

(R-85-974)

RESOLUTION NUMBER R- 262003

ADOPTED ON NOV 20 1984

WHEREAS, PACTEL MOBILE ACCESS, INC., a Delaware corporation, "Owner/Permittee," filed an application for a Conditional Use Permit, CUP-83-0629, to construct and operate a communication facility consisting of an equipment building and antenna tower located on the north side of Mt. Ada Road, between Mt. Rias Place and Mt. Albertine Avenue, more particularly described as a portion of Parcel B, Parcel Map No. 227, in the CA Zone of the Clairemont Mesa Community Plan area; and

WHEREAS, on October 25, 1984, the Planning Commission of The City of San Diego made its findings of fact, approved Conditional Use Permit No. 83-0629 and filed said decision in the office of the City Clerk; and

WHEREAS, said Conditional Use Permit No. 83-0629, pursuant to Section 101.0507 of the San Diego Municipal Code, was set for public hearing on November 20, 1984, 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 as follows:

All of the following facts exist with respect to Conditional Use Permit No. 83-0696:

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1. The proposed use will not adversely affect the neighborhood, the General Plan or the community plan and will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

2. The proposed use will comply with all the relevant regulations in the Municipal Code. Section 101.0507, paragraph A.7., of the San Diego Municipal Code grants this Council, following Planning Commission recommendation, authority to approve radio or television transmission stations and broadcasting studios in any zone by a Conditional Use Permit. This Council believes that appropriate conditions are included that would sufficiently reduce the negative visual impact of the proposed project.

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

BE IT FURTHER RESOLVED, that this Council does hereby grant to PACTEL MOBILE ACCESS, INC., a Delaware corporation, Owner/Permittee, Conditional Use Permit No. 83-0629 in the form and with the terms and conditions as 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:ib:632
11/29/84
Or.Dept:Clerk
R-85-974
Form=r.helipadCUP

**CONDITIONAL USE PERMIT
NO. 83-0629
CITY COUNCIL**

This Conditional Use Permit is granted by the City Council of The City of San Diego to PACTEL MOBILE ACCESS, a Delaware Corporation, Owner/Permittee, under the conditions in Section 101.0507 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a communication facility consisting of an equipment building and antenna tower located on the north side of Mt. Ada Road between Mt. Rias Place and Mt. Albertine Avenue, more particularly described a Portion of Parcel B, Parcel Map 227, in the CA Zone.
2. The facility shall consist of the following:
 - a. A 26-foot by 22-foot equipment building and a 145-foot-high antenna tower for frequency reception and transmission. The color of the pole shall be cool medium-light grey;
 - b. Off-street parking for service personnel; and
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Not less than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Parking spaces shall be consistent with 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:
4. No permit for construction of the expanded 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 amended permit to the Planning Department; and
 - b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, 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.

6. Before issuance of any 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 25, 1984, 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. Specific plant species shall be identified on final landscaping plans and shall be subject to Planning Director approval.

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 and not reflect onto adjacent properties.

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 101.0506 and 101.0507 of the Municipal Code. Such extension of time shall be subject to all regulations in force at the time of the extension.

9. After establishment of the amended 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.

10 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.

11 This Conditional Use 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.

12. This permit shall expire 20 years from the date of approval. If an extension is requested, the operation and conditions shall be reviewed at public hearings by the Planning Commission and City Council.

13. In the event that additional cellular mobile phone communication systems are needed in the future that would require a transmitting tower or towers in the vicinity of this approved facility, the permittee shall allow the installation of antennas on the tower authorized by this permit and the installation of necessary support equipment on the premises if the applicant for such additional antennae and support equipment shows that the operation thereof would not interfere with the operation of the permittee's antennae and support equipment and the co-location of such antennae and support equipment are otherwise technically feasible and compatible, and such additional antennae and support equipment are approved by The City of San Diego following a noticed public hearing on the matter.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO THIS 20TH DAY OF NOVEMBER, 1984.

AUTHENTICATED BY:

Roger Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of December, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and 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 persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

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 Conditional Use Permit and promises to perform each and every obligation of Permittee hereunder.

PACTEL MOBIL ACCESS, INC.
a Delaware corporation

By _____

NOTE: NOTARY ACKNOWLEDGEMENTS MUST
BE ATTACHED PER CIVIL CODE,
SEC. 1180 et seq.

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R-262003

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Passed and adopted by the Council of The City of San Diego on NOV 20 1984,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<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"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-262003 Adopted NOV 20 1984