

RESOLUTION NUMBER R-288053

ADOPTED ON NOVEMBER 12, 1996

WHEREAS, the GLEIGH FAMILY REVOCABLE TRUST, Owner, and COX CALIFORNIA PCS, INC., Permittee, filed an application for a Conditional Use Permit to construct and operate a 60-foot monopole containing nine panel antennas located at 9190 Gramercy Drive, described as Lot 2 of Mission Village Center, Map No. 8791, in the C-1 Zone of the Serra Mesa Community Plan; and

WHEREAS, on September 26, 1996, the Planning Commission, voted to approve Conditional Use Permit No. 95-0351-41; and

WHEREAS, on September 26, 1996, Scott D. Intrabartolo appealed Conditional Use Permit No. 95-0351-41; and

WHEREAS, on November 12, 1996, the City Council of The City of San Diego considered Conditional Use Permit No. 95-0351-41, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of The City of San Diego, that the Council adopts the following findings with respect to Conditional Use Permit 95-0351-41:

- 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.**

The proposed wireless communication facility will not adversely impact the General Plan or the Serra Mesa Community Plan which designates this site for commercial retail use. Particular uses, such as wireless communication facilities

which fulfill individual and community needs are permitted by a Conditional Use Permit. The proposed project will provide enhanced wireless communication service to this community as well as to adjacent communities. The monopole is not located in a view corridor and would not block or obstruct views. No detrimental effects to health, safety, and general welfare are anticipated as a result of the proposed project which conforms to safety standards of the American National Safety Institute and the National Council of Radiation Protection.

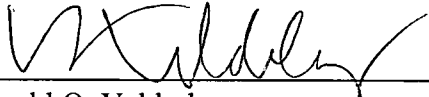
B. THE PROPOSED USE, WILL COMPLY WITH ALL THE RELEVANT REGULATIONS IN THIS CODE.

The proposed facility complies with the regulations in the Municipal Code. The project is located at the rear of the property between a 6-foot high fence, landscape strip, carports and 20-foot wide drive. It is anticipated that this facility will be visible from the condominiums but will not block views. Screening will be achieved by the addition of trees between the carport and the fence on the western side of the property, the existing trees and carports on the adjoining property.

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 Scot D. Intrabartolo is denied, the decision of the Planning Commission is upheld, and Conditional Use Permit No. 95-0351-41 is hereby granted to Owner/Permittee in the form and with the terms and conditions set forth in the permit, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
12/11/96
Or.Dept:Clerk
Case 95-0351-41
R-97-536
Reviewed by Terri Bumgardner