

RESOLUTION NO. 224084

R.80-1077

CONDITIONAL USE PERMIT NO. 570-PC

JUL 24 1979

WHEREAS, WILLIS ALLEN, MESA PARTNERS, ELIZABETH PARK, CAROLYN LEMM, SAN DIEGO CEMETARY ASSOC. and GLEN DEAN, Owners, and AERO WORLD, hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 570-PC to construct and operate a themed amusement park (Aero World) containing museums, rides, stores and other amenities with parking and landscaping on a 342-acre site in the A-1-10 (portion in HR Overlay) Zone. The property is located north of Carroll Canyon Road and approximately one mile east of I-805, and is more particularly described as a portion of Section 4, Township 15 South, Range 3 West, S.B.B.M., and a portion of Section 33, Township 14 South, Range 3 West, S.B.B.M.; and

WHEREAS, on June 14, 1979, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 570-PC, and filed said decision in the office of the City Clerk on July 13, 1979; and

WHEREAS, said Conditional Use Permit No. 570-PC, pursuant to Section 101.0507 of the San Diego Municipal Code, was set for public hearing on July 24, 1979, 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. 570-PC:

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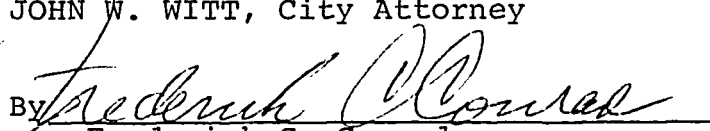
1. The proposed use will not adversely affect the neighborhood, the General Plan or the proposed community plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The proposed use of the property is in conformance with the Planning Commission adopted Western Area of the Mira Mesa Community Plan.

2. The proposed use will comply with all the relevant regulations of the Municipal Code. Section 101.0506, paragraph A.5. provides for the establishments for enterprises involving large assemblies of people and automobiles for private recreational facilities in any zone. Section 101.0506, paragraph D.4. provides for Planning Commission approval of an increase of maximum building height from that permitted in the underlying zone with appropriate justification.

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

BE IT FURTHER RESOLVED, that this Council does hereby grant to AERO WORLD, a California general partnership, Permittee, Conditional Use Permit No. 570-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof and with the proviso that no air show be conducted, nor runway or landing strip be constructed until further review of the air space problem.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

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FCC:clh  
12/10/79  
Or.Dept.:City Clerk

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CONDITIONAL USE PERMIT NO. 570-PC  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to AERO WORLD, a California general partnership, hereafter referred to as "Permittee," for the purposes and under the terms and 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 theme amusement park located north of Carroll Canyon Road and approximately one mile east of I-805, described as the North 1/2 of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4, Section 4, Township 15 South, Range 3 West, SBBM; and the Southeast 1/4 of the Southeast 1/4, Section 35, Township 14 South, Range 3 West, SBBM, in the A-1-10 Zone.

2. The theme amusement park, "Aero World," shall include, and the term "Project" as used in the Conditional Use Permit shall mean the total of the following facilities:

- a. Nine theme areas and one entry area, which would include retail stores, theaters, restaurants, exhibits, aviary, grandstands, museums, air terminal building, arcades, shooting gallery, roller coaster rides, railway, recreational areas, and aircraft display.
- b. A grass airstrip with related maintenance facilities.
- c. Service, administrative facilities and a nursery.

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- d. Off-street parking.
- e. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 9,309 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated June 14, 1979, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent in the north parking lot only, and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. Fees may be charged for parking.

4. All rights and privileges may not be exercised, and no permits for construction or operation of any activity shall be issued or approved herein until documents establishing the Permittee as the fee owner of the subject property have been submitted to the Planning Department.

5. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the property.

6. Prior to the issuance of any building permits on any phase or stage area, complete building plans, including floor plans, elevations, landscaping and irrigation system shall be submitted to the Planning Director for approval.

7. Flight operations at Aero World shall be reviewed by the Planning Commission not later than six months after commencement of flights to determine if there are noise or flight safety problems.

8. No air show shall be conducted, nor runway or landing strip be constructed until further review of the air space problem.

9. 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 JULY 24, 1979.

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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 June 14, 1979, 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 14, 1979, 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,

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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AUTHENTICATED 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.

AERO WORLD, a California general  
partnership

By \_\_\_\_\_

By \_\_\_\_\_

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NOTE: NOTARY ACKNOWLEDGEMENTS  
MUST BE ATTACHED - PER  
CIVIL CODE, SEC. 1180 et seq.

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JUL 24 1979

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Barbara Berridge*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **224084** Adopted **JUL 24 1979**