

(R-93-819)

RESOLUTION NUMBER R-280959

ADOPTED ON OCTOBER 27, 1992

WHEREAS, on September 24, 1992, the Planning Commission recommended approval of Coastal Development Permit No. 91-0448 submitted by Cabrillo Broadcasting Corporation, Owner/Permittee, for the purpose of installing one 4.5-foot in diameter ground-mounted satellite receiving dish and one 8-foot in diameter roof mounted microwave transmitting dish on an 11.63 acre parcel located at 5764 Pacific Center Boulevard, in the Mira Mesa Community Plan area, in the M-1B zone; and

WHEREAS, the matter was set for public hearing on October 27, 1992, 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 Coastal Development Permit No. 91-0448:

1. The proposed development is located near an existing physical accessway above the Lopez Canyon. The pedestrian path is part of the originally approved planned industrial development permit. However, this project will not encroach upon the accessway, and will not restrict use or access to the path. In addition, the project is not located near any public vantage points nor near any other scenic coastal areas, therefore it will not obstruct any views.

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2. The proposed development is not located on a site containing any marine resources, environmentally sensitive areas, or archaeological or paleontological resources. Therefore, it will not adversely affect these resources.

3. The proposed development is not located on property with biologically sensitive lands, significant prehistoric and/or historic resources. Therefore, it is not required to comply with the requirements related to the Resource Protection Ordinance (Section 101.0462 of the San Diego Municipal Code).

4. The proposed development is not located near any recreational or visitor-serving facilities or coastal scenic resources and will therefore not adversely affect these resources.

5. The proposed development is not located on any environmentally sensitive areas, and is sited in a manner to prevent any adverse impacts to the adjacent Los Penasquitos Canyon Reserve. Therefore, it will not affect these resources.

6. The proposed development is located on a single-story roof and in the parking lot of a previously developed site. No grading will occur on the site, therefore the possibility of undue risks from geologic and erosional forces will be reduced.


7. The proposed development will be screened from view, and will therefore be compatible with the surrounding industrial and office developments. The proposed ground mounted antenna will be provided with landscape and fence screens to reduce any visual impact to the surrounding area.

8. The proposed development conforms to the Mira Mesa Community Plan and Local Coastal Program and the relevant sections of the Municipal Code.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained and Coastal Development Permit No. 91-0448 is hereby granted to Cabrillo Broadcasting Corporation, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
12/16/92
Or.Dept:Clerk
R-93-829
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COASTAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT NO. 91-0448
PACIFIC CENTER BOULEVARD ANTENNA

CITY COUNCIL

This coastal development permit and conditional use permit is granted by the Council of The City of San Diego to CABRILLO BROADCASTING, a corporation, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a coastal development with a conditional use permit located at 5764 Pacific Center Boulevard, described as a portion of Lot 5 of Pacific 40 Unit 11, Map 11655, in the M-1B Zone.
2. The facility shall consist of the following:
 - a. One (1) 4.5-meter in diameter ground mounted satellite receiving dish;
 - b. One (1) 8-foot in diameter roof mounted microwave transmitting dish;
 - c. Landscaping;
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. No permit 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; and
 - b. The coastal development permit is recorded in the office of the County Recorder.
4. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 27, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
5. 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 October 27, 1992, on file in the office of the Planning Department. Approved planting shall be

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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 maintained in a disease, weed and litter free condition at all times.

6. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
7. This coastal development permit and conditional use permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.
8. This coastal development permit and 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.
9. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
10. 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.
11. 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.
12. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
13. Prior to the issuance of any building permits, the applicant shall assure that the chain-link fence around the ground antenna is at least 36 feet from the adjacent fire hydrant.
14. This coastal development permit and conditional use permit shall become effective following the decision of the City Council.
15. This coastal development permit and conditional use permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will

automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

16. 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 a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the Council of The City of San Diego on October 27, 1992, by Resolution Nos. R-280959 and R-280960.

AUTHENTICATED BY:

SUSAN GOLDING, 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 _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

CABRILLO BROADCASTING CORPORATION
Owner/Permittee

By_____

By_____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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Passed and adopted by the Council of The City of San Diego on OCT 27 1992
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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:

(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 Linda Legano, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 280959 Adopted OCT 27 1992