

(R-94-269)

RESOLUTION NUMBER R-282523

ADOPTED ON AUGUST 10, 1993

WHEREAS, on April 25, 1993, the Planning Commission recommended approval of Conditional Use Permit No. 90-1106 submitted by Hughes Network Systems, a corporation, Owner/Permittee, for the installation of a satellite antenna facility and two (2) 400-square foot accessory buildings at 10450 Pacific Center Court, described as Lot 28 of Map No. 11954, in the Mira Mesa Community Plan area, in the M-1B zone; and

WHEREAS, the matter was set for public hearing on August 10, 1993, 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. 90-1106:

1. The proposal will not adversely affect the surrounding area, the General Plan or the Mira Mesa Community Plan. The project has adequate screening so that the development will not affect the visual quality of the area.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The

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environmental negative declaration for this proposal has determined that no significant emissions are expected from the facility and it would not be hazardous to the public health or safety.


3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed antennas are an appropriate accessory use in the M-1B zone. In addition, the facility meets all other relevant regulations under the Municipal Code.

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. 90-1106 is hereby granted to Hughes Network Systems, subject to the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
09/17/93
Or.Dept:Clerk
R-94-269
Form=r.permit

COASTAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT NO. 90-1106

HUGHES NETWORK SYSTEMS

CITY COUNCIL

This Coastal Development Permit and Conditional Use Permit is granted by the Council of The City of San Diego to the Hughes Network Systems, a corporation, Owner/Permittee, pursuant to Sections 101.0510 and 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a coastal development with a conditional use permit located at 10450 Pacific Center Court, described as Lot 28 of Map No. 11954, in the M-1B zone.
2. The facility shall consist of the following:
 - a. A satellite antenna facility for 21 antennas, with a 6'0" chain link fence with wood slats and landscape screening;
 - b. Two (2), 400-square-foot accessory buildings;
 - c. Landscaping;
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. No 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 coastal development permit is recorded in the office of the County Recorder.
4. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 10, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications 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 August 10, 1993, 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 property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
7. This coastal development permit and conditional use permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
8. This coastal development permit and 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.
9. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
10. 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.
11. 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.
12. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
13. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
14. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing or Future Urbanizing. As such, special financing plans have been, or will be established to finance the public facilities required for the community plan area.

Therefore, in connection with Council approval of the final map, the subdivision shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the City Engineer. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment ("FBA") or such other means as may have been established by the City Council.

15. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
16. This coastal development permit and conditional use permit shall become effective following the decision of the City Council.
17. This coastal development permit and conditional use permit must be used within 36 months after the date of City approval or the permit shall be void. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Municipal Code section 105.0216.
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 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 August 10, 1993, by Resolution No. R-282523 and No. R-282524.

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AUG 10 1993

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Blonde B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R282523* Adopted *AUG 10 1993*
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