

(R-95-942)

RESOLUTION NUMBER R-285079

ADOPTED ON DECEMBER 6, 1994

WHEREAS, on April 14, 1994, U.S. WEST CELLULAR OF CALIFORNIA, INC., a corporation, Permittee, filed an application for a Conditional Use Permit to establish a cellular communications facility located at 7189 Navajo Road within the Navajo Community Planning area, described as a portion of Lot 2 Lake Shore Unit No. 5, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6683, filed in the Office of the County Recorder of San Diego County, July 10, 1970, in the CA Zone; and

WHEREAS, on December 6, 1994, the City Council of the City of San Diego considered Conditional Use Permit No. 94-0238, pursuant to Sections 101.0510 and 101.0456 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Conditional Use Permit No. 94-0238:

CONDITIONAL USE PERMIT FINDINGS:

a. The proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

The establishment of the conditional use because of conditions that have been applied to it will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

b. The proposed use will comply with all relevant regulations in this code.

The establishment of the conditional use will comply with the relevant regulations in this Code.

MISSION TRAILS DESIGN DISTRICT FINDINGS:

a. The proposal complies with the purpose and intent of the concepts expressed in the applicable guidelines included in the Mission Trails Design Manual.

The proposed development complies with the purpose and intent of the concepts expressed in the applicable guidelines included in the Mission Trails Design District because the proposed monopole has been placed on the site so as to be as unobtrusive as possible.

b. The granting of a permit will be in harmony with the general purpose and intent of the Mission Trails Design District.

The granting of the Conditional Use Permit will be in harmony with the general purpose and intent of the Mission Trails Design District in that it represents reasonable development within the Design district and mitigates potential adverse impacts through design changes which would

reduce the bulk and scale of the proposed monopole.

c. The granting of a permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or the applicable adopted community plan.

The granting of this permit will not adversely affect the Progress Guide, General Plan, or applicable adopted community plan.

d. Application of the provisions of this Division and accompanying Mission Trails Design Manual will not deprive the applicant of the reasonable use of the land or buildings.

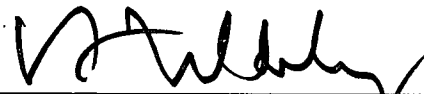
The strict application of the Mission Trails Height Limit would restrict the use of cellular technology in this portion of the Navajo Community.

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, Conditional Use Permit No. 94-0238 is hereby granted to U.S. WEST CELLULAR OF CALIFORNIA, INC. 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:ps
12/15/94
Or.Dept:Clerk
R-95-942

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 94-0238
CITY COUNCIL**

This Conditional Use Permit No. 94-0238 is granted by the City Council of the City of San Diego to the U.S. WEST CELLULAR OF CALIFORNIA, INC., a corporation, Permittee, pursuant to Sections 101.0510 and 101.0456 of the Municipal Code of the City of San Diego.

1. Permission is granted to Permittee to establish a cellular communication facility, located at 7189 Navajo Road, within the Navajo Community Planning area, described as a portion of Lot 2 Lake Shore Unit No. 5, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6683, filed in the Office the County Recorder of San Diego County, July 10, 1970, in the CA Zone.
2. The facility shall consist of the following:
 - a. A 65-foot-high monopole supporting three panel antennas one-foot-wide and eight feet high; and
 - b. Associated equipment located within an existing office building on-site.
3. All aspects of this permit shall be in conformance with the application and plans marked "Exhibit A" and dated December 6, 1994 on file in the Development Services Department.
4. Street trees will be provided in accordance with City-Wide Landscape regulations (Municipal Code Section 101.0700).
5. This permit shall not be valid and the use legalized until:
 - a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The Conditional Use Permit is recorded by the Development

Services Department in the office of the County Recorder.

6. Other than street trees, landscaping shall not be modified or altered as a part of this permit and is to be maintained in a disease-, weed- and litter-free condition at all times.
7. Any outdoor lighting shall be so shaded and adjusted such that the light is directed to fall only on the same premises as light sources are located.
8. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
9. 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 Section 111.1122 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time an extension is applied for.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. 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.
12. 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.
13. This Conditional Use Permit is granted for a period of ten (10) years from December 6, 1994. At the end of this period, the permittee may apply for a new Conditional Use Permit. At such time as the Conditional Use Permit ceases to be utilized, all antennas and equipment shall be removed from the site by the last operator of the use.
14. 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.

15. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
16. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

Passed and adopted by the City Council on December 6, 1994, by Resolution No. R-285079.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

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.

Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack**