

R.78-1816

RESOLUTION NO. 220228

Conditional Use Permit No. 507-PC

FEB 7 1978

WHEREAS, JAMES C. GATES, Owner, and KLRO/MULTI-CASTING CORPORATION, both hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 507-PC, to allow FM radio station studios to operate in an existing church on a 7,500 square-foot parcel, located on the south side of Thorn Street between First Avenue and Second Avenue, more particularly described as Lot A and a portion of Lot B, Block 382, Horton's Addition, in the R-3A Zone; and

WHEREAS, on December 15, 1977, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 1112, recommended approval of said conditional use permit, and filed the decision in the office of the City Clerk on January 24, 1978; and

WHEREAS, pursuant to Section 101.0507 of the San Diego Municipal Code, the application for Conditional Use Permit No. 507-PC was set for public hearing on February 7, 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. 507-PC:

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

The applicant indicates that the subject station is the only radio station in the City of San Diego which has a religious format providing a service contributing to the general well-being of the neighborhood and community.

2. The subject radio station, 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 subject operation does not require signs or antennas visible to the general public; and the operation of the studio is handled by one or two persons at a time, thereby generating minimal traffic at the site.

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

The Municipal Code (Zoning Regulations) provide 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 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, nor the Uptown Community Plan.

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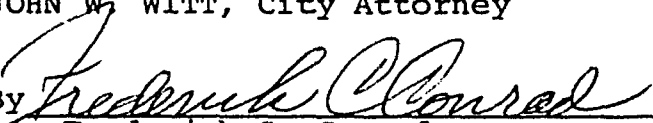
FEB 7 1978

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BE IT FURTHER RESOLVED, that this Council does hereby grant to JAMES C. GATES and KLRO/MULTI-CASTING CORPORATION, Conditional Use Permit No. 507-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

FCC:clh
3/22/78
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 507-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to James C. Gates, Owner, and KLRO/MULTI-CASTING CORPORATION, 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 an FM radio station with religious programming, located at the southeast corner of First Avenue and Thorn Street, described as Lot A and a portion of Lot B, Block 382, Horton's Addition, in the R-3A Zone.

2. The FM radio station with religious programming shall include, and the term "Project" as used in this Conditional Use Permit shall mean, the total of the following facilities:

a. 727 square feet of studio area for an FM radio station with religious programming.

b. Incidental accessory uses as may be determined and approved by the Planning Director.

3. The remote transmitter facilities for the FM radio station shall be located offsite, and all connections shall be by telephone lines rather than microwave.

4. 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 February 7, 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 December 15, 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 December 15, 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

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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.

RECORDED

ATTESTED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

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, residing therein, duly commissioned and sworn, personally appeared PETE WILSON, , known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of the City of San Diego, the municipal corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

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

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

KLRO/MULTI-CASTING CORPORATION,
a California corporation

JAMES C. GATES

By _____

By _____

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FEB 7 1978

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Passed and adopted by the Council of The City of San Diego on FEB 7 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 *Angela Page*, Deputy.

(Seal)

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SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Resolution Number 220228 Adopted FEB 7 1978