

(R-88-2576)

RESOLUTION NUMBER R- 271081

ADOPTED ON MAY 31 1988

WHEREAS, on May 12, 1988, the Planning Commission of The City of San Diego, approved Conditional Use Permit No. 88-0257, submitted by Sanyo Corporation, Owner/Permittee, to allow construction of a 110-foot-high microwave communications tower for utilization of line-of-sight communication between the Sanyo Corporation's Otay Mesa Facility and their Tijuana Facility, located on the east side of Sanyo Avenue between Airway Road and Otay Mesa Road, in the Otay Mesa Community Plan area, in the Otay Mesa Development District-Industrial Subdistrict Zone; and

WHEREAS, the matter was set for public hearing on May 31, 1988, 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. 88-0257:

1. The proposed use will fulfill a need and will not adversely affect the General Plan of the adopted Otay Mesa Community Plan. The microwave tower will allow necessary line-of-sight communications between the Otay Mesa and Tijuana Sanyo facilities and is allowed in the industrial subdistrict of the Otay Mesa Development District.

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San Diego

2. The proposed use 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 people in the vicinity. The conditional use permit includes conditions for screening the tower with landscaping and identifying it with lights. Both the FAA and FCC have approved the design and location of the proposed tower.

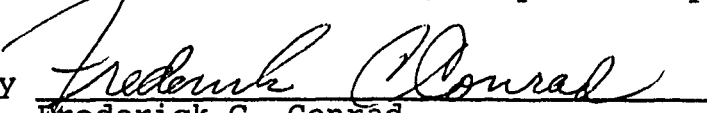
3. The proposed use will comply with all the relevant regulations in the San Diego Municipal Code. The project conforms with regulations for conditional use permits relating to microwave towers (Section 101.0510.4.g.).

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

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 88-0257, is hereby granted to Sanyo 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:ta
06/28/88
Or.Dept:Clerk
R-88-2576
Form=r.permit

CONDITIONAL USE PERMIT NO. 88-0257

CITY COUNCIL

This Conditional Use Permit ("Permit") is granted by the Council of The City of San Diego to the SANYO CORPORATION, a Delaware corporation, ("Owner/Permittee"), under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to Owner/Permittee to erect a 110-foot-high steel microwave tower for line-of-site microwave transmissions between the Sanyo Corporation's Otay Mesa facility and their Tijuana facility. The site is located on the east side of Sanyo Avenue between Airway Road and Otay Mesa Road, described as Legal Lot 1, San Diego Business Park, Unit No. 1, Map No. 11628, in the Otay Mesa Development District-Industrial Subdistrict Zone.

2. The facility shall consist of the following:

a. A 110-foot-high steel tower for microwave transmissions between Sanyo's Otay Mesa Facility and their facility in Tijuana.

b. Landscape screening of the proposed tower.

c. Off-street parking.

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than the existing 527 off-street parking spaces as allowed in OMD Permit No. 86-0342 shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 31, 1988, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the 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 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 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 May 31, 1988, 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 grading or 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 May 31, 1988, on file in the office of the Planning Department. Approved planting shall be consistent with the landscape plan approved under OMD Permit No. 86-0342 and 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. Additionally, the applicant shall install landscape screening around the tower as approved by the Planning Director to reduce the visual impacts of the structure.

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 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 101.0510 of the 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 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 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. A condition of this Permit is the requirement that the Planning Director shall review the Permit every three years to evaluate the continued need for the microwave tower in light of changing technology and the possibility for collective use of the tower by other Otay Mesa property owners.

14. The applicant shall install warning lights on the tower to alert aircraft of its presence.

15. The applicant shall obtain the approval of the Federal Aviation Administration, Federal Communications Commission and all other agency approvals necessary for operation and maintenance of the microwave tower.

16. A navigation easement has been filed over this property. Therefore, the height of the tower should not exceed 684 MSL without approval from the FAA.

17. The tower authorized by this Permit shall be modified or removed at Sanyo's expense and in ninety (90) days in the event the tower or its use is determined by The City of San Diego in consultation with the Federal Aviation Administration or Federal Communications Commission to constitute an obstruction or hazard to air navigation or to constitute an interference with aircraft navigation systems.

PASSED AND ADOPTED by the City Council on May 31, 1988.

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.

SANYO CORPORATION
(Permittee)

By _____

By _____

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

R 271081

Passed and adopted by the Council of The City of San Diego on MAY 31 1988,
 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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-271081 Adopted MAY 31 1988