

(R-96-924)

RESOLUTION NUMBER R-286819

ADOPTED ON JANUARY 16, 1996

WHEREAS, on November 22, 1994, PASEO DEL RIO, LTD., a California Limited Partnership, Owner/Permittee, filed an application for a Conditional Use Permit to reconfigure, construct and operate three nine-hole golf courses, two driving ranges, golf cart storage, pro-shop/clubhouse, driving range pro-shop/maintenance, golf course maintenance buildings and two parking lots located along Fashion Valley Road between Friars Road and Hotel Circle North, described as a portion of Pueblo Lots 1103, 1104 and 1105 in the City of San Diego, County of San Diego, State of California according to miscellaneous Map No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921, and more particularly described as that portion of Pueblo Lot 1104 lying southerly of Friars Road, a portion of five-acre Lots 5, 6, 7 and 8 of Pueblo Lot 1103, Lot 1 of Pueblo Lot 1105, Map made in Superior Court Civil Case No. 1029 excepting portion lying southerly of northerly boundary of the land described in Book 5846, page 414, 10-acre Lots 3 and 4 of Pueblo Lot 1103 and portion of Pueblo Lot 1103, Map No. 36 northerly of 10-acre Lots 3 and 4 lying easterly of easterly line of Goshen Street, Map No. 271 excepting portions lying northerly of Friars Road in the MV-M/SP, FW and FPF Zones; and

WHEREAS, on January 16, 1996, the City Council of the City

of San Diego considered Conditional Use Permit No. 94-0563, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Council of The City of San Diego, that this Council adopted the following findings with respect to Conditional Use Permit No. 94-0563:

**A. 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 site has been used as a golf course facility since opening in the year 1947, the reconfiguration, construction and operation of the facility will continue to serve the residents of San Diego and visitors to the region as a privately operated facility open to the public. The proposed use will create substantial improvements to the existing facility, improvements within the public right-of-way and provide substantial benefits to the general public by integrating a portion of the Metropolitan Transit Development Board Light Rail Transit within the site and the North Mission Valley Interceptor Sewer, Phase II. The proposed site will continue to provide landscaped open space and recreational opportunities within Mission Valley for residents of San Diego and visitors to the region in this location. Due to the sensitive design of the facility and conditions of approval within the Conditional Use Permit, the proposed facility would not negatively affect the General Plan or the Mission Valley Community Plan.

**B. THE PROPOSED USE, BECAUSE OF 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.**

Due to the sensitive design of the facility and conditions of approval within the Conditional Use Permit, the proposed facility would not be detrimental to the health, safety and general welfare of persons residing or working in the area. The operation of the facility would not adversely affect other property in the vicinity. Limitations on the hours of operation and lighting and requirements for perpetual maintenance of the facility would assure to those persons living or working in the vicinity, high standards of operation would be complied with and enforced by the Owner/Permittee and the City of San Diego.

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

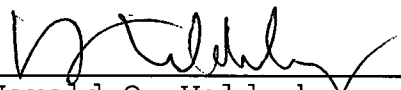
The proposed project complies with all the relevant regulations of the Municipal Code including the Conditional Use Permit requirements of Municipal Code Section 101.0510, the Mission Valley Planned District and the Levi-Cushman Specific Plan. In addition, the proposed project complies with land use designation contained within the Mission Valley Community Plan and the General 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, based on the findings hereinbefore adopted by the City Council, Conditional Use Permit No. 94-0563 is hereby granted to PASEO DEL RIO, LTD., a California Limited Partnership, Owner/Permittee, in the form and with the terms and conditions set forth in Conditional Use Permit No. 94-0563, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
02/15/96  
Or.Dept:Dev.Svcs.  
94-0563  
R-96-924  
Form=r-t

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 NO. 94-0563  
CITY COUNCIL  
STARDUST GOLF COURSE

This Conditional Use Permit is granted by the City Council of The City of San Diego to PASEO DEL RIO, LTD., a California Limited Partnership, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to reconfigure the existing Stardust Golf Course in response to the extension of a light rail transit line within Mission Valley and the construction of a North Mission Valley Interceptor Sewer. The project will consist of the following: three nine-hole golf courses, a new driving range with approximately 33 tees, an existing driving range with approximately 40 tees to a maximum 60 tees, a new golf cart storage building, a golf course pro-shop/club house, a driving range pro-shop, a driving range maintenance building, golf course restrooms, three golf course maintenance buildings, and two parking lots, one for 68 spaces and one for 235 spaces, located along Fashion Valley Road between Friars Road and Hotel Circle North, described as a portion of Pueblo Lots 1103, 1104 and 1105 in the City of San Diego, County of San Diego, State of California according to miscellaneous Map No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921, and more particularly described as that Portion of Pueblo Lot 1104 lying southerly of Friars Road, a portion of five-acre Lots 5, 6, 7 and 8 of Pueblo Lot 1103, Lot 1 of Pueblo Lot 1105, Map made in Superior Court Civil Case No. 1029 excepting portion lying southerly of northerly boundary of the land described in Book 5846, page 414, 10-acre Lots 3 and 4 of Pueblo Lot 1103 and portion of Pueblo Lot 1103, Map No. 36 northerly of 10-acre Lots 3 and 4 lying easterly of easterly line of Goshen Street, Map No. 271 excepting portions lying northerly of Friars Road in the MV-M/SP, FPF and FW Zones.
2. The facility shall consist of the following:
  - a. Three nine-hole golf courses;
  - b. One new driving range with approximately 33 tees;

- c. One existing driving range with approximately 40 to a maximum of 60 tees;
- d. Golf course maintenance buildings, the total square footage of which shall be approximately 6,675 square feet;
- e. One new golf course clubhouse consisting of approximately 8,000 square feet;
- f. One new golf course cart storage building consisting of approximately 6,000 square feet;
- g. One existing driving range pro-shop to be enlarged to a maximum 6,000 square feet;
- h. One driving range maintenance building consisting of 1,125 square feet with the potential to be enlarged to 1,200 square feet;
- i. Off-street parking;
- j. Landscaping; and
- k. Accessory uses as may be determined incidental and approved by the Development Services Director.
- l. Hours of operation on the golf course shall be limited to sunrise to sunset, hours of operation for the existing driving range shall be limited to six a.m. to ten p.m. The new driving range hours of operation shall be limited to sunrise to sunset until at which time the existing driving range is demolished, then the hours of operation for the existing driving range shall transfer to the new driving range, including all approved lighting systems.

3. No fewer than 235 off-street parking spaces shall be maintained for the newly reconfigured golf course and 68 off-street parking spaces shall be maintained for the existing driving range on the property in the approximate location shown on Exhibit "A," dated January 16, 1996, on file in the office of the Development Services Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8, section 101.0800 of the San Diego Municipal Code 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.

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 Owner/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.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated January 16, 1996, on file in the office of the Development Services 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 Development Services Director for approval. The plans shall be in substantial conformance to Exhibit "A," dated January 16, 1996, on file in the office of the Development Services 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. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

8. The following environmental mitigation measures are required to reduce potential adverse project impacts to cultural resources to below a level of significance. These following measures shall be shown as **ENVIRONMENTAL MITIGATION MEASURES** on the grading and/or building plans:

Prior to issuance of certificates of occupancy, the applicant shall implement an archaeological monitoring program during project development as described below to the satisfaction of the Principal Planner of the Environmental Analysis Section (EAS) of the Development Services Department. The archaeological monitoring program shall be included on the grading and building plans.

A. Golf Course Areas

1. Allow no minimum capping depth if no alteration of sensitive zones is proposed. (Maximum depth is ten feet of fill soil outside of the LRT easement.) Sensitive zones are defined as CA-SDI-11,767 Loci 1 and 2 and CA-SDI-12,126.

2. Allow fill dirt placement over sensitive areas, including areas for greens, fairways, bunkers, tees, etc. Either filter fabric (i.e., Amoco cloth) or one to two inches of clean sand or gravel followed by a minimum of one to two feet of fill soil shall be used.
3. Allow removal of existing turf and roots to a maximum depth of three inches below existing ground elevation consistent with disturbed depths caused by current turf maintenance practices in non-sensitive areas only.
4. Allow removal of existing fill within sensitive areas to remove soil placed to build the existing golf course by limiting removals to a specific elevation within the boundary limits as depicted on Figure 5-2 of Kyle and Gallegos (October 1995) and as generally described as follows (all soil removal within sensitive areas shall be monitored by an archaeologist and a Native American observer):

I. Site CA-SDI-12,126

- a. Green located south of Unit 6 - remove existing fill/disturbed soil within boundary limits of "Ia" to elevation 18 feet above mean sea level (AMSL) as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).
- b. Tee located south of STP 53 - remove existing fill/disturbed soil within boundary limits of "Ib" to elevation 18 feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).
- c. Green located north of STP 16 - remove existing fill/disturbed soil within boundary limits of "Ic" to elevation 19 feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).

II. Site CA-SDI-11,767 Loci 1 and 2

- a. Tee located west of Unit 9 - remove existing fill/disturbed soil within boundary limits of "IIa" to elevation 24-31 feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).

- b. Green located east of Unit 2 - remove existing fill/disturbed soil within boundary limits of "Iib" to elevation 36-39 feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).
  - c. Green located west of Unit 5 - remove existing fill/disturbed soil within boundary limits of "Iic" to elevation 38-41-feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).
  - d. Green located south of Unit 7 - remove existing fill/disturbed soil within boundary limits of "Iid" to elevation 36 feet AMSL as depicted on Figure 5-2 of Kyle and Gallegos (October 1995).
5. Allow excavation within sensitive areas if deposit is a buried/disturbed site as depicted and as generally described as follows (all soil removal within sensitive areas shall be monitored by an archaeologist and a Native American observer):
- I. Site CA-SDI-12,126
    - a. South of LRT - the site is disturbed to twenty cm; allow removals to a depth of ten cm.
    - b. North of LRT - the site along the northwestern edge is buried at a depth of 50 cm; allow removals to a depth of 40 cm. North of fence at southern boundary of Stardust Golf Course, site is disturbed to 20 cm; allow removals to a depth of 10 cm.
  - II. Site CA-SDI-11,767 Loci 1 and 2
    - a. Locus 1 - the site is disturbed at 20 cm; allow removals to a depth of 10 cm.
    - b. Locus 2 - the site is disturbed to 20 cm; allow removals to a depth of 10 cm.
6. Allow removal of existing trees above existing ground level; prohibit removal of roots in sensitive zones.



7. Allow installation of new plant materials above sensitive areas if location has sufficient soil depth to preclude root penetrations into sensitive zones. Depth of root penetration will depend upon the type of plants used. The landscape architect shall provide technical back-up to ensure conformance prior to grading.
8. An archaeologist and Native American observer shall monitor all ground disturbance activities below a depth of eight inches outside of sensitive areas.

B. Clubhouse Parking Lot

1. Allow no minimum capping depth if no alteration of sensitive zone is proposed. If alteration is required, provide a twelve inch buffer between excavation depth and sensitive zones.
2. Locate utility lines outside of sensitive areas where feasible. If this is not feasible, the mitigation of impacts through completion of a data recovery program will be necessary.
3. Same as A.3, A.4, A.5, A.6 and A.7 above.

C. Archaeological Construction Monitoring

Compliance with the site specific archaeological mitigation measures shall be the responsibility of the applicant and shall be assured through monitoring of project construction by a qualified archaeologist and Native American observer as described above. This will ensure that site development avoids significant cultural deposits and that unanticipated finds are handled in a timely manner, in compliance with State CEQA Guidelines. The archaeological monitoring of project construction shall include the following:

1. Prior to the start of construction activities, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor and Native American observer have been retained to implement the archaeological construction monitoring program. This verification shall be in the form of a letter from the applicant to the Principal Planner of the Environmental Analysis Section (EAS) of the City Development Services Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). An archaeological monitor is defined as an individual who has expertise in the identification and

recovery of cultural resources and who is working under the direction of a qualified archaeologist. ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL CONSTRUCTION MONITORING OF THIS PROJECT SHALL BE APPROVED BY EAS PRIOR TO CONSTRUCTION. FOR QUESTIONS REGARDING THE ARCHAEOLOGICAL SITES, EAS SHALL BE CONTACTED.

2. The qualified archaeologist and Native American observer shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the construction contractors. The requirement for archaeological construction monitoring shall be noted on the site plan. The archaeologist's duties shall include monitoring, evaluation/recovery, analysis of collected materials and preparation of a monitoring report. These duties are defined as follows:

- a. Monitoring

The qualified archaeologist or archaeological monitor and Native American observer shall be present on site during project construction as described above to ensure that project development avoids significant cultural deposits and that unanticipated intact cultural resources are handled in a timely manner.

- b. Evaluation/Recovery

In the event that unanticipated cultural features and/or artifact concentrations are discovered below a depth of eight inches within CA-SDI-11767, but outside Loci 1 and 2 boundaries, The archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow for the recovery of significant cultural deposits.

In the event that unanticipated cultural resources are discovered below a depth of 8 inches outside the boundaries of CA-SDI-11,767 and CA-SDI-12,126, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. THE ARCHAEOLOGIST SHALL CONTACT EAS AT THE TIME OF DISCOVERY. The significance of the discovered resource(s) shall be determined by the archaeologist, in

consultation with EAS. EAS must concur with the evaluation before construction activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

c. Analysis

All cultural materials collected during monitoring or evaluation shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.

d. Report Preparation

A monitoring report and/or evaluation report, if appropriate, which describes the results, analyses and conclusions of the above program (with appropriate graphics) shall be submitted to and approved by the Principal Planner of EAS within three months following termination of the monitoring program and prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out prior to issuance of a certificate of occupancy to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Principal Planner of EAS prior to issuance of a certificate of occupancy.

3. THE APPLICANT SHALL NOTIFY DEVELOPMENT SERVICES DEPARTMENT, DEVELOPMENT AND ENVIRONMENTAL PLANNING DIVISION, ENVIRONMENTAL ANALYSIS SECTION STAFF OF THE START AND END OF CONSTRUCTION.

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 to ensure the successful completion of the monitoring program.

9. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the

Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the fenced driving range area and to extend a minimum of fifty (50) feet beyond the fenced area, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, fixture model name and number; including all necessary shields, visors, prisms, lenses and reflectors. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located. Plans shall also indicate a minimum twelve foot high semi-opaque fabric shall be installed on the driving range fencing adjacent to Fashion Valley Road. The semi-opaque fabric shall allow no more than thirty percent transmission of light.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No driving range lighting shall be directed to fall outside the enclosed, fenced driving range area. Light levels along the perimeter of the enclosed, fenced driving range area shall be measured no higher than three footcandles. Light levels throughout the outdoor driving range shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding fourteen footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may required additional fees as determined by the Development Services Director.

10. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by bond and permit, the following public improvements, in a manner satisfactory to the City Engineer.

- a. Install a meandering five-foot-wide (maximum) to three-foot-wide (minimum) hard-surface walkway along the southerly side of Friars Road. The installation of the walkway shall be adjacent to the existing asphalt berm, except as necessary to avoid existing above ground improvements, then the alignment shall vary away from the existing asphalt berm to avoid the existing above ground improvements. The walkway shall only be reduced from five feet wide when the presence of existing above ground improvements necessitate altering the alignment away from the existing adjacent asphalt berm to avoid such improvements and when the distance remaining between the existing improvements and the existing fencing is less than five feet. Construction plans required for the approval by the City shall be

conceptual in nature, shall show all existing above ground improvements south from the centerline of Friars Road to the property line, shall show the proposed alignment and width of the hard-surface walkway and the placement of street trees required by other conditions of this permit. Typical standard City Improvement Plans shall not be required. A Minor Engineering Permit shall be processed to permit the construction of the hard-surface walkway and the installation of the street trees.

11. Prior to the issuance of any building permits, the Owner/Permittee shall submit, for review and approval, landscape and irrigation documents which indicate the following:

- a. 113 Eucalyptus sideroxylon (Red Ironbark) five gallon trees along the southerly side of Friars Road to be planted within the public right-of-way between the property line and the required hard-surface walkway. Spacing and location of trees shall be no closer than 20 feet on center. Location of trees shall be adjusted to allow for any existing trees, above ground improvements and the required hard-surface walkway within the public right-of-way.
- b. An automated, electrically controlled, permanent irrigation system adequate to provide for the watering needs of the trees.
- c. Planting details, including staking of trees, irrigation details, specifications and construction notes.
- d. A five-year maintenance bond for the maintenance and replacement of all trees required by this permit within the public right-of-way to assure the survivability of the required trees. Prior to the release of the bond, an inspection shall be requested by the Owner/Permittee of the Development Services Department, Landscape Inspector to verify the health of the trees. Any tree(s) in less than a healthy vigorous condition shall be replaced by the Owner/Permittee and the bond period extended for an additional five-year period. The bond period shall continue to extend until all trees are established and healthy. Prior to the release of the bond, an Encroachment Removal Agreement shall be applied for and issued to address the maintenance of the trees in perpetuity.

12. Prior to the issuance of any building permits, the Owner/Permittee shall contribute their fair share cost for the signalization at the intersection of Fashion Valley Road and Camino de la Reina. Curb return access to this site shall be required upon installation of the signal.

13. Prior to the issuance of any building permits, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Utilities Director, and the City Engineer. If more than two fire hydrants and/or 30 Equivalent Dwelling Units (EDU') are located on a dead-end main, then a dual-fed system shall be installed.

14. Prior to the issuance of any sign permits, the Owner/Permittee shall submit, for review and approval to the satisfaction of the Sign Code Administrator, plans for the two entry monument signs as indicated on Exhibit "A", dated January 16, 1995, subject to the underlying zone visibility requirements.

15. No structures of any kind shall be built in or over any water or sewer easement prior to the Owner/Permittee obtaining an encroachment removal agreement from the City Engineer.

16. All grading shall conform to requirements in accordance with Sections 62.0401-62.0423 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer. The drainage system proposed for this development, as shown the site plan, is subject to approval by the City Engineer.

17. 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 Owner/Permittee 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 property to be graded to have a finished floor elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures to that same elevation.
- c. The Owner/Permittee shall note on the improvement and grading plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- d. The Owner/Permittee shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds five feet per second. Properly designed and constructed vegetation may be used for slopes subjected to velocities not exceeding seven feet per second.
- e. The Owner/Permittee shall obtain from the California Department of Fish and Game and the U.S. Army Corps of Engineers any required permits for work within the floodplain fringe areas prior to the start of construction.

- f. The Owner/Permittee shall grant drainage easements for public storm drain facilities, satisfactory to the City Engineer.
  - g. When as-built grading and public improvement plans are available, the Owner/Permittee, through the Metropolitan Transit Development Board, must submit a request for a Final LOMA of Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego Engineering Department. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.
  - h. The bond for this project will not be released until the map revision has been issued by FEMA.
18. Prior to the issuance of any building permits, the Owner/Permittee shall:
- a. Assure 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).
  - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
19. 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 of extension is applied for.
20. This Conditional Use Permit shall become effective on the eleventh day following the decision of the City Council.
21. This Conditional Use Permit shall be valid for and expire after the year 2087 for that area defined as, and identified on the approved Exhibit "A" Site Plan, the proposed project.
22. Prior to the expiration of this Conditional Use Permit, the Owner/Permittee may request an Extension of Time or an amendment to this condition to modify or delete such limitation.
23. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
24. 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.

25. 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.

26. 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.

27. 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 by the Owner/Permittee.

28. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences at least six feet in height. Refuse shall not be visible from outside the enclosed area.

29. 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 the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

30. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. The Fire portion of the Mission Valley Development Impact Fees shall be applied to the net additional increase of square footage above that which already exists on the site, the transportation portion of the Mission Valley Development Impact Fees shall not be applied to any of the proposed golf related facilities, but will apply to those facilities that are open to the public and not strictly related to the golf course. Fees resulting from the application of the Housing Trust Fund Ordinance shall be applied to the net additional increase of square footage above that which already exists on the site as of the approval date of this permit.

31. The Owner/Permittee shall meet with Mission Valley community leaders at least once during a five year period and within six months after a change of ownership to review any community concerns regarding operation of the golf course and driving range.



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.).

APPROVED by the Council of the City of San Diego on January 16, 1996, by Resolution No. R-286819.

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.

PASEO DEL RIO, LTD.  
a California Limited Partnership  
Owner/Permittee

By Chevron Land and Development Co.,  
General Partner

By \_\_\_\_\_  
Its \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack  
02/28/96