



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
June 13, 2007  
Agenda Item: **2**

## **STAFF REPORT**

**To: Members of the Planning Commission**

**From: Community Development Department**

**Subject: Conditional Use Permit #10001; Time Extension for a Conditional Use Permit To Operate a Wireless Communications Facility; 700 Tiburon Boulevard; Belvedere Tennis Club, Owner; Sprint Nextel, Applicant; Assessor's Parcel No. 055-201-36**

## **PROJECT DATA**

Address: 700 Tiburon Boulevard  
Assessor's Parcel Number: 055-201-36  
File Number: 10001  
Lot Size: 3.4 acres  
General Plan: P (Public/Quasi-Public)  
Zoning: P (Public/Quasi-Public)  
Current Use: Private Recreational  
Owner: Belvedere Tennis Club  
Applicant: Sprint Nextel/NSA Wireless, Inc.

## **PROJECT DESCRIPTION**

A wireless communications facility has been established on property located at 700 Tiburon Boulevard (the Belvedere Tennis Club). The facility includes two panel antennas mounted onto each of two existing light standards adjacent to a tennis court on the property. An equipment shelter has also been constructed between two tennis courts, expanding an existing shed at this location. The facility is used for the transmission of Enhanced Specialized Mobile Radio (ESMR) signals utilized by digital mobile radio/cellular communications devices.

On September 13, 2000, the Planning Commission adopted Resolution No. 2000-14 (Exhibit 3) permitting this facility for a period of one year. The Planning Commission granted a five year time extension on March 13, 2002 by adopting Resolution No. 2002-03 (Exhibit 4), which extends until September 13, 2006. The applicant has now requested a further time extension for this permit.

## ANALYSIS

### Site Conditions

The antennas are mounted on two light standards in the southwest portion of the site. The antenna panels have been painted to match the color of the light standards. The equipment cabinets have been installed within an enclosure to the east of the antennas.

Two of the installed antennas are situated on a light standard adjacent to a small pro shop between two tennis courts. Prior to the review of this facility in 2002, Town Staff received a complaint from one of the tennis club employees who maintains an office with the pro shop, stating that this employee has been suffering from frequent headaches since the antennas began operating. No complaints have been received since that time, and no complaints have been received regarding any visual impacts of this wireless communications facility.

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 EMF radiation exposure anywhere at ground level was  $0.069 \text{ mW/cm}^2$ , which is 12% of the public limit exposure standard set by the FCC for ESMR facilities. During the review of the time extension approved in 2002, 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  $0.0095 \text{ mW/cm}^2$ , which is 1.7% of the public limit exposure standard set by the FCC for ESMR facilities. The report stated that the readings were conducted at 10:00 p.m., and therefore may understate the daytime conditions of the facility, but the report concludes that "compliance with the FCC limit seems assured." A follow-up study conducted in 2003 confirmed the same radiation exposure readings, and conservatively assumed the maximum ground level exposure to be 8.5% public limit exposure standard.

The applicant has submitted a new radiation report for the facility (Exhibit 11). This report states that the worst case scenario for EMF radiation exposure measured at the sewage treatment plant is  $0.00089 \text{ mW/cm}^2$ , which is 1.6% 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. 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 September 13, 2000, with a five year time extension granted on March 13, 2002 extending the use permit until September 13, 2006. A five year time extension from this previous date would extend the use permit only until September 13, 2011. The Planning Commission has the authority to grant a longer extension, particularly in instances such as this one where the facility is located in a stealth enclosure on a commercial property and continues to comply with FCC requirements for electromagnetic frequency radiation levels. A five year extension from this meeting date would extend to June 13, 2012.

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 2000 and 2002.

## **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 June 13, 2012.

## **EXHIBITS**

1. Wireless Communications Facilities Standards
2. Draft Resolution
3. Planning Commission Resolution No. 2000-14
4. Planning Commission Resolution No. 2002-03
5. Planning Commission Staff report dated August 23, 2000
6. Planning Commission Staff report dated September 13, 2000
7. Planning Commission Staff report dated March 13, 2002
8. Minutes of the August 23, 2000 Planning Commission meeting
9. Minutes of the September 13, 2000 Planning Commission meeting
10. Minutes of the March 13, 2002 Planning Commission

11. Health study prepared by Hammett & Edison, Inc., dated April 26, 2007
12. Site plan and elevations

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

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