

(R-93-820)

RESOLUTION NUMBER R-280960

ADOPTED ON OCTOBER 27, 1992

WHEREAS, on September 24, 1992, the Planning Commission recommended approval of Conditional Use 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 Conditional Use Permit No. 91-0448:

1. The proposed use will not adversely affect the surrounding area, the General Plan nor the Mira Mesa Community Plan. The project has adequate screening so that the development will not affect the visual quality of the area.

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 environmental negative declaration for this proposal has determined that no significant emissions are expected from the facility and would not be hazardous to the public health or safety.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed antennas are an appropriate accessory use in the M-1B zone. In addition, the facility meets all other relevant regulations 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 Conditional Use 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
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Form=r.permit

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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

R. 280960

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.

Passed and adopted by the Council of The City of San Diego on
by the following vote: OCT 27 1992

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:

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 *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R. 280960* Adopted *OCT 27 1992*