

RESOLUTION NUMBER R- 260161

Adopted on FEB 21 1984

WHEREAS, SOUTHWESTERN CABLE TV, a Delaware corporation, "Owner/Permittee," filed an application for an amendment to an existing Conditional Use Permit, CUP-589-PC, to expand the existing television office and studio facility and adjust the permit boundary for additional parking on a 2.72-acre site located at 8949 Ware Court, north of Carroll Road and west of Camino Santa Fe, described as Parcels 3 and 4, Parcel Map No. 9713, and a portion of Section 11, Township 15 South, Range 3 West, S.B.B.M., in the M-1B and A-1-10 Zones of the Mira Mesa Community Plan area; and

WHEREAS, on November 10, 1983, the Planning Commission of The City of San Diego made its findings of fact, approved Conditional Use Permit No. 83-0696, amending CUP-589-PC, and filed said decision in the office of the City Clerk on December 14, 1983; and

WHEREAS, said Conditional Use Permit No. 83-0696, pursuant to Section 101.0507 of the San Diego Municipal Code, was set for public hearing on January 31, 1984, continued to February 21, 1984, 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. 83-0696:

1. The proposed use will not adversely affect the neighborhood, the General Plan or the community plan and will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The location of the existing facility and conditions of operation for it would tend to mitigate any adverse effects associated with its use. Expansion of the facility will not increase the adverse effects already associated with its use.

2. The proposed use will comply with all the relevant regulations in the Municipal Code.

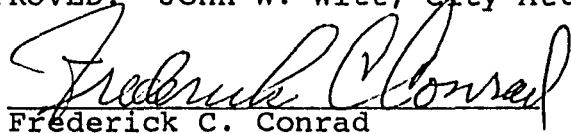
Section 101.0507 of the San Diego Municipal Code grants this Council, following Planning Commission recommendation, authority to approve radio or television transmission stations and broadcasting studios in any zone by a Conditional Use Permit. This Council believes that appropriate conditions exist in this case to grant the permit for project expansion.

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 SOUTHWESTERN CABLE TV, a Delaware corporation, Owner/Permittee, Conditional Use Permit No. 83-0696 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



Frédéric C. Conrad
Chief Deputy City Attorney

FCC:ib:632
03/08/84
Or.Dept:Clerk
CUP-83-0696
R-84-1468
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CONDITIONAL USE PERMIT
NO. 83-0696
CITY COUNCIL
(AMENDMENT TO CUP No. 589-PC)

This Conditional Use Permit is granted by the City Council of The City of San Diego to SOUTHWESTERN CABLE TV, a Delaware corporation, Owner/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 Owner/Permittee to enlarge an existing television office and studio facility and to adjust the permit boundary for additional parking use on a 2.72-acre site located at 8949 Ware Court in Zones M-1B and A-1-10 in the Mira Mesa Community Plan area, more particularly described as Parcels 3 and 4, Parcel Map No. 9713 and a portion of Section 11, Township 15 South, Range 3 West, S.B.B.M.

2. The facility shall consist of the following:

a. A 41,850 square-foot gross floor area office, studio and warehouse complex consisting of a 25,600 square-foot existing building with a 3550 square-foot, one story expansion on the west side and a two-story, 12,700 square-foot expansion on the east side.

b. Off-street parking.

c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. Not less than 268 off-street parking spaces shall be provided and maintained on the property in the approximate location shown on Exhibit "A," dated November 10, 1983, on file

in the office of the Planning Department. No fewer than 217 spaces shall be designated for visitor and employee parking. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked. If alternate development plan is utilized, not less than 217 total parking spaces shall be provided.

4. No permit for construction of the expanded building floor area (16,250 square feet) shall be granted until Owner/Permittee has obtained a long-term lease for use of the San Diego Gas & Electric Company right-of-way for parking, satisfactory to the Planning Director.

5. The microwave antenna shall not exceed 40 feet in height unless technical difficulties require greater height. At such time, the antenna may be raised to a maximum height of 60 feet.

6. No permit for construction of the expanded facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

a. The Permittee signs and returns the amended permit to the Planning Department; and

b. The Conditional Use Permit is recorded in the office of the County Recorder.

7. Before issuance of any building permits on the expanded facility, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 10, 1983,

on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

8. Before issuance of any grading or building permits, an amended landscape plan for the expanded area and for areas disturbed by new building construction, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated November 10, 1983, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

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

10. This amended Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Sections 101.0506 and 101.0507 of the San Diego Municipal Code.

11. The applicant shall construct a standard commercial driveway ramp, per Standard Drawing G-14, on Carroll Road at the entrance to the proposed parking lot, satisfactory to the City Engineer.

12. After establishment of the amended project, the property shall not be used for any other purpose unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion;
or
- c. The permit has been revoked by the City.

13. This amended Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

14. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON FEBRUARY 21, 1984.

Form=CUP

AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, 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 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.

SOUTHWESTERN CABLE TV, a Delaware corporation

By _____

By _____

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

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R- 260161

FEB 21 1984

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maybell G. Pontecorvo, Deputy.

Office of the City Clerk, San Diego, California

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