

(R-90-2040)

RESOLUTION NUMBER R-275797

ADOPTED ON MAY 29, 1990

WHEREAS, on April 19, 1990, the Planning Commission recommended approval of Conditional Use Permit No. 89-1353, submitted by KIFM BROADCASTING LIMITED PARTNERSHIP, a Limited Partnership, to operate a radio broadcast and transmission facility, involving the placement of a microwave antenna on the roof of an existing six-story office tower located at 3655 Nobel Drive, south of Nobel, east of I-5, west of Lebon Drive and north of Charmant Drive, and is further described as Lot 10, Map No. 10987, in the University Community Plan area, in the CO zone; and

WHEREAS, the matter was set for public hearing on May 29, 1990, 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. 89-1353:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed radio broadcast facility is an existing use in the community and is proposing to only relocate to a new location designated for office use by the General Plan and the community plan.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed broadcast and transmission equipment will be screened from public view by the building or a screen wall.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The facility will be of new construction and meet all current development standards.

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 recommendation of the Planning Commission is approved, and Conditional Use Permit No. 89-1353 is hereby granted to KIFM BROADCASTING LIMITED PARTNERSHIP, 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:lc
06/13/90
Or.Dept:Clerk
R-90-2040
Form=r.permit

R 275797

CONDITIONAL USE PERMIT NO. 89-1353

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to KIFM BROADCASTING LIMITED PARTNERSHIP, Limited Partnership, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to operate a radio broadcast and transmission facility, located at 3655 Nobel Drive, described as Lot 10, University Center, Map No. 10987, City of San Diego, in the CO Zone.
2. The facility shall consist of the following:
 - a. A radio broadcast and transmission facility within an existing six-story office building;
 - b. One (1) microwave antenna, one (1) FM antenna, and three (3), two-foot high satellite dishes;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the City Council.
3. 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.
4. Before issuance of any building permits, complete tenant improvement plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 29, 1990, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
5. 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 101.0510.k. of the Municipal Code. Any extension of

time shall be subject to all standards and criteria in effect at the time of extension is applied for.

6. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
7. 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.
8. 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.
9. This Conditional Use Permit is a covenant running with the subject property 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 in this permit and all referenced documents.
10. All transmission equipment which is placed on the roof or exterior of the building shall be painted the same color as the roof penthouse wall in order to blend into the building to the satisfaction of the Planning Director.
11. Any future transmission/broadcast equipment placed on the exterior of the building shall be screened from public view to the satisfaction of the Planning Director and based on a determination by the Planning Director may require an amendment to this Conditional Use Permit.
12. All exterior signage or lighting involved with the radio station shall conform to zoning standards and standards established within the Planned Commercial Development Permit (PCD No. 82-0544).
13. This project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by The City of San Diego after January 11, 1990.

14. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the Council of The City of San Diego on May 29, 1990.

FCC:lc
06/04/90
r-90-2040-p

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MAY 29 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275797* Adopted **MAY 29 1990**

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