

(R-87-704)

RESOLUTION NUMBER R- 266749

ADOPTED ON OCT 7 1986

WHEREAS, the Planning Commission approved Conditional Use Permit No. CUP-86-0475 submitted by PACTEL MOBILE ACCESS, a California corporation, for a mobile access facility within a San Diego Gas & Electric Company substation site on a portion of Section 32, Township 14 South, Range 3 West, SBBM (approximately 40 acres), located on the east side of I-5, between Carmel Valley Road and Carroll Canyon Road, in the Sorrento Hills Community Plan area, in the A-1-10 Zone; and

WHEREAS, said appeal was set for public hearing on October 7, 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-86-0475:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Uptown Community Plan.

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.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code.

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-86-0475 is granted, 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:600  
12/11/86  
Or.Dept:Clerk  
R-87-704  
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0475  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to PACTEL MOBILE ACCESS, a California 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 cellular telephone facility, located on the east side of the Interstate 5 Freeway between Carmel Valley Road and Carroll Canyon Road, described as Portion of Section 32, T14S, R3W, SBBM, in the A-1-10 (Portion HR) Zone.
2. The facility shall consist of the following:
  - a. Cellular transmission facility;
  - 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 the Miramar Naval Air Station flight operations to the satisfaction of the Navy.
4. The cellular telephone facility shall meet all requirements of the Federal Communications Commission (FCC) and the California Public Utilities Commission.
5. No permit for construction and 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.
6. 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 August 14, 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.
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.

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

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

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

- a. Authorized by the Planning Commission or 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.

11. 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.

12. 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.

Passed and Adopted by the City Council on October, 7, 1986.



2826

Passed and adopted by the Council of The City of San Diego on OCT 7 1986,  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<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"/>
Judy McCarty	<input checked="" 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 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 *June A. Blackhall*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-266749</u>	Adopted <u>OCT 7 1986</u>

RECEIVED  
CITY CLERK'S OFFICE  
1986 DEC 12 PM 3:02  
SAN DIEGO, CALIF.

CC160