

(R-88-284)

RESOLUTION NUMBER R-268975

ADOPTED ON JULY 28, 1987

WHEREAS, the Planning Commission approved Conditional Use Permit No. CUP-87-0063 submitted by PACTEL MOBILE ACCESS, a California corporation, Lessee/Permittee, for construction and operation of a 60-foot steel lattice microwave transmission tower and associated one-story equipment/generator building, on a portion of Lot 5, Section 5, Township 14 South, Range 2 West, SBBM, located on Black Mountain Road, between Interstate 15 and Black 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 28, 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-87-0063:

1. The proposed project will fulfill a need and will not adversely affect the General Plan or the community plan. The proposed 60-foot microwave transmission facility will provide for an upgrade of the PacTel cellular microwave system. The proposed use will be in conformance with the adopted Penasquitos East Community Plan.

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. No detrimental effect on the surrounding area is anticipated from the construction of the proposed 60-foot microwave transmission facility due to the site's location adjoining existing facilities of a similar nature and due to the relatively isolated location. The permit will provide for specific conditions of approval including compliance with all regulations of The City of San Diego and any other governmental agencies.

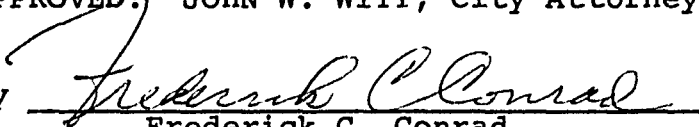
3. The proposed use will comply with all relevant regulations in the Municipal Code. The proposed 60-foot microwave transmission facility use will comply with all relevant regulations of the Municipal Code. Section 101.0510.4.g. grants the Council authority to approve stationary facilities for the transmission 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, the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-87-0063 is hereby granted to PACTEL MOBILE ACCESS, 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:600
08/07/87
Or.Dept:Clerk
R-88-284
Form=r.permit

**CONDITIONAL USE PERMIT NO. CUP-87-0063
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, "Lessee/Permittee," under the conditions in Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Lessee/Permittee to construct and operate a 60-foot microwave transmission tower and associated one-story equipment building of 415 square feet with a generator enclosure and a propane tank located on Black Mountain between Interstate 15 and Black Mountain Road, described as a Portion of Lot 5, Section 5, T14S, R2W, SBM, in the A-1-10 (HR) Zone.

2. The facility shall consist of the following:

- a. A 60-foot microwave transmission tower with 12 dish antennae;**
- b. A 415-square-foot equipment building;**
- c. A generator enclosure and a propane tank;**
- d. Off-street parking; and**
- e. Accessory uses as may be determined incidental and approved by the Planning Director.**

3. No fewer than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 28, 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 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 grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated July 28, 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. A complete landscape plan shall be required to screen the base area of the facility from the adjoining Black Mountain Park and Open Space if determined necessary by the Parks Department due to the location of hiking and equestrian trails. Complete plans shall be submitted to the Planning Director for review and approval.

7. Any outdoor security 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. All antennae will be painted with a non-reflective, low contrast color.

10. A standard navigational light shall be placed on top of the tower.

11. 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. The transmission tower shall be removed when technology becomes available that would render it obsolete, as determined by the City Council.

10. This Conditional Use Permit shall expire ten years from the date of approval by the City Council. If an extension of time is requested, the transmission facility's operation, surrounding conditions, and current technology shall be reviewed and public hearings conducted by the Planning Commission and City Council prior to making a determination on the request.

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

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

- a. Authorized by the Planning Director; 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.

13. 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.

14. This Conditional Use Permit is a covenant running with the land 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 28, 1987.

JUL 28 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-268975* Adopted *JUL 28 1987*