

RESOLUTION NO. 220017

R. 78-2251

Conditional Use Permit No. 494-PC

JAN 10 1978

WHEREAS, McGRAW HILL, INCORPORATED, Owner, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 494-PC to construct and operate a residential-style transmitter building and demolish an existing transmitter and microwave building on an 8.2-acre site in the R-1-20 Zone, located northwest of La Jolla Scenic Drive South between Via Casa Alta and Via Capri, more particularly described as a portion of Pueblo Lot 1264; and

WHEREAS, on October 6, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 1012, recommended approval of said conditional use permit, and filed the decision in the office of the City Clerk on December 14, 1977; and

WHEREAS, pursuant to Section 101.0507 of the San Diego Municipal Code, the application for Conditional Use Permit No. 494-PC was set for public hearing on January 10, 1978, 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. 494-PC:

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

The existing television transmitting and receiving facilities on the property provide a public service to the San Diego area in the form of entertainment and news broadcasting. The requested conditional use permit proposes to update these existing facilities.

2. The subject use, under the circumstances of this particular case, would not be detrimental to the health, safety or general welfare of persons living or working in the area, nor be injurious to property or improvements in the vicinity.

The proposed new transmitter building would replace an older, concrete-style structure and several wooden microwave structures with a new residential-style building housing all existing facilities except for the television towers which are to remain. This work, in addition to the new landscape materials to be planted, should aesthetically upgrade the area and more visually harmonize with surrounding residential development.

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 television transmission stations may be permitted in any zone subject to the granting of a conditional use permit by the City Council, following review and recommendation by the Planning Commission.

4. The granting of this conditional use permit would not adversely affect the General Plan of the City or the adopted La Jolla Community Plan.

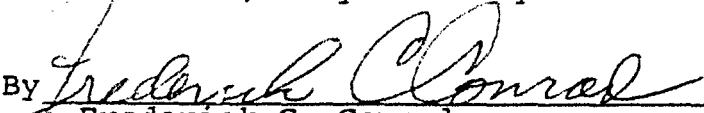
The subject property is already developed with a television transmission station and the subject application proposes a replacement of existing facilities. Approval of the application, subject to appropriate conditions of development and operation, should not adversely affect the General Plan of the City or the La Jolla Community Plan.

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 McGRAW HILL, INCORPORATED, a New York corporation, Conditional Use Permit No. 494-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  
Chief Deputy City Attorney

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FCC:clh  
5/18/78  
Or. Dept.: Clerk

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CONDITIONAL USE PERMIT NO. 494-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to McGRAW HILL, INCORPORATED, a New York corporation, Owner, 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 television receiving and transmission station located at the southwest corner of La Jolla Scenic Drive South and Via Capri described as a portion of Pueblo Lot 1264 of the Pueblo Lands of San Diego, in the R-1-20 Zone.

2. The television receiving and transmission station shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. A transmitter building.
- b. Two freestanding television towers.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. No less than three offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated October 6, 1977, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and

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shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Any floodlighting employed on the subject property shall be directed away from adjoining properties and rights-of-way.

5. The construction and operation of the proposed use shall comply at all times with regulations and requirements of this and other governmental agencies.

6. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Adopted by the Council of The City of San Diego on January 10, 1978.

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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 October 6, 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 October 6, 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.

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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.

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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

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Passed and adopted by the Council of The City of San Diego on JAN 10 1978  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Andy R. Payne*, Deputy.

(Seal)

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RECEIVED  
 CITY CLERK'S OFFICE  
 1978 MAY 30 PM 3:55  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <u>220017</u>	Adopted <u>JAN 10 1978</u>