

(R-90-500)

RESOLUTION NUMBER R-274244

ADOPTED ON AUGUST 8, 1989

WHEREAS, Southwestern Cable Television, Inc., a Delaware corporation, Owner/Permittee, filed an application for Conditional Use Permit No. 89-0336 (an Amendment to CUP No. 82-0319) to expand its existing 1,600 square foot facility by adding a 960 square foot one-story building addition and a new eight-foot diameter dish-type antenna for expansion of transmission facilities to provide 62 channels located on the southeastern side of Black Mountain between Interstate 15 and Black Mountain Road, described as Portion of Lot 5, Section 5, Township 14 South, Range 2 West, San Bernardino Meridian, within Penasquitos East Community Plan area, in the A1-10 zone; and

WHEREAS, on June 2, 1989, the Planning Commission of The City of San Diego made its findings of fact and approved Conditional Use Permit No. 89-0336 (Amendment to CUP No. 82-0319); and

WHEREAS, the matter was set for public hearing on August 8, 1989, 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. 89-0336:

1. The proposed expansion of the Southwestern Cable TV facility will fulfill a need and will not adversely affect the General Plan or the adopted Penasquitos East Community Plan. The expansion of Southwestern Cable TV's facilities will allow an expansion of existing transmission from 39 to 62 channels and will also expand the service area.

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 property in the vicinity. The conditional use permit includes conditions which will mitigate any adverse impacts to a level of insignificance.

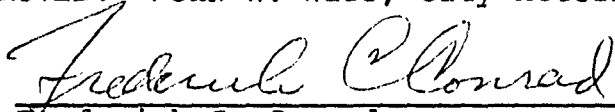
3. The proposed use will comply with the relevant regulations in the Municipal Code. The project conforms with the regulations of the San Diego Municipal Code section 101.0510.C.4.g. granting the Council authority to approve stationary facilities for transmission or relay of electromagnetic communications signals. The Planning Department believes that the conditions proposed for this permit are appropriate.

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

BE IT FURTHER RESOLVED, that this Council hereby grants to Southwestern Cable Television, Inc., a Delaware corporation, Conditional Use Permit No. 89-0336 (Amendment to CUP

No. 82-0319), 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:lc
Or.Dept:Clerk
CUP 89-0336
R-90-500
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-0336

CITY COUNCIL

This Conditional Use Permit (Amendment to CUP 89-0319) is granted by the City Council of The City of San Diego to SOUTHWESTERN CABLE TELEVISION, INC., a Delaware 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 expand the existing cable transmission facilities to provide 62 channels located on the southeastern side of Black Mountain between Interstate 15 and Black Mountain Road, described as Portion of Lot 5, Section 5, Township 14 South, Range 2 West, San Bernardino Meridian, in the A1-10 Zone.
2. The facility shall consist of the following:
 - a. A 960-square-foot addition to the existing one-story 1,660-square-foot substation building for a total of 2,620-square-foot one-story substation building;
 - b. New stub towers matching those currently in place, and one additional eight-foot dish-type antenna, consistent with those dish antennas currently in place. Additionally, 70 feet of fence shall be relocated in the southeast corner of the compound and 60 feet would be added to the lower tower compound;
 - c. Future additions, which may be approved administratively by the Planning Director shall include:
 - 1) Addition of a transmission path to western Mira Mesa.
 - 2) Equipment to transmit test signals.
 - 3) Two four to five meter C-Band earth station antennas.
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than the existing number of off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 22, 1989, 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 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 June 22, 1989, 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 June 22, 1989, on file in the office of the Planning Department. Approved planting 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.
8. 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.
9. 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 101.0510 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.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. 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.
12. 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.
 13. 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.
 14. The applicant may add future additions, as specifically noted in Condition 2C., only after review and approval of the Planning Director.

Passed and adopted by the City Council on June 22, 1989.

FCC:lc
09/19/89
CUP-89-0336

AUG 8 1989

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
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 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-274244** Adopted **AUG 8 1989**