

Town of Tiburon STAFF REPORT

AGENDA ITEM _____



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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #19606: TIME EXTENSION FOR A CONDITIONAL USE PERMIT TO OPERATE A WIRELESS COMMUNICATIONS FACILITY; 1620-1632 TIBURON BOULEVARD; EDWARD ZELINSKY & BARBARA ABRAMS, OWNERS; CINGULAR WIRELESS, APPLICANT; ASSESSOR'S PARCEL NO. 59-101-03**

MEETING DATE: **AUGUST 13, 2003** _____

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PROJECT DATA

Address:	1620-1632 Tiburon Boulevard
Assessor's Parcel Number:	59-101-03
File Number:	19606
Lot Size:	12,000 square feet
General Plan:	Neighborhood Commercial
Zoning:	NC (Neighborhood Commercial)
Current Use:	Office Building – Maritime Center Building
Owners:	Edward Zelinsky and Barbara Abrams
Applicant:	Cingular Wireless

PROJECT DESCRIPTION

A wireless communications facility has been established on property located at 1620-1632 Tiburon Boulevard. The facility includes four (4) panel antennas installed on the roof of the Maritime Center Office Building. In addition, an equipment cabinet has been installed on the ground along the northeast side of the property. The facility is used for the transmission of Personal Communications Services (PCS) signals, which are utilized by a variety of paging communications devices. The signals allow the transmission of voice messages which are received through paging equipment, along with normal paging messages.

On September 11, 1996, the Planning Commission adopted Resolution No. 96-11 (Exhibit 2) permitting this facility for a period of one year. On September 9, 1998, the Planning Commission adopted Resolution 98-17 (Exhibit 3), extending the permit for five additional years, until September 11, 2003. As this time extension is set to expire, the applicant has now requested a further time extension for this permit.



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ANALYSIS

Site Conditions

The antennas are attached to the roof in two pairs, one near the center of the north side of the building along Tiburon Boulevard, and the other at the southwest corner of the building along Juanita Lane. The antennas have a height of 38 inches, and extend no more than five feet above the parapet surrounding the roof to a maximum height of 30' 4" above grade.

Since the approval of this permit, Staff has received no complaints regarding this wireless communications facility. The antennas are visible, but resemble normal rooftop fixtures and likely go unnoticed by most passersby. Several tall trees near the building also shield the antennas from view or form a backdrop that reduces the visibility of the antennas.

As part of the original approval of this permit, the applicant was required to post financial securities for future dismantling of the facility, and to enter into a standard performance agreement with the Town. The applicant has posted the required securities and entered into this agreement.

The applicant was also required to prepare, on an annual basis, electromagnetic frequency radiation reports evaluating the conformance of the facility with applicable health standards adopted by the Federal Communications Commission (FCC). A report (Exhibit 10) was prepared in 1997, and indicated that the radiation emitted by this facility was at or below 1% of the applicable FCC limits for this type of facility. A second study (Exhibit 11) was prepared in 2002, which indicated that the maximum measured level in areas normally accessible to the general public was less than 1% of the FCC limit for general population for uncontrolled exposure. A third study (Exhibit 12), submitted with this application, also indicated that the radiation emitted by this facility was at or below 1% of the applicable FCC limits for this type of facility.

Wireless Communications Facilities Standards and Criteria

On July 2, 1997, the Town Council adopted Interim Standards and Criteria for Wireless Communications Facilities (Exhibit 1). This document covers a variety of areas to be addressed in the review of applications for wireless communications facilities (WCF's). The original application for this facility was reviewed under the prior version of these standards adopted on January 2, 1997.

The most recent Interim Standards and Criteria states that "the initial one-year approval may be extended for up to five additional years if the Town determines that the project is in complete compliance with adopted standards and regulations, and that new or modified conditions of permit approval are not required." This would appear to indicate that no further time extension would be granted to the subject wireless communications facility beyond the five year extension granted in 1998. However, during the review of similar requested time extensions for wireless



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communications facilities at 1505 Tiburon Boulevard (File #19705) and 78 Main Street (File #19706), the Planning Commission determined that a further five year time extension was appropriate, but recommended that a review and update of the Interim Standards and Criteria be scheduled for a Planning Commission meeting in the near future.

ENVIRONMENTAL STATUS

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15303 of the CEQA Guidelines.

PUBLIC COMMENT

No comments have been received regarding the subject application.

RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, deliberate upon the project merits, and adopt the attached resolution granting a five year time extension for this conditional use permit.

EXHIBITS

1. Interim Standards and Criteria for Wireless Communications Facilities, adopted by the Tiburon Town Council on July 2, 1997
2. Planning Commission Resolution No. 96-11
3. Planning Commission Resolution No. 98-17
4. Planning Commission Staff report dated August 28, 1996
5. Planning Commission Staff report dated September 11, 1996
6. Planning Commission Staff report dated September 9, 1998
7. Minutes of the August 28, 1996 Planning Commission meeting
8. Minutes of the September 11, 1996 Planning Commission meeting
9. Minutes of the September 9, 1998 Planning Commission meeting
10. Health study prepared by Hammett & Edison, Inc., dated January 21, 1997
11. Radiofrequency Analysis prepared by Diamond Services, dated March 14, 2002
12. Health study prepared by Hammett & Edison, Inc., dated August 1, 2003
13. Application form
14. Draft resolution
15. Site plan and elevations

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