

(R-90-1680)

RESOLUTION NUMBER R-275271

ADOPTED ON MARCH 13, 1990

WHEREAS, on February 1, 1990, the Planning Commission recommended approval of Conditional Use Permit No. 89-1098 submitted by U.S. WEST CELLULAR OF CALIFORNIA, Owner/Permittee, to construct a 55-foot high cellular receiving tower on top of an existing two-story building located on the east side of Sixth Avenue, between Robinson Avenue and Pennsylvania Avenue, and is further described as a portion of Lots 18 and 19, Block 4 of Crittenden Addition, Map No. 303, in the Uptown Community Plan area, in the CN-1A zone; and

WHEREAS, the matter was set for public hearing on March 13, 1990, 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. 89-1098:

1. The proposed use will fulfill a community need and will not adversely affect the General Plan or the community plan. The proposed use will serve the general needs of the public by providing business and personal telecommunication services currently in demand in the San Diego area. The proposed use would also contribute to emergency preparedness in the community

by providing emergency telecommunication services to area police, fire and public works facilities.

2. The proposed use, 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. A number of conditions (and referenced exhibits) have been incorporated into the draft permit relevant to compliance with the adopted community plan and underlying zone, including minimum standards for parking, outdoor lighting, landscaping, and construction, operation and maintenance of the proposed tower facility. These conditions combine to assure the continued health, safety and welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to conditional use permits and design criteria and guidelines of the adopted Uptown Community Plan.

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. 89-1098 is hereby granted to U.S. WEST CELLULAR OF CALIFORNIA, 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
04/05/90
Or.Dept:Clerk
R-90-1680
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-1098
SAN DIEGO MTX ADDITION

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to U.S. WEST CELLULAR OF CALIFORNIA, Owner/Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to erect a 55-foot-high cellular receiving tower on top of an existing two-story structure located on the east side of Sixth Avenue, between Robinson Avenue and Pennsylvania Avenue, in the Uptown Community, described as a portion of Lots 18 and 19, Block 4 of Crittenden Addition, Map No. 303, in the CN-1A zone.
2. The facility shall consist of the following:
 - a. One, 55-foot-high cellular receiving tower (12 x 15 feet in diameter) to be placed on top of the existing structure on this site; and which shall contain up to a maximum of ten microwave communication dishes as indicated on the approved Exhibit A, dated March 13, 1990, on file in the Planning Department;
 - b. Off-street parking; and
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. 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.
4. 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 March 13, 1990, on file in the office of the Planning Department. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

5. 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.
6. 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.
7. Construction, operation and maintenance of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
8. 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.
9. 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.
10. 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 in this permit and all referenced documents.
11. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
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 a 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 March 13, 1990.

FCC:lc
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MAR 13 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ina Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275271* Adopted **MAR 13 1990**