

(R-93-1089)

RESOLUTION NUMBER R-281263

ADOPTED ON DECEMBER 8, 1992

WHEREAS, Oscar and Margaret Padilla, Owners, and PACTEL Cellular, Permittee, filed an application for a San Ysidro Development/Conditional Use Permit to construct, operate and maintain an approximately 200-square-foot cellular communications facility located at 120 Willow Street, described as a Portion of the northeast quarter of the northwest quarter of Section 1, Township 19 South, Range 2 West, in the CSR-2 and R-400 zones; and

WHEREAS, the matter was set for public hearing on December 8, 1992, 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 San Ysidro Development/Conditional Use Permit No. 92-0498:

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 cellular transmission facility will fulfill an utility need for cellular communication users in the San Ysidro area. The site will be surrounded and the facility will be screened by landscaping in accordance with the community plan and the San Diego Landscape Technical Manual.

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. The Environmental Analysis Section of the Planning Department has prepared Negative Declaration No. 92-0498 in connection with the proposed project. The negative declaration has identified no detrimental affects to the health, safety and general welfare that would be a result of this project. The American National Standards Institute (ANSI) has established a standard for the safe exposure levels of radio frequency (RF) energy. The ANSI standard for safe exposure to RF energy is 2,800 uW/cm<sup>2</sup>. Transmission from cell sites fall within the range of 1.0 to 2.2 uW/cm<sup>2</sup>, far below the ANSI safety standard. Therefore, the low levels of RF emitted by the antennas would not result in any significant health or safety risks to the surrounding inhabitants.

3. The proposed use will comply with the relevant regulations in the Municipal Code. Municipal Code sections 101.0510 and 103.2204 allow for the location of cellular transmission facilities where approved by the San Ysidro Development/Conditional Use Permit process.

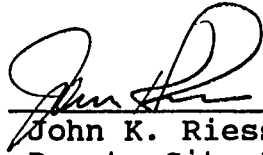
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based upon the findings above, San Ysidro Development/Conditional Use Permit No. 92-0498 is hereby granted to Oscar and Margaret Padilla, Owners, and PACTEL

Cellular, 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



\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:pev  
01/22/93  
Or.Dept:Clerk  
R-93-1089  
Form=r.permit

Recorder and  
City Clerk  
Station 2A  
Attn: Carla

11143

DC # 1993-0167103  
18-MAR-1993 09:04 AM

SAN YSIDRO DEVELOPMENT/  
CONDITIONAL USE PERMIT NO. 92-0488  
SAN DIEGO COUNTY RECORDER'S OFFICE  
MARILEE EVANS, COUNTY RECORDER

OFFICIAL RECORDS  
FEES: 35.00  
RF: 13.00  
MF: 21.00  
MF: 1.00

"WILLOW" CELLULAR FACILITY

CITY COUNCIL

This San Ysidro Development/Conditional Use Permit is granted by Council of The City of San Diego to PACTEL CELLULAR, Permittee, and OSCAR AND MARGARET PADILLA, Owners, pursuant to Sections 101.0510 and 103.2201, et seq. of the Municipal Code of the City of San Diego.

1. Permission is granted to Owners/Permittee to construct, operate and maintain an approximately 200 square-foot cellular communications facility, located at 120 Willow Street, between Interstates I-5 and I-805, in the San Ysidro community, described as a Portion of the Northeast quarter of the Northwest quarter of Section 1, Township 19 South, Range 2 West, in the CSR-2 and R-400 zones.
2. The facility shall consist of the following:
  - a. An equipment building to house electronic equipment;
  - b. Sixteen antennas, varying in size and shape, mounted on a 75-foot-high steel monopole;
  - c. Landscaping;
  - d. Off-street parking; and
  - e. Accessory uses as may be determined incidental and approved by the City Council.
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 San Ysidro Development/Conditional Use 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 8, 1992, 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 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 December 8, 1992, 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. The facility shall be screened with landscaping in accordance with Exhibit "A", dated December 8, 1992, on file in the office of the Planning Department.
7. All outdoor lighting shall be so shaded or adjusted that the light is directed to fall only on the lease premise area.
8. Prior to the issuance of any building permits, the applicant shall:
  - a. Provide building address numbers visible and legible from the street or road fronting property or a directory (Uniform Fire Code ("UFC") § 10.208).
  - b. Show the location of all existing fire hydrants on plot plan to conform to with Fire Department Policy #F-85-1 (UFC § 10.301).
9. The owner/applicant shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future street improvements for Willow Street. (Note: Additional right-of-way dedication public improvements for Willow Street may be required in the future upon any further intensification of use on this site.)
10. This San Ysidro Development/Conditional Use Permit must be used within thirty-six (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 the time of extension is applied for.
11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

12. 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.
13. This San Ysidro Development/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.
14. This San Ysidro Development/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.
15. 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 in size and quantity per the approved plans.
16. In the event that any condition of this permit, on a legal challenge by the Owners/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.

APPROVED by the Council of The City of San Diego on December 8, 1992, Resolution Nos R-281262 and R-281263.

AUTHENTICATED BY:  
Susan Golding  
SUSAN GOLDING, Mayor  
The City of San Diego

Charles G. Abdelnour  
CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.

On this 17<sup>th</sup> day of March, 1993, 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 officer, the within instrument.

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO } S.S.

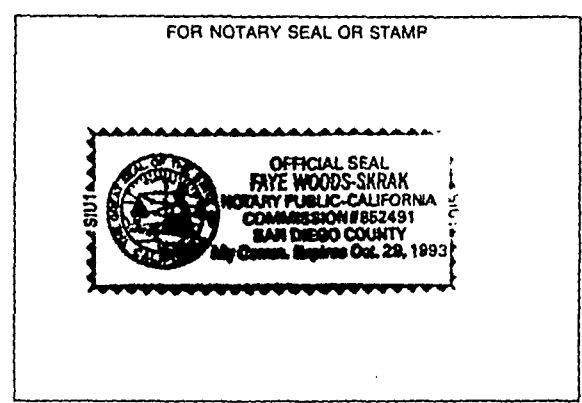
On FEBRUARY 26, 1993 before me,

FAYE WOODS-SKRRAK  
a Notary Public in and for said County and State, personally appeared  
MARGARETE PADILLA  
OSCAR PADILLA

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Faye Woods-Skrak  
F 2492 (5-91)



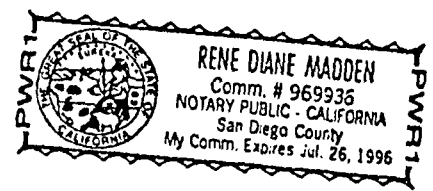
CERTIFICATE OF ACKNOWLEDGEMENT

Step 3

ACKNOWLEDGMENT

State of California  
County of San Diego } ss.

On March 3, 1993 before me, Rene' Diane Madden  
(date) (Notary)  
personally appeared Julie Huddle



personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Signature Rene' Diane Madden  
Notary Signature

AUTHENTICATED BY:

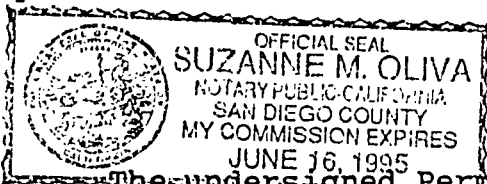
Susan Golding  
SUSAN GOLDING, Mayor  
The City of San Diego

Charles G. Abdelnour  
CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

STATE OF CALIFORNIA )  
                                  ) ss.  
COUNTY OF SAN DIEGO )

On this 17<sup>th</sup> day of March, 1993, 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 SUSAN GOLDING 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.



Suzanne M. Oliva  
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.

OSCAR AND MARGARET PADILLA  
Owners

By [Signature]

By Margaret Padilla

PACTEL CELLULAR  
Permittee

By [Signature]

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



DECLARATION OF COVENANTS  
FOR  
PUBLIC IMPROVEMENTS

WHEREAS, Oscar Padilla and Margaret K. Padilla, are the owners of the following described property (legal):

That portion of the northeast quarter of the northwest quarter of the northwest quarter of Section 1, Township 19 south, Range 2 west, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States government survey described as follows:

Beginning at a point on the south line of said northeast quarter of the northwest quarter, 330.00 feet west of the southeast corner thereof; thence northerly at right angles 368.00 feet; thence westerly at right angles, 123.00 feet; thence southerly at right angles 368.00 feet; thence easterly along said south line, 123.00 feet to the point of beginning.

Excepting therefrom that portion lying northerly of the southerly line of that parcel of land in deed conveyed to san diego southern railway company, a corporation by deed recorded January 22, 1909, in book 460, page 50 of official records, said parcel being described as follows:

All that part of the above described tract of land lying north of a line parallel to and 12.50 feet distant southerly at right angles from the center line of the present road of said company.

Said center line location is described as follows:

Beginning on the east line of the above described tract of land, at a point south 00 03' 00" west 2.40 feet from the northeast corner thereof.

Also excepting therefrom that portion thereof described in Superior Court, San Diego County, Case No. 194003, between Manuel Caballer, et ux, plaintiff and John G. Balamotia, et ux, defendants recorded October 15, 1957 in book 6892 page 198 of official records.

And also excepting therefrom those portions described in deed to the State of California, recorded July 20, 1970 as file no. 126284 of official records.

Also excepting therefrom Lot 1 of Willow Street property unit no. 1, in the City of San Diego, County of San Diego, State of California, according to map thereof no 8224, filed in the office of the county recorder of san diego county, December 23, 1975.

WHEREAS, the owner/applicant seeks a change affecting said property to wit: Obtain a Building Permit pursuant to Municipal Code Section 62.0207 which change will cause additional burdens on the City of San Diego; and

WHEREAS, The City of San Diego is empowered to prevent said change, or to deny or withhold its consent to the proposed change,


Page 2  
Declaration of Covenants  
Padilla

WHEREAS, in lieu of the immediate installation and dedication of said Public Improvements, it is the desire and intention of the owner/applicant to impose upon the property described above these covenants for future improvements for upon the property described above these covenants for future improvements for the benefit of the City of San Diego; NOW THEREFORE,

The owner/applicant hereby declares that all the property described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used occupied and improved subject to the following covenants, which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the described lands or any part thereof.

No protest shall be made by the owner/applicant to any proceedings for the implementation of special assessment proceedings initiated for any future street improvements for Willow Street. (Note: Additional right-of-way dedication of public improvements for Willow Street may be required in the future upon any further intensification of use on this site.), whether conducted pursuant to the Improvement Act of 1911 or the Municipal Improvement Act of 1913, or any other applicable state or local law, whether processed by the City of San Diego or any other governmental entity having jurisdiction in the matter and for the purposes of determining property owner/applicant support for such same.

Oscar Padilla  
(print names)  
Margarete Padilla

  
(signatures)  
Margarete Padilla

State of California  
County of San Diego S.S.

On this \_\_\_\_ day of \_\_\_\_\_ in the year 1993, before me  
( \_\_\_\_\_ ), personally appeared  
\_\_\_\_\_ personally known to me (or proved  
to me on the basis of satisfactory evidence) to be the person whose  
name is subscribed to this instrument, and acknowledged that he  
(she or they) executed it.

DEC 08 1992

by the following vote: Council of The City of San Diego on

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 Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES C. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **281263** Adopted **DEC 08 1992**

334

DEC 08 1992

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"/>
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 Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R2 81263** Adopted **DEC 08 1992**