

(R-87-1785)

RESOLUTION NUMBER R- 267817  
ADOPTED ON MAR 3 1987

WHEREAS, the Planning Commission approved Conditional Use Permit No. CUP-86-0680 submitted by PACTEL MOBILE ACCESS, Owner/Permittee, to construct and operate a 110-foot tower with a dish antennae in conjunction with a Multiple Terminal Switching Office, on Lot 79 of Kearny Mesa Industrial Park Unit 7, Map No. 7025, located on the east side of Mercury Street, between Vickers Street and Ronson Road, in the Serra Mesa Community Plan area, in the M-1A Zone; and

WHEREAS, said appeal was set for public hearing on March 3, 1987, 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-86-0680:

1. The proposed use will fulfill a need and will not adversely affect the neighborhood, General Plan or the Community Plan. The permit will upgrade the operation of PacTel's Cellular Microwave System. The existing overhead phone line system was built utilizing leased telephone lines, microwave is a natural transition from this system. It provides a higher quality signal and greater flexibility to meet peak demand. The Serra Mesa

Community Plan designates this area for light industrial uses and the proposal is isolated within industrially used property without being in close proximity to residential uses.

2. The proposed project, 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. The permit would specify that the project be located in the rear of the site and that this use would comply with regulations of this or any other governmental agencies.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed microwave tower will comply with all relevant regulations of the Municipal Code. Municipal Code Section 101.0510, paragraph 4.g., grants this Council authority to approve stationary facilities for transmission of electromagnetic signals including microwave relay stations and cellular mobile telephone transmitting facilities.

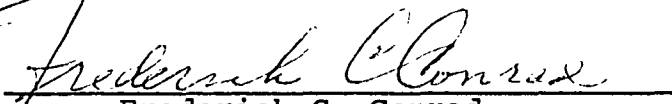
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained and Conditional Use Permit No. CUP-86-0680 is hereby granted to PACTEL MOBILE ACCESS, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Planning Department is directed to report to the Transportation and Land Use Committee at the conclusion of three years after the issuance of the permit as to the state of technology at that time to see whether or not it is feasible to make a change, and if no change is feasible, the committee shall make periodic updates and watch the advancement of said technology.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:600  
03/09/87  
Or.Dept:Clerk  
R-87-1785  
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# CORRECTED COPY

## CONDITIONAL USE PERMIT NO. CUP-86-0680 City Council

This Conditional Use Permit is granted by the City Council of The City of San Diego to PACTEL MOBILE ACCESS, "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 operate a 110-foot tower in concert with a central Multiple Terminal Switching Office located on the east side of Mercury Street between Vickers Street and Ronson Road, described as Lot 79 of Kearny Mesa Industrial Park Unit No. 7, Map No. 7025, in the M-1A Zone.

2. The facility shall consist of the following:

- a. a 110-foot tower with seven dish antennae, five antennae will be located in the lower two-thirds of the tower;
- b. a Multiple Terminal Switching Office to be located in the existing building;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 43 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 3, 1987, 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 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.

5. 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 March 3, 1987, 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. 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. The antennae will be painted with a non-reflective, low-contrast color.

8. This permit shall expire ten 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.

9. The Permittee shall report to the Transportation and Land Use Committee at the conclusion of three (3) years after the issuance of the permit as to the state of technology at that time to determine whether it is feasible to make changes in this facility. If it is not feasible to make changes, the committee can make periodic updates and monitor the advancement of this technology.

10. A standard navigational light (red obstruction light) shall be placed on the top of the tower.

11. 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 101.0510K 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.

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

13. 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.

14. 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.

15. 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 March 3, 1987.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA )  
                          ) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 permit and promises to perform each and every obligation of Permittee hereunder.

PACTEL MOBILE ACCESS  
(Permittee)

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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MAR 3 1987

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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"/>
Celia Ballesteros	<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 G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-267817* Adopted **MAR 3 1987**