



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
May 9, 2007
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Conditional Use Permit #19906; Time Extension for a Conditional Use Permit To Operate a Wireless Communications Facility; 2001 Paradise Drive; Marin Sanitary District #5, Owner; Sprint Nextel, Applicant; Assessor's Parcel No. 059-162-02

PROJECT DATA

Address: 2001 Paradise Drive
Assessor's Parcel Number: 059-162-02
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: Sprint Nextel/NSA Wireless, Inc.

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. The Planning Commission granted a five year time extension on February 11, 2004 by adopting Resolution No. 2004-02 (Exhibit 3), which extends until October 27, 2009. The applicant has now requested a further time extension for this permit.

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 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. During the review of the time extension approved in 2004, a radiofrequency power density report was submitted for the facility. This report stated that the worst case scenario for EMF radiation exposure at ground level was 0.0013 mW/cm², which is 0.65% of the public limit exposure standard set by the FCC for ESMR facilities.

The applicant has submitted a new radiation report for the facility (Exhibit 8). This report states that the worst case scenario for EMF radiation exposure measured at the sewage treatment plant is 0.00064 mW/cm², which is 0.32% of the public limit exposure standard set by the FCC for ESMR facilities. The report also measured radiation exposure at ground level outside the plant, with a reading of 0.00012 mW/cm², which is 0.060% of the public limit exposure standard set by the FCC.

Wireless Communications Facilities Standards and Criteria

On July 2, 1997, the Town Council adopted Interim Standards and Criteria for Wireless Communications Facilities. This document covers a variety of areas to be addressed in the review of applications for wireless communications facilities (WCF's). Updated WCF Standards (Exhibit 1) were adopted by the Town Council in 2005, including a new Municipal Code Section (16-4.13.00, Antennas and Wireless Communications Facilities) which became effective December 2, 2005.

Section 16-4.13.050 of the Municipal Code states that after a conditional use permit is first approved for a WCF the permit may be extended for a period no longer than five (5) years after the holding of a public hearing for the purposes of verifying continued compliance with the findings and conditions of approval under which the application was originally approved, as well as compliance with any other applicable provisions provided for in the Municipal Code. Additional reviews are required every five (5) years, unless a longer time period is approved by the acting body.” As noted above, the original use permit for this facility was approved on October 27, 1999, with a five year time extension granted on February 11, 2004 extending the use permit until October 27, 2009. The five year time extension requested at this time would extend the use permit to October 27, 2014.

As noted above, the radiation reports indicate that the facility is operating in compliance with FCC regulations. The facility is also in compliance with the other requirements of the conditional use permit established in 1999 and 2004.

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, 2014.

EXHIBITS

1. Wireless Communications Facilities Standards (distributed with 1 Blackfield Drive)
2. Planning Commission Resolution No. 99-19
3. Planning Commission Resolution No. 2004-02
4. Planning Commission Staff report dated October 27, 1999
5. Planning Commission Staff report dated February 11, 2004
6. Minutes of the October 27, 1999 Planning Commission meeting
7. Minutes of the February 11, 2004 Planning Commission
8. Health study prepared by Hammett & Edison, Inc., dated April 9, 2007
9. Draft resolution
10. Site plan and elevations

Prepared by: **Daniel M. Watrous, Planning Manager**