

(R-92-983)

RESOLUTION NUMBER R-279099

ADOPTED ON DECEMBER 3, 1991

WHEREAS, on October 24, 1991, the Planning Commission of The City of San Diego recommended approval of Conditional Use Permit No. 91-0256 submitted by ATLAS HOTELS, INC., a corporation, Owner, and KUSI-TV, a corporation, Permittee, to construct and operate a 75-foot high microwave TV tower, containing two 6-foot and two 8-foot diameter antenna dishes for the reception and transmission of television signals, in the side yard of an existing television studio located at 4575 Viewridge Avenue, further described as Lot 13 of Daley Business Park, Unit 3, in the Serra Mesa Community Plan area, in the M1-A Zone; and

WHEREAS, the matter was set for public hearing on December 3, 1991, 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. 91-0256:

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 antenna will improve and expand television signals. The proposed project will have no effect on the General Plan, the Serra Mesa Community Plan or the draft Kearny Mesa Community Plan.

2. The proposed use, because of the 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 project does not transmit any waves considered a threat to human health nor will the tower encroach nor affect surrounding properties.

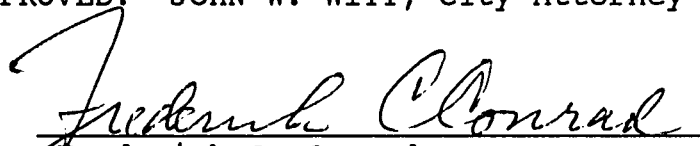
3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed project is consistent with the development regulations of M1-A zone and the requirements for a Conditional Use Permit in the Municipal Code.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained; and that Conditional Use Permit No. 91-0256 is hereby granted to ATLAS HOTELS, INC., Owner, and KUSI-TV, 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:pev
01/07/92
Or.Dept:Clerk
R-92-983
Form=r.permit

CONDITIONAL USE PERMIT NO. 91-0256

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to ATLAS HOTELS, INC., a corporation, Owner, and KUSI-TV, a corporation, Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 75-foot high microwave tower, located at 4575 Viewridge Avenue, described as Lot 13 of Daley Business Park Unit No. 3, in the M1-A zone.
2. The facility shall consist of the following:
 - a. A 75-foot high trellised microwave television tower;
 - b. Two 6-foot diameter antenna dishes and two future 8-foot diameter antenna dishes;
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than 107 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated December 3, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
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 December 3, 1991, 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.

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 December 3, 1991, 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 and is to be irrigated and maintained in a disease-, weed- and litter-free condition at all times.
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 101.0510.K. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the time of 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 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 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.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

Passed and adopted by the Council of The City of San Diego on December 3, 1991, by Resolution No. R-279099.

DEC 03 1991

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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

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Number Adopted DEC 03 1991