

Town of Tiburon STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #19906: TIME EXTENSION FOR A CONDITIONAL USE PERMIT TO OPERATE A WIRELESS COMMUNICATIONS FACILITY; 2001 PARADISE DRIVE; MARIN SANITARY DISTRICT #5, OWNER; NEXTEL COMMUNICATIONS/A.K. STROTZ & ASSOCIATES, APPLICANTS; ASSESSOR'S PARCEL NO. 59-162-02**

MEETING DATE: **FEBRUARY 11, 2004** _____

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PROJECT DATA

Address:	2001 Paradise Drive
Assessor's Parcel Number:	59-162-02
File Number:	19906
Lot Size:	1.8 acres
General Plan:	P (Public/Quasi-Public)
Zoning:	P (Public/Quasi-Public)
Current Use:	Public (Sanitary Sewer Facility)
Owner:	Marin Sanitary District #5
Applicant:	Nextel Communications/A.K. Strotz & Associates

PROJECT DESCRIPTION

A wireless communications facility has been established on property located at 2001 Paradise Drive. The facility includes four panel antennas that have been placed on an existing fence above the sanitary sewer facility operated by Marin Sanitary District #5. In addition, an equipment shelter is situated behind the existing building toward the northwest corner of the site. The facility is used for the transmission of Enhanced Specialized Mobile Radio (ESMR) signals, which are utilized by digital mobile radio communications devices.

On October 27, 1999, the Planning Commission adopted Resolution No. 99-19 (Exhibit 2) permitting this facility for a period of one year. A time extension was not obtained by the applicant, although the facility has remained in operation. The applicant has now requested a further time extension for this permit.



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ANALYSIS

Site Conditions

The antennas have been mounted on the existing fence running along the northern end of the site, at a point toward the center of the property. The antennas have been painted to blend in with the hillside. The equipment shelter is situated at a level approximately 22 feet above street level, beginning at the height of the adjacent clarifier structure. The shelter is constructed of fiberglass, and has been painted to match the rocky hillside behind the building.

Since the approval of this permit, Staff has received no complaints regarding this wireless communications facility. The antennas are barely visible, and likely go unnoticed by most passersby.

As part of the original approval of this permit, the applicant was required to post financial securities for maintenance and future dismantling of the facility, and to pay for the cost of preparing electromagnetic frequency radiation reports evaluating the conformance of the facility with applicable health standards adopted by the Federal Communications Commission (FCC). The applicant was also required to enter into a standard performance agreement with the Town. The applicant has posted the required securities and entered into this agreement.

The applicant submitted a radiation report for the facility (Exhibit 6) during the review of the original application. That report summarized that the worst case scenario for EMF radiation exposure would be 0.55% of the public limit exposure standard set by the FCC for ESMR facilities. Levels within the building would be less than 31% of the applicable public limits. The study noted, however, that access to within 8 feet of the antennas could expose people to higher risk, and should be prohibited while the facility is in operation.

The applicant has submitted a radiofrequency power density report (Exhibit 7) for the facility. This report the worst case scenario for EMF radiation exposure at ground level is only 0.0013 mW/cm², which is 0.65% of the public limit exposure standard set by the FCC for ESMR facilities.

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 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. If a five year time extension had been granted one year after the facility began operations, the time extension would expire on October 27, 2004. Even if a time extension had been granted for this facility, the language within the current Interim Standards and Criteria would appear to indicate that no further time extension would be granted



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to the subject facility beyond October 27, 2004. However, during the review of several similar requested time extensions for other wireless communications facilities at 1505 Tiburon Boulevard (File #19705), 1620-1632 Tiburon Boulevard (File #19606) 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. Such a review has been tentatively scheduled for the February 25, 2004 Planning Commission meeting.

The Planning Commission may wish to grant only a five year time extension to the original permit for this wireless communications facility to October 27, 2004; the applicant would then be required to file another application for a time extension prior to that date. However, Staff believes that, given the satisfactory operation of the facility since its original approval, the Commission should grant a five year extension beyond that date, allowing operation of the facility until October 27, 2009.

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 time extension for this conditional use permit until October 27, 2009.

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. 99-19
3. Planning Commission Staff report dated October 27, 1999
4. Minutes of the October 27, 1999 Planning Commission meeting
5. Application form
6. Health study prepared by Hammett & Edison, Inc., dated October 20, 1999
7. Health study prepared by Hammett & Edison, Inc., dated December 9, 2003
8. Draft resolution
9. Site plan and elevations