

RESOLUTION NUMBER R- 266751

ADOPTED ON OCT 7 1986

WHEREAS, on August 14, 1986, the Planning Commission approved Conditional Use Permit No. CUP-86-0476, submitted by PACTEL MOBILE ACCESS, a California corporation, Owner/Permittee, for a mobile access facility on the roof of an existing 12-story office building, on Parcel A, Parcel Map No. 261, and portions of Parcels 10 and 11, E. W. Morse's Subdivision, Map No. 103, located on the south side of Camino de la Reina, between State Highway 163 and Camino de la Siesta, in the Mission Valley Community Plan area, in the CA Zone; and

WHEREAS, the matter 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-86-0476:

1. The proposed use will not adversely affect the neighborhood, general plan or community plan, nor will it be detrimental to the health, safety and general welfare of persons residing or working in the area. The use of the site as a cellular transmission facility is consistent with the existing zoning for the site and land use development in the area. The

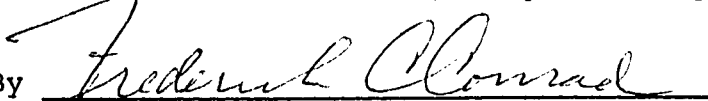
proposed use is an appropriate accessory activity within an area designated for commercial/office development. The antennas will not have any significant visual impact on the community. Cancellation of Conditional Use Permit No. CUP-84-0470, is appropriate, in order to accommodate the present request.

2. The proposed use will comply with the relevant regulations in the Municipal Code. Municipal Code Section 101.0507.A.7., grants this Council authority, under conditions, to approve radio or television stations and broadcasting studios by conditional use permit following a recommendation from the Planning Commission. The development, with the recommended conditions, will be consistent with the requirements contained in the 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 the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0476 is hereby granted to PACTEL MOBILE ACCESS, a California corporation, 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
01/23/87
Or.Dept:Clerk
R-87-706
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0476
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 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to establish a cellular telephone transmission facility located at 591 Camino de la Reina between State Highway 163 Freeway and Camino de la Siesta, described as Parcel A, Parcel Map No. 261, and Portions of Parcels 10 and 11, E.W. Morse's Subdivision, Map No. 103, in the CA Zone.

2. The facility shall consist of the following:

- a. Cellular telephone facility, as an accessory use to an existing 12-story office structure,
- b. Accessory uses as may be determined incidental and approved by the Planning Director.

3. The cellular telephone facility shall meet all requirements of the Federal Communication Commission (FCC) and the California Public Utilities Commission.

4. No permit for construction or 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.

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 7, 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.

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 7, 1986, on

file in the office of the Planning Department. Approved plantings 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.

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 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.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the findings or 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.

13. This Conditional Use Permit shall supersede Conditional Use Permit No. 84-0470, which is cancelled herewith.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON OCTOBER 7, 1986.

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 Struiksmma	<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.

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

June A. Blackwell
Deputy.



Office of the City Clerk, San Diego, California

Resolution Number R-266751 Adopted OCT 7 1986