

REPORT TO CITY COUNCIL

DATE: NOVEMBER 10, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: ADOPTION OF RESOLUTION NO. 09-1532, OVERTURNING THE PLANNING COMMISSION'S DECISION AND DENYING CONDITIONAL USE PERMIT CASE NO. 07-CUP-007 (OMNIPOINT COMMUNICATIONS, INC., FOR T-MOBILE, APPLICANT)

Based on direction given on October 28, 2009, staff is requesting the City Council adopt Resolution No. 09-1532, overturning the Planning Commission's decision and denying T-Mobile's request for Conditional Use Permit Case No. 07-CUP-007 to construct an unmanned wireless telecommunication facility at the Lindero Canyon Middle School (LCMS) property, located at 5844 Larboard Lane.

The City Council conducted a public hearing on October 28, 2009, to consider an appeal by the City Council of the Planning Commission's approval of the proposed wireless telecommunication facility. Upon considering oral and written testimony of the applicant, staff, and the public, the City Council, on a 4-1 vote, directed staff to return with a resolution to overturn the Planning Commission's decision and deny the Conditional Use Permit request. Staff has prepared the attached resolution for adoption by the City Council.

RECOMMENDATION

Based on direction given on October 28, 2009, it is recommended the City Council adopt Resolution No. 09-1532, overturning the Planning Commission's decision and denying Conditional Use Permit Case No. 07-CUP-007.

Attachment: Resolution No. 09-1532