

(R-92-987)

RESOLUTION NUMBER R-279168 ✓

ADOPTED ON DECEMBER 10, 1991

WHEREAS, on December 5, 1991, the Planning Commission recommended that the City Council approve Conditional Use Permit No. 91-0268 for the PacTel Rancho Santa Fe project submitted by PacTel Cellular, a corporation, Owner/Permittee, for the development of a cellular communications facility on a 5.58-acre site located on the south side of San Dieguito Road, east of Old El Camino Real and more particular described as Lot 3 of Fairbanks Country Club No. 1, Map No. 10730, in the Fairbanks Country Club Specific Plan area, in the A-1-10, Hillside Review and portions of the Floodplain Fringe zones; and

WHEREAS, the matter was set for public hearing on December 10, 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 Conditional Use Permit No. 91-0268:

1. The proposed use will not adversely affect the neighborhood, the General Plan of the Community Plan, and will not be detrimental to the general health, safety, and general welfare of persons residing or working in the area. The proposed

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use will conform to the City of San Diego General Plan, to the community plan and will conform to all provisions of the City of San Diego Municipal Code.

Radio frequency energy emitted by the proposed facility represents a small fraction of the American National Standards Institute (ANSI) standard for safe exposure levels to R.F. energy. This very low power level of operation will not be detrimental to the health or safety of persons residing or working near the facility.

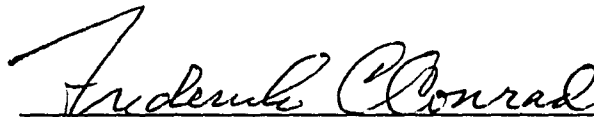
2. The proposed use will comply with all relevant regulations in the Municipal Code. The proposed facility will comply with Section 101.0510 of the Municipal Code which governs the use and operation of cellular facilities. No on-site equipment or materials will be in conflict with other city code regulations. Therefore, the project complies with all relevant regulations of the Municipal Code, including requirements for landscaping, sensitive slopes encroachment, land use and operation and maintenance of the proposed cellular facility on this site.

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. 91-0268 is hereby granted to PacTel Cellular, a corporation,
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
12/23/91
Or.Dept:Clerk
R-92-987
Form=r.permit

RESOURCE PROTECTION ORDINANCE
AND CONDITIONAL USE PERMIT NO. 91-0268
PACTEL RANCHO SANTA FE
CITY COUNCIL

This permit is granted by the Council of The City of San Diego to Pactel Cellular, a corporation, Owner/Permittee, pursuant to conditions in Section 101.0454 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to develop a cellular communications facility on the subject property, located on the south side of San Dieguito Road, east of Old El Camino Real within the Fairbanks Country Club Specific Plan, described as Lot 3 of Fairbanks Country Club No. 1, Map No. 10730, in the A-1-10, Hillside Review and portions in the Floodplain Fringe zones.
2. The permit shall allow the following:
 - a. Develop a cellular communications facility consisting of an antenna support structure (50-foot utility monopole), three-foot high block retaining wall and two adjacent one-story unmanned electronic equipment control rooms (approximately 112 square feet each) as identified by size, location and dimension on the approved Exhibits "A" dated December 10, 1991, on file in the Planning Department. The proposed utility monopole would include four whip antennas and five cellular panel antennas;
 - b. Slopes shall not exceed 2:1 in grade; and
 - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No permit for any facility associated with this permit 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 permit is recorded in the office of the County Recorder.
4. 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 December 10, 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 December 10, 1991, on file in the office of the Planning Department. Approved planting shall be installed.
6. 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.
7. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
8. This permit must be utilized within 36 months of the date of approval, failure to utilize this permit within 36 months will automatically void the permit unless extended under the provisions of Section 101.454(H) of the Municipal Code. Any such extension must meet all regulations, policies and Municipal Code provisions in effect at the said time extension is considered.
9. This 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 permit is a covenant running with 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.
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. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
13. 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. However, in the event that a 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.

14. 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.
15. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that the building address numbers are visible and legible from the street (Uniform Fire Code [UFC] 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
16. This property may be subject to the payment of a park fee in accordance with the San Diego Municipal Code which specifies park fees applicable in the Fairbanks Country Club Specific Plan area.
17. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
18. The applicant shall hydroseed, with a native plant mix, the access easement leading up to the subject cellular facility. In addition, the applicant shall provide a temporary irrigation system until such time that the hydroseed mix is determined to be established.
19. Seeding on non-irrigated areas shall be done when the available soils moisture is at least 75 percent of the field capacity at a depth of 12 inches below the soil surface and only between October 15 and December 31, inclusive.

Passed and adopted by the Council of The City of San Diego on December 10, 1991, by Resolution Nos. R-279168 and R-279169.

12/23/91
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Passed and adopted by the Council of The City of San Diego on DEC 10 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<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"/>
Valerie Stallings	<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 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 Mary Cepeda, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 279168 Adopted DEC 10 1991