

RESOLUTION NUMBER R- 265350

ADOPTED ON APR 1 1986

WHEREAS, KCST-TV CORPORATION, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. CUP-85-0767 to construct an 11,330-square-foot addition to an existing television broadcasting facility, and to develop an adjacent lot for additional parking; and

WHEREAS, on December 19, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. CUP-85-0767 and filed said decision in the office of the City Clerk; and

WHEREAS, the City Council is empowered by the provisions of Municipal Code, Section 101.0506 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; 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. CUP-85-0767:

1. The proposed television broadcasting facility expansion and parking lot development will not adversely affect the neighborhood, the General Plan, the community plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The addition would upgrade the appearance and activities on the site.

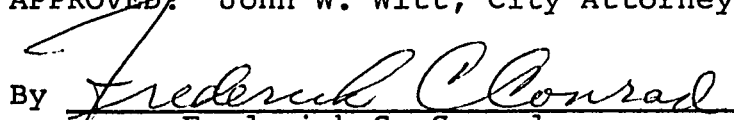
2. The proposed television broadcasting facility expansion will comply with all relevant regulations in the Municipal Code.

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 hereby sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. CUP-85-0767, 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:cc:632
07/21/86
Or.Dept:Clerk
R-86-1937
Form=r.RESCUP

R-265350

CONDITIONAL USE PERMIT NO. 85-0767

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to KCST-TV CORPORATION, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct an 11,330-square-foot addition to an existing television broadcasting facility, and to develop an adjacent lot for additional parking located on the north side of Engineer Road between Mercury Street and Kearny Mesa Road at 8330 Engineer Road, described as Lots 40, 41, 42 and 43 of Aero Industrial Park, Map 4639, in the M1-A.

2. The facility shall consist of the following:

- a. An existing 25,000-square-foot;
- b. 160 parking parking spaces;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 160 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 1, 1986, 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. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for construction of any 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 permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Commission decision or within 30 days of receipt from the City, the permit shall be void.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to

Exhibit "A," dated April 1, 1986, 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.

6. Before issuance of any grading or building permits, a complete landscape plan, 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 April 1, 1986 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.

7. 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.

8. This 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 Section 101.0506 and 101.0507 of the Municipal Code.

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

10. After establishment of the project, the property shall not be used for any other purposes 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.

11. This 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.

12. 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.

13. Prior to the issuance of any building permits, the applicant shall provide evidence satisfactory to the Water Utilities Director showing that adequate access will be provided to the existing sewer manhole along the northerly project boundary.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,
APRIL 1, 1986.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor
The City of San Diego

CHARLES G. ABDELNOUR
City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198__, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared MAUREEN O'CONNOR, 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.

KCST-TV CORPORATION

By _____

By _____

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

331 B

APR 1 1986

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Judy McCarty	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)



By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-265350</u>	Adopted <u>APR 1 1986</u>