

ORDINANCE NUMBER O- 18304 (NEW SERIES)

ADOPTED ON MAY 28 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING CONDITIONAL USE  
PERMIT/RESOURCE PROTECTION ORDINANCE PERMIT  
NO. 94-0572 FOR THE RANCHO SANTA FE GOLF  
RANGE AND PARK.

WHEREAS, T.C. and JANE HU, Owners, and RANCHO SANTA FE DRIVING RANGE, INC., Permittee, filed an application to develop and operate an interim recreational facility consisting of a golf practice range, putting course, roller hockey facility, accessory structures, and associated private and public improvements, legally described as a Portion of Section 6, Township 14 South, Range 3 West, SBBM, located on the southeast corner of Via De la Valle and El Camino Real within the North City Future Urbanizing Area in the A1-10, Flood Plain Fringe (FPF) and Hillside Review Overlay (HRO) Zones; and

WHEREAS, on May 14, 1996, the Council of The City of San Diego considered Conditional Use Permit and Resource Protection Ordinance Permit No. 94-0572 pursuant to San Diego Municipal Code sections 101.0510 and 101.0462; and

WHEREAS, the Council of The City of San Diego considered the public testimony, written reports, exhibits, Mitigated Negative Declaration No. 94-0572, and the Mitigation, Monitoring and Reporting Program; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

1. That the City Council adopts the following written Findings:

**CONDITIONAL USE PERMIT FINDINGS:**

**A. THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE NEIGHBORHOOD, THE GENERAL PLAN, OR THE COMMUNITY PLAN, AND, IF CONDUCTED IN CONFORMITY WITH THE CONDITIONS PROVIDED BY THE PERMIT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA.**

The Rancho Santa Fe Golf Range and Park proposal would provide a recreational service to the community and to the northern area of the City of San Diego. Conditions contained in Conditional Use Permit and Resource Protection Ordinance Permit No. 94-0572 would ensure compatibility with surrounding land uses. The project would be consistent with the North City Future Urbanizing Area Framework Plan, since the proposal would be an interim use (maximum of 15 years); and, therefore, would not affect any long range land use plans for the Future Urbanizing Area. The use as proposed would not adversely affect the General Plan.

The proposed recreational facility, because of conditions that have been applied to it, would not be detrimental to the health, safety, and general welfare of persons residing or working in the area. The City's Engineering staff has indicated that on-site parking is adequate in meeting the needs of the proposed use. In addition, conditions of the permit require on and off street improvements which include dedication for future street improvements on Via de la Valle and El Camino Real. Limitations on the hours of operation would reduce adverse

impacts to adjacent residential uses. Also, all lighting is required to be directed to fall only on the same premises as light sources are located. The site would be improved substantially with landscaping which will enhance the development project and area in general.

**B. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

The project, with recommended conditions, will comply with all relevant regulations of the Municipal Code.

**RESOURCE PROTECTION ORDINANCE FINDINGS:**

**A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN.**

The project will not adversely affect the City of San Diego's Progress Guide and General Plan. The site is located on the northern boundary of the City of San Diego within the Future Urbanizing Area (FUA) of the City's Progress Guide and General Plan. The project would be an interim use, permitted to operate for ten (10) years (with an option for a five (5) year extension), for a golf range, putting courses, and a roller hockey facility (classified as a youth sports facility).

**B. THE PROPOSED DEVELOPMENT WILL CONFORM TO THE COMMUNITY PLAN FOR THE AREA AND ANY OTHER APPLICABLE PLANS, POLICIES AND ORDINANCES.**

The project will be consistent with the development regulations of the San Diego Municipal Code as amended by Ordinance No. O- 18303 (New Series).

Conditions contained in Conditional Use Permit and Resource Protection Ordinance Permit No. 94-0572 would ensure

compatibility with surrounding land uses. The project would be consistent with the North City Future Urbanizing Area Framework Plan, since the proposal would be an interim use (maximum of 15 years); and, therefore, would not affect any long range land use plans for the Future Urbanizing Area. The use as proposed would not adversely affect the General Plan.

**C. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, CONSTRUCTED AND MAINTAINED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE LANDS.**

The site does contain sensitive biological resources as defined by the Resource Protection Ordinance (RPO). According to Mitigated Negative Declaration No. 94-0572, a biological survey was conducted on site and two sensitive habitats, freshwater marsh and coastal sage scrub were identified. However, sensitive species known from the area would not be expected on site due to the highly disturbed nature of the majority of the property. No federal or state listed endangered or threatened animal species were observed. Current plans do not propose to impact the coastal sage scrub habitat located on the easterly portion of the site. Mitigation is proposed for the loss and replacement of freshwater marsh vegetation located in the man-made drainage ditch along the north and west perimeter of the site.

**D. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ENVIRONMENTALLY SENSITIVE LANDS AND RESOURCES LOCATED IN ADJACENT PARKS AND PUBLIC OPEN-SPACE AREAS AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.**

The project is within the study area for the City of San Diego Clean Water Program's Multiple Species Conservation Plan (MSCP). This is a comprehensive planning effort attempting to reconcile conflicts between the need to preserve significant biological resources while accommodating existing and future development needs for the region. The primary goal of the MSCP is to conserve viable populations of sensitive species and to conserve regional diversity while allowing for reasonable economic growth. The project area does not contain habitat supporting sensitive species or animal movement and has been determined to be outside of the proposed preserve boundary; consequently, no further evaluation for long-term preservation was required.

The project is within the Focused Planning Area of the San Dieguito River Park. The project, as designed, will be compatible with the goals and objectives of the park plan.

A site specific hydrology study has been submitted and the findings and recommendations have been incorporated into the permit conditions. In addition, conditions of the permit require the developer to comply with the Federal Emergency Management Agency (FEMA) requirements, and submit a final Hydraulic and Hydrologic Study of the area. These requirements will ensure that no significant adverse water quality impacts to downstream wetlands and other biologically sensitive areas will occur.

The project also has the potential to produce irrigation runoff with dissolved fertilizers and pesticides that could drain into the San Dieguito River and lagoon which are biologically sensitive areas. To reduce these impacts to below a level of

significance, the applicant will implement the Best Management Practices (BMPs) designed for this project. The BMPs, which include policies and procedures related to fertilizers, herbicide/pesticides and irrigation practices, are included as conditions of the Conditional Use and Resource Protection Ordinance Permits and shall be incorporated into the design and operation of the facility. Implementation of the required conditions would reduce potential water quality impacts to below a level of significance.

**E. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGICAL AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The area of the parcel proposed for development is subject to inundation in a 100-year flood and is subject to the Flood Plain Fringe overlay zone. This regulation and control is deemed necessary to protect the public health, safety and general welfare.

The site is subject to inundation, therefore extensive grading would be required to elevate buildings and functions above flood levels. Buildings would be required to be two feet above the assumed flood elevation point of 22.5' which could require as much as 10 feet of fill in some areas. Other major activities, except parking areas, would be located above the 50-year flood level requiring as much as six (6) feet of fill. Proposed grading plans show a total of 14,700 cubic yards of cut and 67,400 cubic yards of fill, resulting in a net import of 52,700 cubic yards.

In addition, the design of the development incorporates the findings and recommendations of both a site-specific and watershed hydrologic study, referenced within Mitigation Negative Declaration No. 94-0572, in order that: (a) there will be no increases in the peak run-off rate from the fully developed site as compared to the discharge that would be expected from the existing undeveloped site as a result of the most intense rainfall expected once every ten (10) years during a six (6) hour period; and (b) the downstream bank erosion and sedimentation of wetlands or the biologically sensitive lands. This document is available for public review in the Development Services Department.

This project must also comply with all requirements of the Federal Emergency Management Agency (FEMA). Conditions of the permit shall ensure that the development will not result in undue risks from geotechnical and erosional forces and/or flood and fire hazards.

**F. FEASIBLE MEASURES, AS DEFINED IN THIS SECTION, TO PROTECT AND PRESERVE THE SPECIAL CHARACTER OF THE SPECIAL HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL VALUE OF THE AFFECTED SIGNIFICANT PREHISTORIC OR HISTORIC SITE OR RESOURCE HAVE BEEN PROVIDED THE APPLICANT.**

As discussed within Mitigated Negative Declaration No. 94-0572, these resources were not identified on-site; therefore, no mitigation measures have been required.

**BRUSH MANAGEMENT FINDINGS:**

**A. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL NOT ADVERSELY AFFECT FLOOD PLAINS, BIOLOGICALLY**

**SENSITIVE LANDS, HILLSIDES, SIGNIFICANT PREHISTORIC SITES AND RESOURCES AND WETLANDS AS DEFINED IN THE RESOURCE PROTECTION ORDINANCE, SAN DIEGO MUNICIPAL CODE SECTION 101.0462.**

The proposed Brush Management Program encroaches twenty (20) feet (Zone 2) into a hillside vegetated with native and non-native plant species. This area was not identified as a sensitive area in the biology report. Therefore, the proposed Brush Management Program, to the extent feasible, will not adversely affect flood plains, biologically sensitive lands, hillsides, significant prehistoric sites and resources and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462.

**B. THE PROPOSED BRUSH MANAGEMENT PROGRAM, TO THE EXTENT FEASIBLE, WILL MINIMIZE THE ALTERATIONS OF VEGETATION AND WILL NOT RESULT IN UNDUE RISKS FROM EROSIONAL FORCES.**

The proposed Brush Management Program, will alter the existing vegetation for purposes of fire protection by providing an effective fire break consisting of a minimum 30-foot Zone 1 and 20-foot Zone 2. The alterations to existing vegetation will be minimized, and any new planting on the slopes is required to conform to the revegetation standards of the *Landscape Technical Manual*. Therefore, the proposed Brush Management Program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER ORDAINED, that, based on the Findings hereinbefore adopted by the City Council, Conditional Use Permit




and Resource Protection Ordinance No. 94-0572 is hereby granted to T.C. and JANE HU, Owners, and RANCHO SANTA FE DRIVING RANGE, INC., Permittee, in the form and with the terms and conditions set forth in Conditional Use Permit and Resource Protection Ordinance No. 94-0572, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to insert the official City Clerk ordinance number that will be assigned to City Attorney Ordinance No. O-96-129 upon its adoption in place of the blank line appearing in paragraph 1, "Resource Protection Ordinance Findings," subparagraph B.

BE IT FURTHER ORDAINED, that this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

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RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT (CUP) AND RESOURCE PROTECTION ORDINANCE (RPO) PERMIT NO. 94-0572  
CITY COUNCIL

REVISED  
05/22/96

This Conditional Use Permit is granted by the Council of The City of San Diego to T.C. and JANE HU, Owners, RANCHO SANTA FE DRIVING RANGE, INC., Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate an interim recreational facility consisting of a golf practice range, putting course, roller hockey facility, accessory structures, and associated private and public improvements. An existing single-family residence located on the easterly portion of the site shall remain on-site and is not part of this project. The site is located at the southeast corner of Via de la Valle and El Camino Real within the North City Future Urbanizing Area, described as a Portion of Section 6, Township 14 South, Range 3 West, SBBM, in the A1-10, Flood Plain Fringe (FPF), and Hillside Review Overlay (HRO) Zones.

2. The facility shall consist of the following:

- a. Golf driving range, putting course, and roller hockey facilities;
- b. Clubhouse and other accessory uses for the golf driving range, putting course and roller hockey facility including food and equipment concessions as shown on Exhibit "A," dated May 14, 1996;
- c. Private and public improvements to accommodate the development, including the improvement of public roads, public sewer, storm drain and water facilities;
- d. Safety fencing around the perimeter of the driving range which shall be installed consistent with Exhibit "A," dated May 14, 1996, and shall be maintained in a safe and serviceable condition at all times.

- e. Accessory uses as may be determined incidental and approved by the Development Services Manager.
  - f. Future amendments to the CUP to allow fun center/amusement park uses such as video arcades, video games, batting cages or other non-golf or non-roller hockey uses shall be prohibited.
3. Hours of operation for the facility shall be limited to 7:00 a.m. to 10:00 p.m. except that the golf driving range shall be required to turn off its lights and cease operation at 8:00 p.m. during the non-daylight savings time period of the year (late fall to spring).
4. This interim use and permit shall expire ten (10) years from the effective date of approval, unless an application for a Conditional Use Permit is submitted to the Development Services Department (DSD), ninety (90) days in advance of the expiration date as stated in the approved permit, for consideration of a one-time extension of an additional five (5) years. The applicant shall pay for any costs in processing the application; and
- a. Should the new permit application be denied by the Planning Commission, the permit will automatically expire ninety (90) days from the date of action by the approving body; and
  - b. The permittee shall cease and desist the use of the property in accord with item "a" above, and remove all facilities and debris and clean up and return the site to its original state of condition within six (6) months of the expiration of CUP No. 94-0572.
5. No fewer than three hundred sixty-six (366) off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 14, 1996, on file in the office of the Development Services Department (DSD). Parking spaces shall be consistent with the Zoning Regulations of San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services 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. Parking must be accommodated during any special events held on-site. In the event that parking is not accommodated during any special event, these special events shall be restricted from occurring in the future and appropriate enforcement actions shall be taken. No special events for any of the facilities shall occur during mid June through August 1st (during the Del Mar

Fair season). Only one special event for only one of the permitted uses shall occur at any given time.

6. No permit for construction, operation or occupancy 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 Development Services Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

7. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated May 14, 1996, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

8. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Development Services Manager for approval. The plans shall be in substantial conformance to Exhibit "A," dated May 14, 1996, on file in the office of the Development Services Department. The following additional items shall be completed on the final landscape plans, submitted to Development Services, satisfactory to the Development Services Department, Land Development Review Division:

- a. Street trees and parking lot trees shall be a minimum of twenty-four inch (24") box size.
- b. Parking lot spaces shall be within thirty feet (30') of a tree trunk.
- c. Fencing shall be screened from public view with landscaping.
- d. Plant species shall be diverse and non-invasive to the native and riparian areas.
- e. Transition planting shall contain a minimum of one (1) container stock planting per one hundred square feet (100 sq. ft.).

9. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting is to be maintained in a disease, weed and litter free condition at

all times, and shall not be modified or altered unless this Permit has been amended.

10. The Brush Management Program is based on a Fire Department Severity Classification of "Low." The applicant shall implement the following conditions in accordance with the Brush Management Program shown on Exhibit "A," Landscape Conceptual Plan and Brush Management Plan, on file in the office of the Development Services Department, Land Development Review Division:

a. Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Manager and the Fire Marshal. The plans shall be in substantial conformance to Exhibit "A," Landscape Conceptual Plan and Brush Management Plan, and shall comply with Section 6 of the City of San Diego *Landscape Technical Manual*, (Document Number RR-274506), on file in the office of the City Clerk. The approved brush management program shall be implemented before issuance of any Certificate of Occupancy. Such brush management shall not be modified or altered unless this Permit has been amended, and is to be maintained at all times in accordance with the City of San Diego *Landscape Technical Manual*.

b. The Brush Management Zone depths are as follows:

Zone One:	30'
Zone Two:	20'
Zone Three:	0'

Zone One shall be planted, irrigated and maintained in accordance with Section 6 of the *Landscape Technical Manual*.

Combustible accessory structures are not permitted within the designated Zone One Brush Management area, including but not limited to: wood decks, trellises, gazebos, etc.

Non-combustible accessory structures may be approved within the designated Zone One area subject to approval by the Fire Marshal and Development Services Manager.

c. The Fire Marshal may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is deemed that an eminent health and safety risk still exists.

11. The lighting of the roller hockey arena shall be limited to an average of 20 FC (foot-candles), 5 FC at the golf range and 10 FC at the putting course at surface radiation, as shown on Exhibit "A," dated May 14, 1996. 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. All outdoor lighting shall be installed in conformance with San Diego Municipal Code section 101.1300 (Light Pollution Ordinance) and Section 21466.5 of Division 11 of the State Vehicle Code (Light Impairing Drivers Vision).

12. The use of on-site loudspeakers shall be prohibited to avoid potential noise impacts on adjacent residences. Loud music, car stereos, and boom boxes shall also be prohibited.

13. The sale of alcohol shall be restricted to the golf course clubhouse. The establishment shall also obtain an Alcoholic Beverage Control (ABC) license.

14. Exterior vending machines, RV parking and overnight parking shall be prohibited.

15. The golf tees at the east end of the project shall be restricted for use by the golf school only. Night lighting for these tees shall only be utilized when lessons are being conducted.

16. The use of the on-site facilities shall be limited during flood commensurate with the loss of parking unless designated off-site parking is provided during flooding conditions.

17. Signage shall be consistent with Exhibit "A," dated May 14, 1996. The size of the entry monument sign shall not exceed sixteen feet (16') in length.

18. All buildings shall be earth-tone colored.

19. All maintenance areas and roof-top service equipment shall be screened from view from the surrounding residences. A maximum of one satellite dish shall be allowed, not to exceed twenty inches (20") in diameter, and shall be painted to blend with the roof and building.

20. This Conditional Use Permit must be used within thirty-six (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 San Diego Municipal Code section 101.0510(H). Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

21. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

22. 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.

23. 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.

24. 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.

25. 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.

26. The following environmental mitigation measures, as outlined in Mitigated Negative Declaration No. 94-0572, are required as a condition of this Permit to reduce potential adverse project impacts to below a level of significance and shall be shown on the final site plan (construction drawings) as environmental mitigation measures:

- a. Prior to the issuance of a building permit, the following revegetation plan would be implemented:

Prior to issuance of a building permit, the cattail (*Typha latifolia*) and rush (*Juncus sp.*) to be relocated will be plugged and removed to containers. After rough grade inspection, the landscape contractor shall replant the plugs in the designated revegetation areas.

The revegetation area would be monitored monthly for the first three months and then quarterly for two years. During this period, and weedy species which occur would be removed by hand. Monitoring reports would be required to be submitted to the Principal Planner, private projects, bi-annually

the first year, annually thereafter. Refer to the revegetation plan for detail.

Department responsible for monitoring: Development Services Department.

What is to be monitored: Cattail revegetation at project entry.

How monitoring will be accomplished: Site inspection by project biologist and landscape architect.

Schedule: Reports filed monthly for first three (3) months, then quarterly for two (2) years.

- b. "Best Management Practices for Turfgrass and Planting Maintenance" Exhibit "A," dated May 14, 1996, shall be incorporated into the design and operation of the facility.

Department responsible for monitoring: Development Services Department.

What is to be monitored: Use of pesticides and herbicides.

How monitoring will be accomplished: Maintenance personnel shall prepare field application report and submit to project architect.

Schedule: Once a year.

Completion requirements: Follow manufacturer's application recommendation.

- c. Lighting shall comply with the lighting requirements of the Municipal Code section 101.1300 and would be designed and field adjusted as to direct light only onto the premises from which it emanates.

Department responsible for monitoring: Development Services Department.

What is to be monitored: Aiming and positioning of light fixtures.

How monitoring will be accomplished: Site inspection by project architect.

Schedule: Prior to occupancy.



Completion requirements: Conform to requirements of Municipal Code.

- d. Prior to issuance of any building permit, the El Camino Real West/Via de la Valle intersection must be improved by the addition of a right turn lane from El Camino Real on to Via de la Valle. The intersection improvement may be accomplished through the CIP process or by the applicant. Other traffic improvements to be included in the CUP include: acceleration/deceleration lanes at entrances and modification of the signal at Via de la Valle/El Camino Real east from three-way to four-way operation.

Department responsible for monitoring: Development Services Department.

What is to be monitored: Improvements to El Camino Real and Via de la Valle.

How monitoring will be accomplished: Site inspection by project architect.

Schedule: Prior to issuance of building permit.

Completion requirements: Complete improvements described in CUP/RPO permit.

- e. Tapered net poles will be painted a neutral brown color prior to installation and red ironbark screen trees will be planted along the line of netting prior to occupancy.

Department responsible for monitoring: Development Services Department.

What is to be monitored: Pole color and planting of screen trees.

How monitoring will be accomplished: Site inspection by project architect.

Schedule: Prior to occupancy.

Completion requirements: Complete improvements described in CUP/RPO permit.

The above Mitigation Monitoring and Reporting Program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program. The applicant shall bond with the

Development Services Department in an amount to be determined by the Principal Planner of the Environmental Analysis Section for the two (2) year revegetation and habitat monitoring program prior to approval of grading permits.

27. Prior to the issuance of any building permits, the applicant/developer shall obtain a grading permit from the City Engineer.

28. Prior to the issuance of any grading permits, the applicant shall obtain a "Letter of Permission for Grading" from SDG&E.

29. The drainage system proposed for this project, as shown the approved plans, is subject to approval by the City Engineer.

30. The final grading plan must be consistent with Exhibit "A," dated May 14, 1996. If grading is changed, an amendment to this Permit shall be required.

31. Prior to the issuance of any building permits, the applicant/owner shall grant to the City, the westerly forty-nine feet (49') of this site as an Irrevocable Offer of Dedication for El Camino Real satisfactory to the City Engineer.

32. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a right-turn lane for northbound El Camino Real to eastbound Via de la Valle and related signal modifications as necessary satisfactory to the City Engineer. This condition may be satisfied if the right-turn lane and signal modification is constructed under CIP 52-523.0 prior to the issuance of building permits for the Rancho Santa Fe Golf Range.

33. Prior to the issuance of building permits, the applicant/owner shall grant to the City an Irrevocable Offer of Dedication for Via de la Valle, consisting of the northerly 38-feet of this site, between El Camino Real westerly and easterly legs and the northerly twenty-eight feet (28') of the site east from the easterly leg of El Camino Real to the easterly property line of the site satisfactory to the City Engineer.

34. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future street improvements to El Camino Real and Via de la Valle.

35. The non-signalized easterly driveway on Via de la Valle shall be limited to right turns in and out only and shall be provided with a deceleration lane. The non-signalized westerly driveway on Via de la Valle shall prohibit left turns out and shall be provided with a deceleration lane. Both of the

proceeding items shall be designed satisfactory to the City Engineer.

36. Prior to the issuance of any building permits, the applicant shall assure by permit and bond all necessary signal modifications to accommodate this project's main entrance driveway at El Camino Real (easterly leg) and Via de la Valle and acceleration/deceleration lanes to the main entrance satisfactory to the City Engineer.

37. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.

38. The on-site water system shall be private, including the fire hydrants.

39. The developer shall provide the Development Services Department evidence that the proposed well system has been approved by the County Department of Health Services.

40. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.

41. The developer shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and have cleansing velocities.

42. The developer shall design all water and sewer facilities to the most current edition of the Water Utility Department's Water and Sewer Design Guide. If facilities do not meet current standards, then such facilities shall be private.

43. A portion of this project has been identified as being within a floodway or floodplain fringe area. In connection with approval of this Permit:

- a. The developer shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- b. Any development within the floodplain fringe area will require either the finished floor elevations to be graded to an elevation two feet above the one hundred (100) year frequency flood elevation or provide flood proofing of all structures to that same elevation.

- c. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- d. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- e. The developer shall denote on the site plan and all improvement plans "Subject to Inundation" for those areas at an elevation lower than the one hundred (100) year frequency flood elevation plus one (1) foot.
- f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds five (5) FPS.
- g. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- h. The developer shall grant drainage easements, satisfactory to the City Engineer.
- i. Portions of the project are located in the floodplain of the San Dieguito River as delineated on Panel 45 of the Flood Insurance Rate Map (FIRM) for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency (FEMA).
- j. No permits shall be issued for grading or other work in the floodplain of the San Dieguito River until the developer obtains a Conditional Letter of Map Amendment (Conditional LOMA) or Conditional Letter of Map Revision (Conditional LOMR) from FEMA. The request for the Conditional LOMA or conditional LOMR must be submitted through the Drainage and Floodplain Management Section of the City of San Diego Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.
- k. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Drainage and Floodplain Management Section of the City of San Diego Engineering and Capital Projects Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

- l. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Drainage and Floodplain Management Section of the City of San Diego Engineering and Capital Projects Department will notify the Development Services Department of such issuance as soon as it is informed by FEMA.
- m. Notes provided by the Drainage and Floodplain Management Section of the City of San Diego Engineering and Capital Projects Department concerning work in designated flood plains shall be included in all grading and improvement plans.

44. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

45. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.

46. Assumption of Risk. Prior to issuance of building permits or grading permits, the Owner/Permittee shall provide evidence that they have obtained public liability insurance in an amount of \$1,000,000, naming The City of San Diego as a co-insured and that the Owner/Permittee agrees to indemnify and hold harmless the City and its advisors relative to the City's approval of the project for any damage arising out of the use approved under this Permit.

In addition, the Owner/Permittee shall provide evidence satisfactory to the Development Services Manager of the continued maintenance of such insurance annually on the anniversary date of the effective date of this Permit.

47. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

48. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this Permit. It is the intent of the City that the

owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property, or in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the owner complies with all the conditions of this Permit.

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. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the Permit for a determination by that body as to whether all the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

49. The issuance of this Permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

PASSED AND ADOPTED by the Council of The City of San Diego by Ordinance No. O- 18304 (New Series), on MAY 28 1996.

Effective on JUN 28 1996.

Revised: 05/22/96

**AUTHENTICATED BY THE CITY MANAGER**

By \_\_\_\_\_

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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.

**T.C. and JANE HU**  
Owners

By \_\_\_\_\_

By \_\_\_\_\_

**RANCHO SANTA FE DRIVING RANGE, INC.**  
Permittee

By \_\_\_\_\_

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