

(R-88-1881)

RESOLUTION NUMBER R-270462

ADOPTED ON MARCH 1, 1988

WHEREAS, on January 21, 1988, the Planning Commission of The City of San Diego considered the request for Conditional Use Permit No. 87-0922, submitted by Kearny Mesa Business Center, Owner, and KGMG-FM Par Broadcasting Company, Permittee, for a thirty (30) foot-high radio antenna pole with a six (6) foot diameter microwave antenna as part of a radio station studio complex, located on the southeast side of Kearny Villa Road between Topaz Way and Chesapeake Drive, in the Serra Mesa Community Plan area, in the M-1B Zone; and

WHEREAS, the matter was set for public hearing on March 1, 1988, 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. 87-0922:

1. The proposed use will fulfill a need and will not adversely affect the neighborhood, the General Plan, or the Serra Mesa Community Plan and will not be detrimental to the health, safety and general welfare of the people living or working in the area. The visual impact of the proposed use in the area is minimized because the immediate area contains a number of antenna

towers that are much larger in scale and height than the proposed use, and the tower will be constructed of a non-reflective material. The proposed tower will be set back from adjacent uses and is located in a primarily industrial area.

2. The proposed radio tower will comply with all relevant regulations of the San Diego Municipal Code. Paragraph C.4.g. of Section 101.0510 of the San Diego Municipal Code, grants the City Council authority to approve stationary facilities for transmission of electromagnetic communications signals for radio and broadcasting studios. The processing of a conditional use permit on the site provides the community with assurance that development standards will be implemented. The Planning Department believes that the conditions proposed are appropriate to grant the conditional use permit.

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. 87-0922 is hereby granted to Kearny Mesa Business Center, Owner, and KGMG-FM Par Broadcasting Company, 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*
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ta
03/16/88
Or.Dept:Clerk
R-88-1881
Form=r.permit

CONDITIONAL USE PERMIT NO. 87-0922

CITY COUNCIL

This Conditional Use Permit ("Permit") is granted by the Council of The City of San Diego to KEARNY MESA BUSINESS CENTER, a California limited partnership, "Owner," and KGMG-FM PAR BROADCASTING COMPANY, a general partnership, "Permittee," under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to construct a thirty (30) foot high roof-mounted radio antenna with a six (6) foot diameter microwave antenna in conjunction with a radio station studio located on the southeast side of Kearny Villa Road between Topaz Way and Chesapeake Drive, described as a portion of Lots 72 and 78 of Rancho Mission of San Diego, in the M-1B Zone.

2. The facility shall consist of the following:

a. Office space and a studio totalling five thousand (5,000) square feet.

b. A thirty (30) foot-high roof-mounted antenna with a six (6) foot diameter dish antenna.

c. Off-street parking.

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

3. The tower shall be constructed of a non-reflective material.

4. No fewer than seventeen (17) off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 1, 1988, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the 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.

5. No permit for construction operation or occupancy 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 Permit is recorded in the office of the County Recorder.

6. 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 1, 1988, 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.

7. 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 1, 1988, 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.

8. 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.

9. This Permit must be used within thirty-six (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 101.0510 of the Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

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

a. Authorized by the Planning Commission.

b. The proposed use meets every requirement of the zone existing for the property at the time of conversion.

c. The Permit has been revoked by the City.

12. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this Permit.

13. This 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 1, 1988.

MAR 01 1988

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Bhanda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-270462* Adopted *MAR 01 1988*