

(R-95-1790)

RESOLUTION NUMBER R-285833

ADOPTED ON MAY 23, 1995

WHEREAS, on September 14, 1994, SAN DIEGO UNIFIED SCHOOL DISTRICT, Local Government Agency, Owner, and U.S. WEST CELLULAR OF CALIFORNIA, Permittee, filed an application for a Conditional Use Permit to construct and operate a cellular communication facility located at 2351 Cardinal Lane, described as a Portion of Pueblo Lot 1188, Misc. Map No. 36, in the R1-5000 Zone; and

WHEREAS, on May 23, 1995, the City Council of the City of San Diego considered the appeal of Lawrence Doherty, U.S. West Cellular, of the March 23, 1995 Planning Commission approval of Conditional Use Permit No. 94-0543, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and 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. 94-0543:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.**

The proposed cellular facility will help serve the communication needs of people living, working and travelling in this area. The use of a communication facility through a CUP, is not addressed by the

Serra Mesa Community Plan which designates this site for institutional land use.

- B. THE PROPOSED USE, BECAUSE OF 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 facility has been designed to be an earth tone color and to be partially screened by existing and proposed trees to reduce the visibility of the facility from surrounding public views, primarily from the adjacent Highway 163.

- C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.**

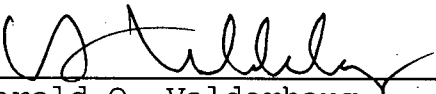
The proposed facility exceeds the 30-foot height limit of the R1-5000 zone, however, it is the minimum height required to provide cellular communication in this area of service due to the topography in the area and distance between cellular facilities. A deviation for height is permissible through a CUP. All other development standards are being complied with.

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, the appeal of U.S. West Cellular is hereby granted, and Conditional Use Permit No. 94-0543 is hereby granted to Owner/Permittee with a further

condition that the Permit shall have a term of ten (10) years, without a requirement for use by other than a single operator, under the terms and conditions set forth in Conditional Use Permit No. 94-0543 attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
06/13/95
Or.Dept:Clerk
R-95-1790
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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. 94-0543
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of the City of San Diego to the SAN DIEGO UNIFIED SCHOOL DISTRICT, Local Government Agency, Owner, and U. S. WEST CELLULAR OF CALIFORNIA, Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a cellular communications facility, located at 2351 Cardinal Lane, described as a portion of Pueblo Lot 1188, Misc. Map No. 36, in the R1-5000 Zone.
2. The facility shall consist of the following:
 - a. Construction of a 452-square-foot unmanned equipment building;
 - b. Construction of a 52-foot-high monopole antenna structure with a 12-foot-wide triangular antenna platform all painted and maintained in a tan color;
 - c. Use of existing off-street parking provided by the primary user; and
 - d. Accessory uses as may be determined incidental and approved by the Development Services Director.
3. No permit for construction and 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 Development Services Department;
 - b. The Conditional Use Permit is recorded in the office of the County Recorder.

4. Before issuance of any building permits, complete building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 23, 1995, on file in the office of the Development Services 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 Development Services Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated May 23, 1995, on file in the office of the Development Services 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. 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.

7. 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 101.0510.H. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

9. 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.

10. 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.

11. 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.

12. 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.

13. This Conditional Use Permit shall expire ten (10) years from the effective date of this permit. At expiration, all improvements (fencing, equipment building and antenna monopole) shall be removed and the site restored to its original condition to the satisfaction of the Development Services Director. The Owner/Permittee may apply for a new Conditional Use Permit prior to expiration.

14. Prior to building permit issuance an encroachment permit for off-site landscaping shall be obtained from CALTRANS and a copy provided to the Development Services Department.

15. 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).

16. The following comments are information items only:

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

17. 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.

18. 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.

Approved by the Council of The City of San Diego on May 23, 1995, by Resolution No. R-285833.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

SAN DIEGO UNIFIED SCHOOL DISTRICT/
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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