

RESOLUTION NUMBER R-292939

ADOPTED ON APRIL 10, 2000

WHEREAS, The City of San Diego, Owner, and The Hodges Golf Improvement Center, L.L.C., Permittee, filed an application for a Conditional Use Permit and Resource Protection Ordinance Permit to finish grade portions of a partially improved 17.5-acre site as necessary to temporarily (25 years) accommodate the operation of an instructional golf center land use, and implement associated site improvements. The project site is located on the south side of Sunset Drive, between Interstate 15 and Via Rancho Parkway, north of Hodges Reservoir, within the San Pasqual Valley Community Plan area, legally described as all that portion of Rancho San Bernardo in The City of San Diego, County of San Diego, according to patent map thereof, (recorded book 2, page 462) in the San Pasqual Valley Community Plan area, in the A1-10 zone; and

WHEREAS, on November 18, 1999, the Planning Commission of The City of San Diego considered Conditional Use/Resource Protection Ordinance [CUP/RPO] Permit No. 98-0466, and pursuant to Resolution Nos. 2878-PC and 2878-PC-1 voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on April 10, 2000, 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/Resource Protection Ordinance Permit No. 98-0466:

RESOURCE PROTECTION ORDINANCE [RPO] PERMIT FINDINGS:

1. The proposed development will not adversely affect The City of San Diego's Progress Guide and General Plan. The proposed land use is consistent with the goal of the San Pasqual Valley Community Plan to encourage visitor-serving uses that enhance visitor enjoyment of the valley. The proposed commercial-recreation land use will provide a public benefit to the community via the availability of additional recreational opportunities and lease revenue generated by the proposed tenant. The proposed golf center represents a land use that will not adversely affect the general purpose of the adopted community plan for this area, or the City's Progress Guide and General Plan.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances. The proposed commercial-recreation land use is consistent with the goal of the San Pasqual Valley Community Plan to encourage visitor-serving uses that enhance visitor enjoyment of the valley. The facility will provide a public benefit to the community via the availability of recreational opportunities and lease revenue generated by the tenant.

In order to achieve project compliance with the City's RPO, the applicant will be required to implement mitigation measures as identified in the Mitigation Monitoring and Reporting Program [MMRP] prepared for the project. The CUP/RPO permit prepared for this project includes a variety of conditions of approval to achieve project compliance with the applicable regulations of the Municipal Code. These conditions include limitations placed upon the type of land uses and development intensity permitted on site, minimum standards for building height and setbacks, restrictions on grading activities, and minimum landscape standards to achieve an acceptable degree of visual compatibility with surrounding land uses in this area of the community.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands. The majority of grading activities proposed on this site would occur in the southern two-thirds of the property, which is previously disturbed and therefore, would not require significant alteration of the existing landform. A biological survey conducted by the applicant's consultant identified the existence of mapped wetlands and potential least Bell's vireo nesting sites located adjacent to the site. To achieve compliance with applicable RPO requirements, the applicant will implement various

mitigation measures as identified in the MMRP prepared for the project as necessary to minimize adverse impacts upon environmentally sensitive off-site lands.

4. The proposed development will be sited and designed to prevent adverse impacts on environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer areas to protect such resources. To achieve compliance with the City's Multiple Species Conservation Program [MSCP] program, the applicant will be required to implement various mitigation measures as identified in the project's MMRP and; therefore the project will avoid (where feasible) significant impacts upon environmentally sensitive lands and resources located adjacent to the site within the Multiple Habitat Planning Area [MHPA].

5. The proposed development will minimize the alternations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The majority of the project site is disturbed. The project's landscaped berm will be hydro-seeded and irrigated following the completion of all required grading activities for the project to minimize adverse impacts associated with run-off and erosion. The applicant will implement Best Management Practices and construct a desilting basin on-site to reduce the amount of pollutants and sediments from discharging into the area's natural drainage system. It is concluded that project implementation will not result in undue or unmitigated risks from geologic and erosional forces and/or flood and fire hazards.

6. Feasible measures to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by the applicant. To adequately mitigate significant impacts associated with the disturbance of cultural resources on site, the applicant will be required to implement a cultural resources monitoring program as necessary to recover and catalog any cultural artifacts unearthed during the project's construction phase. Therefore, it is concluded that feasible measures to protect and preserve the value of any significant cultural resources that may be unearthed on the project site have been provided by the applicant in a form and context acceptable to the City.

CONDITIONAL USE PERMIT (CUP) FINDINGS:

7. 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 proposed land use is consistent with the goal of the San Pasqual Valley community plan to encourage visitor-serving uses that enhance visitor enjoyment of the valley. The proposed facility will provide a public benefit to the community via the availability of additional recreational opportunities and lease revenue generated by the tenant. The CUP/RPO permit prepared for this project includes a variety of conditions of approval to assure that the health, safety and general welfare of persons residing or working in the area will not be adversely

affected. These conditions include limitations placed upon the type of land uses and development intensity permitted on site, restrictions on grading activities, and minimum landscape standards to achieve an acceptable degree of visual compatibility with surrounding land uses in this area of the community. Given the preceding circumstances cited for the project, it is concluded that the proposed golf center development represents an alternative land use that will conform with the general purpose and intent of the City's Progress Guide and General Plan and the community plan for this area and, because of conditions incorporated into the draft CUP/RPO Permit for the project, is not anticipated to be detrimental to the health, safety and general welfare of persons residing or working in the area.

8. The proposed use will comply with the relevant regulations in the Municipal Code in effect for the project site. The various development features incorporated into the project design will comply with the sections of the Municipal Code in effect for the property per the existing A-l-10 zone, the Resource Protection Ordinance, landscape requirements of the City's Landscape Technical Manual, minimum parking ratio and dimension standards of the City Engineer, and mitigation requirements per State California Environmental Quality Act [CEQA] guidelines. To achieve project compliance with the City's MSCP program, the applicant will be required to implement various mitigation measures as identified in the project's MMRP.

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Conditional Use/Resource Protection Ordinance Permit No. 98-0466 is hereby granted, with the additional conditions listed below, to The City of San Diego, Owner, and The Hodges Golf Improvement Center, L.L.C., Permittee, under the terms and conditions set forth in the Resource Protection Ordinance and Conditional Use Permit attached hereto and made a part hereof.

58. a. Prior to the issuance of a Certificate of Occupancy, the Permittee shall deposit a cash contribution (or equivalent bonding mechanism) with the San Dieguito River Park in the amount of \$47,700.00, guaranteeing that the portion of the JPA's planned "Coast-to-Crest Trail" which borders the subject property will be built in accordance with specifications of the River Park. Furthermore, the Permittee shall be responsible for maintaining the trail for the term of this permit.

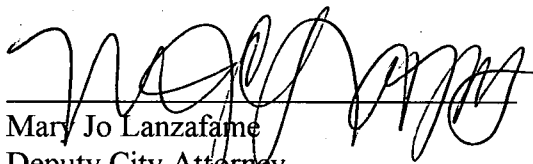
- b. The Permittee shall utilize "Musco" lighting (similar to the lighting system being installed in the Rancho Bernardo Community Park) behind the driving range tee areas to minimize glare and light pollution in the surrounding area. This lighting system shall utilize shielded flood lights mounted on poles (maximum 5-feet high) directed at each area of the target greens inside the driving range portion of the site; and directed away from adjacent wetlands habitat and the project's perimeter landscape berms. Said shielded flood lights shall be mounted below the height of the landscape berm as necessary to avoid disturbing adjacent wetland habitat. This lighting requirement is intended to ensure that the predominance of project lighting will be contained on site. No changes or modifications to the lighting plan for this project may be authorized in the field, unless otherwise approved by the City Manager (or designated representative).
- c. The Permittee shall install additional mature, fast-growing native trees along the perimeter of the project site to enhance the screening capability of the Sycamore Oaks (refer to approved Landscape Concept Plan - Exhibit "A").
- d. The Permittee shall install an owl box perch and two hawk perches on site.
- e. The Permittee shall utilize the facility's clubhouse/golf pro-shop structure to display "Coast-to-Crest" trail maps, allow the sale of Sikes Adobe books and videos, and allow public use of the clubhouse training room for Sikes Adobe video screening and educational instruction.
- f. The Permittee shall serve as the annual title sponsor (\$5,000.00) for the San Dieguito River Park's "Coast-to-Crest" trail run.

- g. As indicated on the approved Exhibits "A" for this project, dated April 10, 2000, on file in the office of Planning and Development Review, a variable 6- to 10-foot high vinyl-coated chain link fence shall be installed on top of the landscape berm to be constructed along the eastern boundary of the site as necessary to protect trail users (i.e. "Coast-to-Crest" trail) from being hit by errant golf balls.
- h. In accordance with the Mitigated Negative Declaration certified for this project (Mitigated Negative Declaration LDR No. 98-0466), the Permittee shall be required to develop and implement a Best Management Plan to monitor the use of pesticides, herbicides and fertilizers on site (and their potential encroachment into the adjacent agricultural preserve area), and to report such activities in writing to the City of San Diego Environmental Analysis Section.
- i. All errant golf balls into wetlands areas adjacent to the project site shall be retrieved by hand.

BE IT FURTHER RESOLVED, that the City Manager is directed to establish a San Pasqual Lake Hodges Recreational Trust Fund within the Water Department's Enterprise Fund.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
5/26/00
Or.Dept:Clerk
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RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE AND RESOURCE
PROTECTION ORDINANCE PERMIT NO. 98-0466 - MMRP**

HODGES GOLF CENTER

This permit is granted by the Council of The City of San Diego [Council] to The City of San Diego, Owner, and the Hodges Golf Improvement Center, L.L.C., Permittee, pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 101.0510.

Permission is hereby granted by the Council to the referenced Owner/Permittee to temporarily operate an instructional golf facility and implement associated site improvements. The subject 17.5-acre project site is located on the south side of Sunset Drive, between Interstate 15 and Via Rancho Parkway, within the A1-10 zone of the San Pasqual Valley Community Plan area, and is legally described as all that portion of Rancho San Bernardo in the City of San Diego, County of San Diego, according to patent map thereof (recorded book 2, page 462 of patents).

1. This permit shall consist of the following land uses, facilities and site improvements as identified by dimension, quantity, type and location on the approved Exhibits "A" for the project, dated April 10, 2000, on file in the office of the City's Planning and Development Review Department:

- a. Development of a golf driving range (including range targets, turf lawn, and approximately 80 practice tee pads) in the southern two-thirds of the property; and
- b. Development of a golf instructional facility in the northern one-third of the property, including an approximately 3,000 square-foot (one-story) clubhouse building, maintenance buildings, a miniature golf course, various putting and chipping greens, a golf instructional center, and surface parking stalls; and
- c. Site landscaping and permanent irrigation features; and
- d. Accessory improvements as may be determined by the City Manager (or designated representative) to be consistent with the applicable sections of the municipal code in effect for this site.

2. No grading or building permits shall be granted nor shall any activity authorized by this permit be conducted on the premises until the Permittee signs, notarizes and returns this permit's

signature page to the Planning and Development Review Department for final processing and recordation with the Office of the County Recorder.

3. Prior to the issuance of any grading permits for this project, complete grading plans and corresponding construction drawings (and technical reports) shall be submitted to the City's Planning and Development Review Department for approval. All plans shall be in substantial conformity to the approved Exhibits "A," dated April 10, 2000, on file in the office of Planning and Development Review, as determined by the City Manager (or designated representative). No changes, modifications or alterations of the approved Exhibits "A" for this project, dated April 10, 2000, on file in the office Planning and Development Review, shall be made unless the Permittee obtains approval of either an amendment of this permit (via a noticed public hearing) or Substantial Conformance Review [SCR] approval by the City Manager (or designated representative).

4. The property included within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit (unless otherwise authorized by the City Manager).

5. This permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by either the City of San Diego or the Permittee.

6. This permit is a covenant running with the subject property and shall be binding upon the upon the Permittees 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.

7. This permit must be utilized by the Permittees within 36 months after the effective date of final approval, following all appeals. Failure to utilize the permit within 36 months from the effective date of approval will automatically void the permit.

8. In the event that any condition of this permit, on a legal challenge by the Permittees, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be deemed void.

9. The construction and continued use of this permit shall be subject to the regulations of this area or other governmental agencies.

10. The issuance of this permit by The City of San Diego does not authorize the applicant 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. § 1531 et seq.).

11. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal

standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

12. All slopes and earthen berms constructed on the property shall be hydroseeded and irrigated in accordance with requirements of the City's Landscape Technical Manual and City-Wide Landscape Ordinance.

13. Prior to the issuance of any building permits, complete building, landscape (including a permanent automatic irrigation system) and surface improvement plans (and corresponding construction drawings) shall be submitted to the City's Planning and Development Review Department for approval. All plans shall be in substantial conformity to the approved Exhibits "A" for this project, dated April 10, 2000, on file in the office of Planning and Development Review, as determined by the City Manager (or designated representative). No changes, modifications or alterations of the approved Exhibits "A" for this project, dated April 10, 2000, on file in the office of Planning and Development Review, shall be made unless the Permittee obtains approval of either an amendment of this permit (via a noticed public hearing) or Substantial Conformance Review [SCR] approval by the City Manager (or designated representative).

14. Prior to the issuance of any grading or building permits for this project, the Permittee shall obtain Council approval of a Lease Agreement between the City of San Diego and the Permittee for the temporary commercial/recreation land use on the subject property (which is owned by the City of San Diego). The Permittee shall comply at all times with the terms, conditions and performance measures per said Lease Agreement. Any breach or default (by the Permittee during the lease period) of any of the terms, conditions and/or performance criteria of the Lease Agreement (as determined by the City Attorney and the City Manager) may result in the revocation of this permit and subsequent termination of the golf instructional center land use on this site. Future non-agricultural land uses proposed on this site prior to termination of the project's Lease Agreement (other than the commercial-recreation use authorized by this permit) shall require discretionary approval of an amendment of this Permit via a noticed public hearing consistent with Chapter 11, Article One, Division 5 of the San Diego Municipal Code.

15. Prior to the issuance of any building permits, the Permittee shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the San Diego Municipal Code, in a manner satisfactory to the City Engineer.

16. The drainage system proposed for this project, as shown on the approved Exhibits "A," dated April 10, 2000, on file in the office of Planning and Development Review, is subject to approval by the City Engineer.

17. Prior to the issuance of any building permits, the Permittee shall assure (by permit and bond) the installation of two standard driveways along the project frontage on Sunset Drive, in a manner satisfactory to the City Engineer.

18. This project shall comply at all times with applicable requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ [NPDES General Permit No. CAS000002], Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed and implemented by the Permittee concurrently with the commencement of grading activities on site, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

19. Prior to the issuance of any grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land shall be submitted to the satisfaction of the City's Planning and Development Review Department and the City Engineer.

20. The timely erosion control measures incorporated into the project design (including planting and seeding of all manufactured slopes and pads consistent with the approved plans) is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and applicable sections of the City of San Diego Landscape Technical Manual.

21. Prior to the issuance of any Certificate of Occupancy for this project, it shall be the responsibility of the Permittee to install all required landscape features, permanent automatic irrigation systems, obtain all required landscape inspections, and to obtain a No Fee Street Tree permit for the installation, establishment and on-going maintenance of all street trees along the project frontage. Copies of these approved documents must be submitted to the City's Planning and Development Review Department.

22. All required landscaping for this project shall 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. Modifications such as severe pruning or "topping" of trees is not permitted. The Permittee, or subsequent Owner(s) shall be responsible to maintain all street trees and landscape improvements consistent with standards of the City's Landscape Technical Manual.

23. If any required landscape features (including existing or new plantings, hardscape, etc.) indicated on the approved Exhibits "A," dated April 10, 2000, on file in the office of Planning and Development Review, for this project is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially

available and/or an increased number) to the satisfaction of the City Manager (or designated representative).

24. Portions of the project site are located in the mapped floodplain of the Kit Carson Creek, as delineated on Panel 1079 of the Flood Insurance Rate Map [FIRM] for the City of San Diego. These maps are prepared by the Federal Emergency Management Agency [FEMA]. In connection with approval of this project within the floodplain, the Permittee shall demonstrate compliance with the following requirements:

- 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 property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing 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 final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- f. The developer shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- g. The developer shall provide safety fencing where required by the City Engineer.
- h. 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.
- i. The developer shall grant drainage easements, in a satisfactory to the City Engineer.
- j. No permits shall be issued for grading or other work in the floodplain of Kit Carson Creek 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 Floodplain Management Section of the City of San Diego's Engineering and Capital Project's Department. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA. Additionally, any subsequent changes to the site or grading plans as may be required to obtain the Conditional LOMR from FEMA shall be reviewed by the City's Planning and Development Review Department to determine the need for a

an amendment of this RPO/CUP permit and possible additional State California Environmental Quality Act [CEQA] review/certification.

- k. When as-built grading and public improvement plans are available, the Permittee must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section of the City of San Diego's Engineering and Capital Project's Department. The developer must provide all documentation, engineering calculations, fees which are required by FEMA.
 - l. The grading bond to be provided by the Permittee for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Engineering and Capital Project's Department will notify the Planning and Development Review Department of such issuance as soon as it is informed by FEMA.
 - m. Notes provided by the Floodplain Management Section of the City of San Diego's Public Works Department/Engineering and Capital Projects Division concerning work in designated floodplains shall be included in all grading and improvement plans.
25. The proposed golf improvement center facility (which includes night lighting) shall be permitted to operate seven days a week. However, the facility's hours of operation (including the use of exterior lighting) shall be limited from 7:00 a.m. to 10:00 p.m.
26. Prior to the issuance of any building permits, the Permittee shall complete construction activities to extend the existing raised median along the project frontage on Sunset Drive as necessary to prohibit left turns in and left turns out of the existing driveway located near the intersection of Sunset Drive/Via Rancho Parkway, in a manner satisfactory to the City Engineer.
27. As surety for the construction of required off-site and/or on-site improvements, the Permittee shall post bonds (and agreement) in a form acceptable to the City of Escondido City Attorney, prior to the issuance of any grading permits for this project.
28. All public improvements required for this project shall be constructed in a manner that does not damage existing public improvements along the project frontage. Any damage to said existing improvements shall be corrected by the Permittee, in a manner satisfactory to the City of Escondido Engineer.
29. The Permittee shall complete the construction of various improvements to the surrounding street system, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving, and based on the following streets within and adjoining the project boundary:
- a. Sunset Drive - Improvements shall include construction of curb and gutter, a minimum six-foot wide commercial sidewalk, along with 28-feet of curb to curb roadway section.
 - b. Via Rancho Parkway - Improvements shall include construction of a 6-foot-wide commercial sidewalk, in a manner satisfactory to the City of Escondido City Engineer.

30. Access to the project site shall be improved via the construction of two new (minimum 24-foot-wide) alley-type driveways in accordance with Escondido Standard Drawing No. 3, or an equivalent driveway type in accordance with the City of San Diego Standards, and satisfactory to the City of Escondido City Engineer.
31. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. Further, the Permittee shall be responsible for securing all necessary permits from the appropriate agencies.
32. The Permittee shall provide a detailed detour and traffic control plan for all construction within existing rights-of-way, to the satisfaction of the City of Escondido Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance by the City of Escondido of an Encroachment Permit for construction within the public right-of-way.
33. The Permittee shall prepare a complete signing and striping plan for all improved roadways adjacent to the subject property. A private contractor shall do any removal of existing striping City forces shall do all new signing and striping. Further, the Permittee shall post a cash deposit with the City of Escondido for any work to be done by City forces.
34. Prior to the issuance of any grading permits in the City of San Diego, the project is subject to the vacation of public rights-of-ways within or adjoining the project boundary. Specific areas to be vacated adjacent to this site shall be determined by the City of Escondido City Engineer. The street vacation must be approved by the City council. To expedite the project, the encroachment permit process will be considered by the City.
35. The Permittee may be responsible for an overlay of Sunset Avenue due to the many utility trenches necessary to serve this project or damage resulting from construction activities. The determination of the extent of the overlay shall be to the satisfaction of the City of Escondido City Engineer.
36. The Permittee shall be required to construct two 135-watt streetlights along the project frontage on Sunset Avenue in accordance with Escondido Standard Drawing No. 6.
37. The Permittee shall develop and implement an erosion control plan for the project, including riprap, interim slope planting, sandbags, and/or other erosion control measures deemed satisfactory by City staff to control sediment and silt from the project. The Permittee shall be responsible for maintaining all erosion control facilities throughout the project, in a manner satisfactory to both City of San Diego and City of Escondido's City Engineer.
38. At no time shall any grading for this project be allowed in the vicinity of the Kit Carson Creek, be allowed to alter the flood plain in that area or otherwise increase levels of flooding at Escondido Sewer Pump Station 1, located at the easterly end of Sunset Drive. Increased flooding of Sewer Pump Station 1 will have a major impact on the City of Escondido's sewer system.
39. The proposed fill slope along the westerly boundary of the project is within a FEMA designated floodway (Kit Carson Creek with 100 year flow of 4400 CFS) per Flood Insurance Rate Map panel 1079. According to FEMA regulations, any work within floodways shall be subject to review and approval of FEMA. In order to obtain FEMA approval for the proposed improvements, the applicant must process a FEMA map revision.

40. Portions of the project site are situated within flood way as designated on current flood insurance rate maps. Construction of any improvements within designated flood way shall be subject to advance approval by FEMA.
41. All water and sewer main locations (and sizing) shall be designed and constructed to the satisfaction of the City of Escondido's City Engineer.
42. Public water utilities shall be extended to the project's boundary at such locations as required by the City of Escondido City Engineer.
43. Fire hydrants together with an adequate water supply shall be installed at locations approved by the City of Escondido's Fire Marshal.
44. The Permittee shall enter into an agreement with the City of Escondido for the use of reclaimed water for irrigation of major common areas when reclaimed water is available.
45. The Permittee is required to construct an irrigation system for this development in accordance with the City of Escondido standards for reclaimed water.
46. Sewer utilities shall be extended to the project's boundary at such locations as required by the City of Escondido's City Engineer.
47. The Permittee shall be responsible to acquire an encroachment permit from the City of Escondido for portion of the project located within the City boundary.
48. The Permittee shall be required to pay all sewer and water connection fees of the City of Escondido then in effect at the time of, and in such amounts as may prevail when plans and building permits are approved.
49. A cash security or other form of security satisfactory to the City of Escondido's City Engineer shall be posted by the Permittee as necessary to recover costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10 percent of the total estimated cost of the project grading, not to exceed \$30,000, unless the Escondido City Engineer deems a higher amount necessary. Performance bonds, an instrument of credit, a letter of credit shall secure the balance of the grading work or such other security as may be approved by the City of Escondido's City Engineer and City Attorney.
50. Prior to the issuance of any grading or building permits for this development from the City of San Diego, the Permittee must demonstrate compliance with preceding conditions No. 27-49, in a manner satisfactory to the Escondido City Engineer.
51. There shall be compliance at all times with the regulations of the underlying zone(s) on the property, unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this permit.
52. A topographical survey conforming to the provisions of Section 101.0216 of the Municipal Code may be required if it is determined, during construction of the project, that there may be a

conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

53. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

54. The Permittee shall implement (and comply at all times with) the MMRP adopted for this project, per certified LDR No. 98-0466, in a manner satisfactory to the City Manager and the City Engineer. Prior to the issuance of any grading and/or building permits for this development, all mitigation measures (as specifically outlined in the referenced MMRP) shall be implemented by the Permittee for this project.

55. In order to minimize the potential impact of night lighting on the breeding behavior and success of the least Bell's vireo (located off-site), the "tee pole" proposed along the westernmost portion of the driving range on site shall be turned off during the breeding season for the least Bell's vireo (March 15 - September 15).

56. For the term of this permit, the Permittee shall be responsible for monitoring and trapping the brown-headed cowbird adjacent to the existing agricultural preserve (according to the guidelines established by Griffith Wildlife Biology, or their successor). Two cowbird traps shall be located and monitored by a qualified biologist on a daily basis for the length of the trapping season. The biologist selected for the trapping process must have a minimum of two years experience and submit a year-end report to the Wildlife Agencies summarizing all aspects of the trapping event to include: number of target and non-target species caught, non-target releases, non-target mortalities, cause of mortality and attempts to reduce non-target mortality. Any modifications to the approved cowbird trapping program will require concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

57. In association with Special Provision 8.3 of the corresponding Lease Agreement for this project, the Permittee shall be responsible for implementing corrective actions (as warranted) to prevent noxious weeds, pests, and erosion throughout the subject property; in a manner satisfactory to the City Manager (or designated representative). Furthermore, the Permittee shall be responsible for maintaining all landscape features on site (per the project's Landscape Concept Plan - Exhibit "A"), including the removal (wherever necessary) of invasive plant species on the backside of the project's perimeter landscape berm and within the eastern boundary side channel (adjacent to Kit Carson Creek along the project's western property line).

58. In addition to the preceding conditions for this project, the Permittee shall implement and/or comply with the following requirements and monitoring measures, as recommended for the proposed development by the San Dieguito River Valley Joint Powers Authority [JPA], the Rancho Bernardo Community Planning Board, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game:

- a. Prior to the issuance of a Certificate of Occupancy, the Permittee shall deposit a cash contribution (or equivalent bonding mechanism) with the San Dieguito River Park in the amount of \$47,700.00, guaranteeing that the portion of the JPA's planned "Coast-to-Crest Trail" which borders the subject property will be built in accordance with specifications of the River Park. Furthermore, the Permittee shall be responsible for maintaining the trail for the term of this permit.

- b. The Permittee shall utilize "Musco" lighting (similar to the lighting system being installed in the Rancho Bernardo Community Park) behind the driving range tee areas to minimize glare and light pollution in the surrounding area. This lighting system shall utilize shielded flood lights mounted on poles (maximum 5-feet high) directed at each area of the target greens inside the driving range portion of the site; and directed away from adjacent wetlands habitat and the project's perimeter landscape berms. Said shielded flood lights shall be mounted below the height of the landscape berm as necessary to avoid disturbing adjacent wetland habitat. This lighting requirement is intended to ensure that the predominance of project lighting will be contained on site. No changes or modifications to the lighting plan for this project may be authorized in the field, unless otherwise approved by the City Manager (or designated representative).
- c. The Permittee shall install additional mature, fast-growing native trees along the perimeter of the project site to enhance the screening capability of the Sycamore Oaks (refer to approved Landscape Concept Plan - Exhibit "A").
- d. The Permittee shall install an owl box perch and two hawk perches on site.
- e. The Permittee shall utilize the facility's clubhouse/golf pro-shop structure to display "Coast-to-Crest" trail maps, allow the sale of Sikes Adobe books and videos, and allow public use of the clubhouse training room for Sikes Adobe video screening and educational instruction.
- f. The Permittee shall serve as the annual title sponsor (\$5,000.00) for the San Dieguito River Park's "Coast-to-Crest" trail run.
- g. As indicated on the approved Exhibits "A" for this project, dated April 10, 2000, on file in the office of Planning and Development Review, a variable 6- to 10-foot high vinyl-coated chain link fence shall be installed on top of the landscape berm to be constructed along the eastern boundary of the site as necessary to protect trail users (i.e. "Coast-to-Crest" trail) from being hit by errant golf balls.
- h. In accordance with the Mitigated Negative Declaration certified for this project Mitigated Negative Declaration LDR No. 98-0466), the Permittee shall be required to develop and implement a Best Management Plan to monitor the use of pesticides, herbicides and fertilizers on site (and their potential encroachment into the adjacent agricultural preserve area), and to report such activities in writing to the City of San Diego Environmental Analysis Section.
- i. All errant golf balls into wetlands areas adjacent to the project site shall be retrieved by hand.

Approved by the City Council of the City of San Diego by Resolution No. R-292939 on April 10, 2000.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

The City of San Diego
Owner

By _____


The Hodges Golf Improvement Center, L.L.C.
Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

5/31/00

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