

(R-94-603)

RESOLUTION NUMBER R-282788

ADOPTED ON OCTOBER 12, 1993

WHEREAS, on August 12, 1993, the Planning Commission recommended approval of Conditional Use Permit and San Ysidro Development Permit No. 93-0143 submitted by U.S. West Cellular of California for the purpose of modifying an existing cellular communications facility by replacing four (4) existing 20-foot high antennas with a 60-foot high pole containing eight panel antennas, located at 128 West San Ysidro Boulevard, in the San Ysidro Community Plan area, in the CSR-2 (Commercial) zone of the San Ysidro Implementation Overlay Zone; and

WHEREAS, the matter was set for public hearing on October 12, 1993, the Council of The City of San Diego held a public hearing for the purpose of considering Conditional Use Permit and San Ysidro Development Permit No. 93-0143; and

WHEREAS, the Council of The City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing;
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 and San Ysidro Development Permit No. 93-0143:


1. The proposed Conditional Use Permit and San Ysidro Development Permit No. 93-0143 will not adversely affect the

Progress Guide and General Plan of the City of San Diego, the San Ysidro Community Plan, and relevant sections of the San Diego Municipal Code.

2. The proposed use will not be detrimental to the health, safety and general welfare of the community.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Conditional Use Permit and San Ysidro Development Permit No. 93-0143 is hereby granted to U.S. West Cellular of California, under 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
10/20/93
Or.Dept:Clerk
R-94-603
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U.S. WEST SAN YSIDRO
CONDITIONAL USE PERMIT AND
SAN YSIDRO DEVELOPMENT PERMIT NO. 93-0143

CITY COUNCIL

This Conditional Use Permit and San Ysidro Development Permit is granted by the Council of The City of San Diego to U.S. West Cellular of California, Owner/Permittee, pursuant to San Diego Municipal Code section 101.0510.

1. Permission is granted to Owner/Permittee to modify an existing cellular communications facility, located at 128 West San Ysidro Boulevard in the CSR-2 (Commercial) zone in the San Ysidro Implementing Overlay Zone.
2. The facility shall consist of the following:
 - a. A 60-foot high monopole with eight, 1-foot by 2-foot panel antennas;
 - b. An equipment storage room;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 12, 1993, on file in the office of the Planning Department. Parking spaces shall be consistent with San Diego Municipal Code Chapter X, Article 1, Division 8, 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 at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit for 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 Conditional Use 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 October 12, 1993, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. 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 October 12, 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.
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 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 San Diego Municipal Code section 111.1122. Any extension of time shall be subject to all standards and criteria in effect at the time of 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 except those that are existing on the project site at the time that this permit is issued 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.
11. 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.
12. 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.

13. 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.
14. Prior to the issuance of any building permits the applicant shall ensure that building address and numbers are visible and legible from the street and shall show the location of all fire hydrants on the building plans.
15. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the Council of The City of San Diego on October 12, 1993, by Resolution No. R-282788.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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

On this _____ day of _____, 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.

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.

U.S. WEST CELLULAR OF CALIFORNIA
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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R-282788

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

OCT 12 1993

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"/>
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:

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

(Seal)

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

By *Luisa Lugano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-282788* Adopted *OCT 12 1993*