

(R-96-722)

RESOLUTION NUMBER R- 286762

ADOPTED ON DEC 05 1995

WHEREAS, the City Council, on December 5, 1995, considered and introduced an ordinance amending Section 101.0510 of the Municipal Code to allow an application to be made for a conditional use permit for a nonprofit lodge in a portion of the Future Urbanizing Area; and

WHEREAS, the Council also heard a request that a further amendment to the Municipal Code be considered to allow an application for a similar conditional use permit in another portion of the Future Urbanizing Area; and

WHEREAS, the prospective applicants for both such conditional use permits indicated that if such Municipal Code amendments are approved they would, nevertheless, not process applications for such conditional use permits until after the voters consider the March 1996 ballot measure relating to allowing up to two hotels to potentially be constructed in the Future Urbanizing Area; NOW, THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego, hereby states for the record that it accepts the agreement of the applicants, Westshaw Associates and Black Mountain Ranch, not to process conditional use permit applications pursuant to the above referred to amendments to the Municipal Code until after said March 1996 election.

BE IT FURTHER RESOLVED, that if the ballot measure is

approved by the voters, Westshaw Associates and Black Mountain Ranch may submit conditional use permit applications in conformance with the terms of the ballot measure, and, following any City approval of conditional use permit(s) for the hotel projects, Westshaw Associates and Black Mountain Ranch will relinquish any rights that they may then have to process conditional use permit(s) for nonprofit lodges.

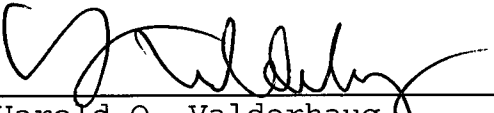
BE IT FURTHER RESOLVED, that staff is hereby directed to complete all necessary environmental review and bring back language for adoption by this City Council on January 8, 1996, that would further amend Section 101.0510 C.1.n. and provide the Black Mountain Ranch project with the same opportunity as that of the Bougainvillea project to pursue obtaining a conditional use permit for a nonprofit lodge.

BE IT FURTHER RESOLVED, that in the event the ballot measure should fail and the applicant feels compelled to come back to request a conditional use permit for a lodge in accordance with the provisions of Item 330, the application will go through a complete public hearing process in which all parties will have adequate opportunity to give testimony, make presentations, and otherwise bring before the public the question of whether a lodge should be approved.

BE IT FURTHER RESOLVED, that the processing of a conditional use permit under the proposed amendment to Section 101.0510 C.1.n. regarding lodges and lodging facilities within the North City Future Urbanizing Area will not be allowed to proceed until March 27, 1996, and that all rights for the processing of lodges and lodging facilities in the NCFUA will be

relinquished upon approval of the ballot measure and an approved conditional use permit for a hotel, as stipulated, and it should be clearly noted that there are only two potential hotel projects provided for in the Framework Plan.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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