

(R-86-731)

RESOLUTION NUMBER R- 264134

ADOPTED ON SEP 24 1985

WHEREAS, CENTRE CITY ASSOCIATES, a general partnership, "Owner," and GENCOM INC., a California corporation, "Permittee," filed an application for permission under Conditional Use Permit No. 85-0370 to allow a cellular communication site to be located on the roof of the Columbia Centre Building in downtown San Diego; and

WHEREAS, on August 1, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 85-0370 and filed said decision in the office of the City Clerk; and

WHEREAS, the matter was set for public hearing on September 24, 1985, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

WHEREAS, the City Council is empowered by the provisions of San Diego Municipal Code Section 101.0506 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; 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. 85-0370:

1. The proposed use will not adversely affect the neighborhood, the General Plan nor the community plan, nor will it be detrimental to the health, safety and general welfare of persons living or working in the area. The use of the site as a cellular transmission facility is consistent with the existing zoning for this site and land use development in the area. The proposed use is an appropriate accessory activity within an area designated for commercial/office development. The antennas and microwave dish will not have any significant visual impact on the community.

2. The proposed use will comply with all relevant regulations in the San Diego Municipal Code. Section 101.0507 of the Municipal Code, paragraph A.7., grants the City Council authority, under conditions, to approve radio and television transmission stations and broadcasting studios, by a conditional use permit, following a recommendation from the Planning Commission. The development, with the recommended conditions, will be consistent with the San Diego Municipal Code in every respect.

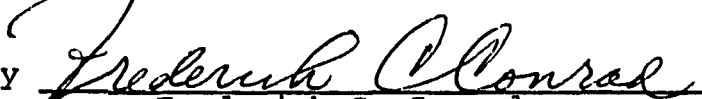
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that this Council hereby sustains the decision of the Planning Commission, and does hereby grant to

"Owner/Permittee," Conditional Use Permit No. 85-0370, 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:cc:632
10/22/85
Or.Dept:Clerk
R-86-731
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CONDITIONAL USE PERMIT NO. 85-0370 CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to CENTRE CITY ASSOCIATES, a general partnership, "Owner," and GENCOM INC., a California corporation, "Permittee," for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in San Diego Municipal Code Section 101.0506.

1. Permission is hereby granted to Owner/Permittee to establish a cellular transmission site on the roof of the Columbia Centre Building, located at 401 West A Street, between Columbia and State Streets, described as Lots 1 through 12, Block 9, Middleton, Map No. 1874, in the CBD Zone.

2. The facility shall consist of the following:

- a. Cellular transmission facility; and
- b. Accessory uses as may be determined incidental and approved by the Planning Director.

3. The facility shall be situated so as not to interfere with emergency helicopter operations to the satisfaction of the Director of the Building Inspection Department.

4. No permit for construction of the cellular transmission 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; and

b. The Conditional Use Permit is recorded in the office of the County Record.

5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformance with Exhibit A, dated August 1, 1985, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. 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.

7. 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 Sections 101.0506 and 101.0507 of the San Diego Municipal Code. Any such extension shall meet all of the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered.

8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.

9. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the City Council; and;
- 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.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON
SEPTEMBER 24, 1985.

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SEP 24 1985

Passed and adopted by the Council of The City of San Diego on
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"/>
District 7 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-264134** Adopted **SEP 24 1985**