

(R-91-2160)

RESOLUTION NUMBER R-278049

ADOPTED ON JUNE 4, 1991

WHEREAS, on April 11, 1991, the Planning Commission recommended approval of Conditional Use Permit No. 90-0872 submitted by Gene R. Schniepp, Owner, and U.S. West Cellular, a Texas corporation, Permittee, to construct a cellular communication facility consisting of a 50 foot-high monopole with antennas, to be placed adjacent to the southwest corner of an existing warehouse building for Cole Van and Storage Warehouse, located at 3848 Sorrento Valley Boulevard just south of the apex of I-5 and I-805, east of Sorrento Valley Road, west of Sorrento Valley Court, and north of Sorrento Valley Boulevard, and is more particular described as a portion of Lot 10, Map No. 6618, Parcel B, in the Torrey Pines Community Plan area, in the M-1A zone; and

WHEREAS, the matter was set for public hearing on June 4, 1991, 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 Consitional Use Permit No. 90-0872:

1. The proposed use will fulfill an individual or community need and will not adversely affect the General Plan or the community plan. The site has previously been developed with a storage and warehouse facility. The General Plan and the Torrey Pines Community Plan designate this site for industrial park land use. A cellular communication facility is not anticipated to adversely impact the surrounding industrial area.

2. The proposed use, because of 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. The cellular facility will operate communication equipment at very low power levels and only over short distances that it should not result in a health or safety risk. Landscaping will be added to the site in an effort to soften and screen the facility's visual impact to the area.


3. The proposed use will comply with the relevant regulations in the Municipal Code. Construction of this facility will be of new and high quality materials which will meet all zoning and development standards.

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 Conditional Use Permit No. 90-0872 is hereby granted to Gene R. Schniepp, Owner, and

U.S. West Cellular, a Texas 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
06/21/91
Or.Dept:Clerk
R-91-2160
Form=r.permit

CONDITIONAL USE PERMIT NO. 90-0872
U.S. WEST/I-805 CELLULAR ANTENNA

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to Gene R. Schniepp, Owner, and U.S. WEST CELLULAR, a Texas 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 construct a cellular communication facility, consisting of a 50-foot-high monopole with antennas to be placed on the southwest corner of an existing warehouse facility, located at 3848 Sorrento Valley Boulevard just south of the apex of I-5 and I-805, described as Parcel B, Parcel Map No. 940, in the M-1A Zone.
2. The facility shall consist of the following:
 - a. One 50-foot-high monopole with antennas and minor interior improvements (approximately 336 square feet) to the existing storage and warehouse facility;
 - b. Landscape screening;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. 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.
4. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 4, 1991, 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.

5. Before issuance of any 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 4, 1991, 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 and is to be maintained in a disease-, weed- and litter-free condition at all times.
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. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future

requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

13. The monopole, antennas and any other external equipment associated with this facility shall be painted and well maintained in a non-visually obtrusive and non-reflective color to the satisfaction of the Planning Director.
14. Any proposed or future signage associated to this use or facility shall conform to the Citywide Sign Code and be to the satisfaction of the Planning Director.
15. This property and the existing building are below the 100-year flood frequency elevation. Since this CUP does not have substantial improvements, floodproofing the existing building is not required per Council Policy 600-14.
16. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
17. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
18. 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. However, in the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

Passed and adopted by the Council of The City of San Diego on June 4, 1991.

R-278049

Passed and adopted by the Council of The City of San Diego on.....**JUN 0 4 1991**.....
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 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"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Linda Ferguson*....., Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-278049** Adopted **JUN 0 4 1991**