

(R-91-2162)

RESOLUTION NUMBER R-278059

ADOPTED ON JUNE 4, 1991

WHEREAS, on March 28, 1991, the Planning Commission of The City of San Diego recommended approval of Otay Mesa Development/Conditional Use Permit No. 91-0091, amendment to Otay Mesa Development Permits No. 86-0342 and No. 90-1084 and Conditional Use Permit No. 88-0257, submitted by the Sanyo Corporation, a Delaware corporation, Owner/Permittee, to erect additional cellular antennas on an existing 110-foot-high steel microwave tower to improve cellular communications in the Otay Mesa area and to construct a 12-foot by 30-foot equipment storage room located on the east side of Sanyo Avenue between Airway Road and Otay Mesa Road, described as Lot 1 of San Diego Business Park, Unit No. 1, Map No. 11628, in the Otay Mesa Development District's Industrial Subdistrict 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 Otay Mesa Development/Conditional Use Permit No. 91-0091:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The additional antennas on the existing

microwave tower and the equipment storage room will further allow necessary cellular communications in the Otay Mesa area. The adopted Otay Mesa Community Plan designates this site for industrial development as permitted in the Otay Mesa Development District which permits the construction and operation of a major utilities and services such as public utility substations and central electric plants.

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 previous conditional use permit included conditions for screening the tower at the pedestrian level with landscaping and installing warning lights on the tower to alert aircraft. In addition, the Environmental Negative Declaration for this permit determined that the proposed changes would not have any significant environment effects with respect to public health and safety and other aspects of the community well being.

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

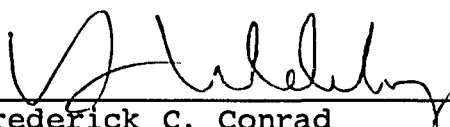
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the City Council, Otay Mesa Development/ Conditional Use Permit No. 91-0091, amendment to Conditional Use

Permit No. 88-0257 and Otay Mesa Development Permits No. 86-0342 and No. 90-1084, is hereby granted to Sanyo Corporation, a Delaware corporation, Owner/Permittee, in the form and with the terms and conditions set forth in Otay Mesa Development/ Conditional Use Permit No. 91-0091, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



for Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
06/24/91
Or.Dept:Clerk
R-91-2162
Form=r.permit

OTAY MESA DEVELOPMENT/CONDITIONAL USE PERMIT NO. 91-0091
AMENDMENT TO CONDITIONAL USE PERMIT NO. 88-0257 AND
OTAY MESA DEVELOPMENT ("OMD") PERMITS NO. 86-0342 AND NO. 90-1084

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 allow the addition of cellular antennas on an existing 110-foot-high steel microwave tower currently used for line-of-site microwave transmissions between the Sanyo Corporation's Otay Mesa facility and their Tijuana facility and to construct a 12-foot by 30-foot equipment storage room to facilitate cellular communications in Otay Mesa. The site is located on the east side of Sanyo Avenue between Airway Road and Otay Mesa Road, described as Lot 1, San Diego Business Park, Unit No. 1, Map No. 11628, in the Otay Mesa Development District's Industrial Subdistrict.
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. Sixteen cellular communications antennas including two microwave dishes, 12 sector antennas and two whip antennas;
 - c. A 12-foot by 30-foot stucco equipment building located at the eastern base of the tower to house associated control equipment;
 - d. Landscape screening of the proposed tower;
 - e. Off-street parking; and
 - f. 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 Chapter X, Article 1, 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; and
 - 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 June 4, 1991 on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.
6. All landscape planting on-site shall be maintained in a healthy growing condition in conformance with Conditional Use Permit No. 88-0257 and the existing irrigation system shall operate in a manner which will provide property plant maintenance.
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. As a condition of this permit, it is the requirement that the Planning Director shall review this 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. The applicant shall submit a letter to the Planning Department addressing the continued need for the tower and the antennas, and whether there have been any changes in technology which could result in eliminating the need for modifying the configuration of the existing tower and antennas. If there is evidence as determined by the Planning Director that alterations to the tower may be appropriate, then the applicant shall submit a deposit of \$1,000.00 to the Planning Department to cover the administrative costs of amending the permit.
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 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 Council of The City of San Diego on June 4, 1991.

S501 "B"

JUN 4 - 1991

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Charlie Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-278059** Adopted **JUN 4 - 1991**