

(R-90-630)

RESOLUTION NUMBER R-274248

ADOPTED ON AUGUST 8, 1989

WHEREAS, on July 6, 1989, the Planning Commission of The City of San Diego recommended approval of Conditional Use Permit No. 89-0486 submitted by RREEF FUNDS, a Delaware corporation, Owner, and MCI TELECOMMUNICATIONS CORPORATION, a Delaware corporation, to allow the installation of an eight-foot diameter microwave emitting dish on an existing industrial building within the Kearny Mesa Complex Industrial Park on Lot 5 of Map No. 7411, located on the south side of Complex Drive (8933 Complex Drive), between Kearny Villa Way and Complex Drive, in the Serra Mesa Community Plan area, in the M-1A zone; 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. 89-0486:

1. The proposed use will fulfill a need and will not adversely affect the General Plan or the adopted Serra Mesa Community Plan. The microwave dish will allow MCI to meet increased business demand for long distance telephone service, and is an allowed industrial land use within the Serra Mesa Community Plan.

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 dish generates a level of electromagnetic radiation which is far below the maximum level for safe human exposure, and are located in an area which minimizes the potential visual impacts.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project conforms with regulations for conditional use permits relating to microwave towers (Section 101.0510.C.4.g. of the Municipal Code).

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 recommendation of the Planning Commission is sustained; and that Conditional Use Permit No. 89-0486 is hereby granted to RREEF FUNDS, Owner, and MCI

TELECOMMUNICATIONS CORPORATION, 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:lc
10/05/89
Or.Dept:Clerk
R-90-630
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-0486

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to RREEF FUNDS, a Delaware corporation, Owner, and MCI TELECOMMUNICATIONS CORPORATION, a Delaware corporation, Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to install an eight-foot diameter microwave dish on the roof of an existing two-story industrial building, located on the south side of Complex Drive between Kearny Villa Way and Complex Drive (8933 Complex Drive), described as Lot 5 of Map No. 7144, in the M-1A Zone.
2. The facility shall consist of the following:
 - a. Installation of an eight foot diameter microwave emitting dish, and retention of an existing microwave dish on an existing two-story MCI industrial building within the "Kearny Mesa Complex" Industrial Park;
 - b. Existing landscaping;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than the existing amount of off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 6, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8 of the Zoning Regulations 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit for installation 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 6, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or 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. 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.K. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
9. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Commission; 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.
10. 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.
11. This Conditional Use Permit is a covenant running with the subject property 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 in this permit and all referenced documents.

12. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the Council of The City of San Diego on August 8, 1989.

FCC:lc
10/04/89
r-90-630-p

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 _____, 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.

RREEF FUNDS
Owner

MCI TELECOMMUNICATIONS CORPORATION
Permittee

By _____

By _____

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

R- 274248

2221

Passed and adopted by the Council of The City of San Diego on AUG 8 1989,
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 Struiksmma	<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 <u>R-274248</u>	Adopted <u>AUG 8 1989</u>