

RESOLUTION NUMBER R- 267815
ADOPTED ON MAR 3 1987

WHEREAS, the Planning Commission approved Conditional Use Permit No. CUP-86-0683 submitted by WILLET H. BROWN, Owner, and KGB INCORPORATED, Permittee, to erect an 80-foot tower behind the existing studio building for a low power, two-way, point-to-point radio system, on Parcel 8, Parcel Map No. PM-7792, located on the north side of Engineer Road, between Cardin Street and Ruffner Road, in the Serra Mesa Community Plan area, in the M-1B Zone; and

WHEREAS, said appeal was set for public hearing on March 3, 1987, 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, that this Council adopts the following findings with respect to Conditional Use Permit No. CUP-86-0683:

1. The proposed radio tower will not adversely affect the neighborhood, General Plan or the Serra Mesa Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The permit will upgrade the operation of an existing radio station which is currently experiencing transmission difficulties. The tower has a maximum base width of two feet, is located behind a building

and adjacent to a higher grade to the east and is to be painted a nonreflective grey color; adverse visual and safety impact will be negligible.

3. The proposed radio tower will comply with the relevant regulations in the Municipal Code. Municipal Code Section 101.0510, paragraph 4.g., grants this Council authority to approve stationary facilities for transmission of electromagnetic communication signals for radio and broadcasting studios. This Council believes the conditions proposed for this permit are appropriate.

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

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0683 is hereby granted to WILLET H. BROWN, Owner, and KGB INCORPORATED, Permittee, under the terms and conditions 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:600
03/09/87
Or.Dept:Clerk
R-87-1783
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0683
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to Willet H. Brown (Owner) and KGB Incorporated (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 erect an 80-foot high, two-way, point-to-point radio tower located on the north side of Engineer Road between Cardin Street and Ruffner Road, described as Parcel No. 8, Parcel Map No. 7792, in the M-1B Zone.

2. The facility shall consist of the following:

- a. An existing 9,800 square-foot radio station studio;
- b. An 80-foot high radio transmission tower;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than the existing amount (26 spaces) of off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 3, 1987, 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 acceptable 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.

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 March 3, 1987, 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 March 3, 1987, 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 36 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. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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 City Council; 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 or the findings as found no longer exist.

12. The tower shall be painted a non-reflective grey color.

13. 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.

Passed and Adopted by the City Council on March 3, 1987.

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MAR 3 1987

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

Council Members	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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June A. Blackwell* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-267815* Adopted **MAR 3 1987**