

RESOLUTION NUMBER R-300739

ADOPTED ON AUGUST 2, 2005

WHEREAS, St. David's Episcopal Church and Cingular Wireless, Owner/Permittee, submitted an application to the City of San Diego for Neighborhood Use Permit No. 132695, for the Cingular St. David's [Project]; and

WHEREAS, on July 9, 2004, after receiving the staff report and testimony from the public, the Project was approved by the City Manager; and

WHEREAS, City Manager's decision was appealed to the Planning Commission; and

WHEREAS, on November 18, 2004, the Planning Commission of the City of San Diego considered Neighborhood Use Permit No. 132695 and Negative Declaration No. 19148, and pursuant to Resolution No. 3597-PC., voted to approve the Neighborhood Use Permit and Negative Declaration No. 19148; and

WHEREAS, in accordance with Public Resources Code section 21151, Linda Roter-Garduno, Christopher P. Gramlich, and Ike Fifield appealed the Planning Commission decision to certify the Negative Declaration No. 19148 to the Council of the City of San Diego; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on August 2, 2005; and

WHEREAS, the City Council considered the issues discussed in Negative Declaration No. 19148; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Negative Declaration No. 19148, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for Cingular St. David's.

BE IT FURTHER RESOLVED, that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved.

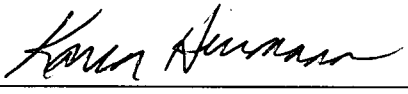
BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and the appeal of Linda Rotert-Garduno, Christopher P. Gramlich, and Ike Fifield is denied.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

BE IT FURTHER RESOLVED, that in order to ensure there are no adverse environmental impacts from the Project due to noise and tower emissions, the Council directs Development Services Department staff to add permit conditions to monitor and measure every

four months and if the noise and emissions exceed the allowed measure, based on acceptable noise level and FCC Communications standards, immediately cease operation of the facility.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
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Karen Heumann  
Assistant City Attorney

KH:cfq  
08/18/05  
Or.Dept:DSD  
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MMS#2374  
ENVIRONMENTAL-Appeal of Neg. Dec. No. 19148