

(R-87-178)

RESOLUTION NUMBER R- 266275

ADOPTED ON JUL 22 1986

WHEREAS, the Planning Commission approved Conditional Use Permit No. CUP-86-0214 submitted by PACIFIC BELL, a California corporation, "Owner/Permittee" for a 20-foot whip antenna on top of a 78-foot high pole and a 5-foot by 8-foot equipment building for an existing public utility, on a portion of Lot 5 of Section 5, Township 14 South, Range 2 West, SBBM, located on a peak of Black Mountain, between I-15 and Carmel Mountain Road, in the Penasquitos East Community Plan area, in the A-1-10 Zone; and

WHEREAS, the matter was set for public hearing on July 22, 1986, 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. CUP-86-0214:

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. The only impact upon the neighborhood would be the visual impact of the proposed whip

antenna and pole. This impact, however, is lessened because of the already existing AT&T microwave structure whip antenna and pole and the Southwestern Cable microwave structure. The close proximity of the Pacific Bell site to the adjacent AT&T parcel would avoid the appearance of a separate installation.

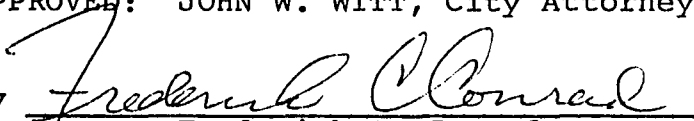
2. The proposed use will comply with all relevant regulations in the Municipal Code. Section 101.0507, paragraph 7, provides for radio and television transmission stations and broadcasting studios.

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 decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0214 is hereby granted to PACIFIC BELL, "Owner/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:cc:640
09/26/86
Or.Dept:Clerk
R-87-178
Form=r.permit

**CONDITIONAL USE PERMIT NO. CUP-86-0214
CITY COUNCIL**

This Conditional Use Permit is granted by the City Council of The City of San Diego to Pacific Bell, a California corporation, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

- 1. Permission is granted to Owner/Permittee to construct and operate a 20-foot whip antenna atop a 78-foot-high pole with an eight-foot by five-foot equipment building located on Black Mountain between Interstate 15 and Carmel Mountain Road, described as Portion of Lot 5 of Section 5, T14S, R2W, SBBM, in the A1-10 Zone.**
- 2. The facility shall consist of the following:**
 - a. 20-foot whip antenna atop a 78-foot-high pole;**
 - b. A five-foot by eight-foot equipment building;**
 - c. Off-street parking; and**
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.**
- 3. No permit for Operation 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.**
- 4. 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 July 22, 1986, 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.**
- 5. 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.**

6. 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. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

8. 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.

9. 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.

10. 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, JULY 22, 1986.

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R-266275

JUL 22 1986

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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<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.

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

By *June G. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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