

RESOLUTION NO. 219275  
Conditional Use Permit No. 483-PC

R.78-522  
SEP 7 1977

WHEREAS, WESTERN PROPERTIES, a division of Western Home Loan Corporation, Owner, and SOUTHWESTERN BROADCASTERS, INC., both hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 483-PC, to construct and operate a 70-foot FM radio antenna on top of an existing 10-story office building, and a radio broadcast studio located at the northwest corner of Balboa and Genesee Avenues, more particularly described as a portion of Lot 1959, East Clairemont Unit 12, in the CO and CA-S Zones; and

WHEREAS, on June 30, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 902, recommended approval of said conditional use permit, and filed the decision in the office of the City Clerk on July 20, 1977; and

WHEREAS, pursuant to Section 101.0507 of the San Diego Municipal Code, the application for Conditional Use Permit No. 483-PC was set for public hearing on August 23, 1977, continued to September 7, 1977, and 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 as follows:

All of the following facts exist with respect to Conditional Use Permit No. 483-PC:

MICROFILMED

JUN 6 1978

01407

1. The proposed use at this location would be necessary and desirable to provide a service or facility contributing to the general well-being of the neighborhood and community.

The range and coverage of FM programming in San Diego would be enhanced by this facility, providing a greater selectivity of programming throughout the area. Such wider selection would contribute to the general well-being (knowledge, education, and culture) of the listening public.

2. The proposed use under the circumstances of this particular case would not be detrimental to the general welfare of persons living and working in the vicinity or injurious to property or improvements (existing or future) in the area.

The aesthetic impact is minimized by (1) the design chosen of the two alternatives; (2) the fact that the tower would be placed on top of an already existing structure; (3) the uses to the east and north are nonresidential; (4) television interferences, if any, are capable of solution; and (5) the flashing red beacon can be shielded from view from the ground.

3. The proposed use would comply with regulations and conditions specified in the Municipal Code for such use.

The adopted Municipal Code (Zoning Ordinance) provides that radio transmission stations and broadcasting studios may be permitted in any zone subject to the granting of a conditional use permit by the City Council following recommendation by the Planning Commission. Broadcasting studios are permitted as a matter of right in the C-1S, C-1, CS, C, CBD, M-1A and M-1 zones. In order to operate in other zones a conditional use permit is required. The subject property is zoned CA-S.

**MICROFILMED**

**219275** JUN 6 1978  
**01408**

4. The granting of this conditional use permit would not adversely affect the Progress Guide and General Plan for the City of San Diego and the Clairemont Mesa Community Plan.

The applicant has demonstrated that alternative sites are not readily available for an FM location; that for six years it has unsuccessfully pursued alternative locations on Mount Soledad, Cowles Mountain, La Mesa, Mount San Miguel, and Dictionary Hill. These sites were not available because of various regulatory agencies. Because of the unique location and availability of this site its utilization for this purpose will be in conformity with the Progress Guide and General Plan of The City of San Diego and the Clairemont Mesa Community Plan. The design of the tower on an existing structure is preferable to a massive, freestanding structure to achieve the same objectives. FM service is a valuable community asset.

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

BE IT FURTHER RESOLVED, that this Council does hereby grant to WESTERN PROPERTIES, a division of Western Home Loan Corporation, and SOUTHWESTERN BROADCASTERS, INC., Conditional Use Permit No. 483-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad **MICROFILMED**  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
9/15/77  
Or.Dept.:Clerk

JUN 6 1978  
219275

01409

CONDITIONAL USE PERMIT NO. 483-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to WESTERN PROPERTIES, a division of Western Home Loan Corporation, Owner, and SOUTHWESTERN BROADCASTERS, INC., both hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a 70-foot-high FM radio antenna and a radio broadcast studio located at the northwest corner of Balboa and Genesee Avenues, described as a portion of Lot 1959, East Clairemont, Unit 12, Map #4802, in the CO and CA-S Zones.

2. The broadcast studio and antenna shall include and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. A 70-foot-high, freestanding, tapered FM radio antenna atop a 10-story office building.
- b. A radio broadcast studio and administrative offices.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. The facility shall meet all Federal Aviation Administration (F.A.A.) standards regarding lighting and marking.

4. The facility shall meet all Federal Communication Commission (F.C.C.) standards regarding transmission and operation.

MICROFILMED

5. A triangular, three-legged tower shall be permitted as shown on Exhibit "A" dated June 30, 1977.

6. Any TV interference shall be corrected within 90 days of notification of such interference.

7. Western Broadcasters are directed to test signal and determine that there will be no immediate interference prior to commencement of work under this permit.

8. Any interference shall be cleared within seven working days, and if equipment needs to be obtained a leeway of eight additional working days shall be given with the understanding that the station will cease to operate if the problem is not solved within this 15-day period; and any costs to the residents for special testing to determine whether or not the interference is being caused by the station shall be borne by the station.

Passed and adopted by the City Council on September 7, 1977.

MICROFILMED

JUN 6 1978

219275

01411

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated June 30, 1977, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated June 30, 1977, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

MICROFILMED

JUN 6 1978

219275

01412

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

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

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

MICROFILMED

JUN 6 1978

219275

01414





Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

**MICROFILMED**  
JUN 6 1978

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

SEP 7 1977

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon I. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd I. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Kathleen Mastoney* Deputy.

RECEIVED  
1977 OCT -3 AM 7:42  
SAN DIEGO, CALIF.

CC-1275 (REV. 8-77)

Office of the City Clerk, San Diego, California

Resolution Number **219275** Adopted SEP 7 1977 *ED*

MICROFILMED  
JUN 6 1978  
01417