosion.

- e. Cut material shall be deposited on the down side of the slope with some of the material being used to form a small berm along this edge.
 - f. The degree and height of cut slopes will vary with the soil type and cross slope conditions. As required, cut slopes may be graded at a slope ratio of 1:1 if the slope is limited to five feet or less. The Development and Environmental Planning Division shall be notified of the construction schedule for the fitness trail. A DEP representative shall make at least two field checks to ensure the construction of the trail and work out stations are complying with the above design standards.
17. Temporary erosion control measures shall include, but are not limited to, sandbagging during construction and restriction on grading to the dry season (April - Mid-November). The type and location of the erosion control measures shall be clearly shown on the building plans which shall be submitted to DEP for review. A field check by a DEP representative shall be conducted during grading of the site.
18. The project shall include grease skimmers and traps (to collect heavy metals) in the parking lot to contain pollutants. Prior to the issuance of building permits, the design plans for the pollution control devices shall be submitted to DEP for review. The skimmers and traps shall be designed to the satisfaction of the Deputy Director of DEP. Monthly maintenance of the skimmers and traps shall be the responsibility of the property owner. A certified engineer shall submit a maintenance report to the Development and Environmental Planning Division of the Planning Department on October 31 and May 30 of each year to ensure that the traps are in working condition and free of debris.
19. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the following:
- a. Full half-width improvements of Carroll Canyon Road as a four-lane major street within a 90-foot-wide right-of-way. These improvements are to include curb, five-foot-wide sidewalk, and 32 feet of paving, with a 14-foot-wide raised center median.
 - b. This subdivision is located within the area for which a drainage plan has been adopted pursuant to state law (Public Resources Code section 30170.6). Detention basins and appurtenant facilities shall be constructed to attenuate runoff into Carroll Canyon from the drainage area southerly of Mira Mesa Boulevard. The attenuation shall reduce the runoff rate in the developed condition during a storm of ten-year

frequency and six hours' duration to no greater runoff than would occur from the same storm in the undeveloped condition.

- c. Grant negative open space easements on the undisturbed slopes.
 - d. A median break has been approved at El Camino Memorial Park Drive. An additional median break has not been approved at the entrance to this project.
20. A portion of this subdivision has been identified as being within a floodway and floodplain fringe area. Prior to the issuance of any building permits, the applicant shall assure the following in a manner satisfactory to the City Engineer:
- a. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100 year frequency flood elevation or provide floodplain of all structures to that same elevation.
 - b. The subdivider shall grant a flowage easement satisfactory to the City Engineer over the property within the floodway.
 - c. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities.
 - d. The subdivider shall denote on the final map and the improvement plans as "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
 - e. The subdivider shall provide a slope protection, as required by the City Engineer, where the velocity exceeds 5 f.p.s.
 - f. Permits or exemptions must be obtained from the California Department of Fish and Game and the US Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
 - g. No structures or ball fences shall be allowed in the floodway.
21. Prior to the issuance of any building permits, the applicant shall assure the following in a manner satisfactory to the Water Utilities Department:

- a. For water service and fire protection, extend the 12-inch water main from Pacific Heights Road to the easterly subdivision limits, unless otherwise approved by the Water Utilities Director.
 - b. No structures are to be built over sewer or water easements.
 - c. Any private irrigation, sewer or water line in easements will require an Encroachment Removal Agreement.
 - d. Install fire hydrants at locations satisfactory to the City Fire Marshall.
22. In the event that any condition of this permit, on a legal challenge by the Owners/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 April 23, 1991.

R-277777

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.

DR. RICHARD A. JONES, Owner

MARY MAXINE JONES, Owner

By _____

By _____

WILLIAM ULLMAN, Permittee

By _____

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

R-2777777

33-12

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 *Blonda L. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-277777* Adopted *APR 23 1991*