



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
July 23, 2008
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 1620 Tiburon Boulevard; Time Extension and Modification for a Conditional Use Permit To Operate a Wireless Communications Facility; 1620 Tiburon Boulevard; Barbara Abrams, Owner; T-Mobile, Applicant; File # 19606; Assessor's Parcel No. 059-101-03

Reviewed By: _____

PROJECT DATA

Address: 1620 Tiburon Boulevard
Assessor's Parcel Number: 059-101-03
File Number: 19606
Lot Size: 12,000 square feet
General Plan: NC (Neighborhood Commercial)
Zoning: NC (Neighborhood Commercial)
Current Use: Office Building – Maritime Center Building
Owner: Barbara Abrams
Applicant: T-Mobile

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. On August 13, 2003, the Planning Commission adopted Resolution 2003-11 (Exhibit 4), extending the permit for five additional years, until September 11, 2008.

The applicant has now requested a further time extension for this permit. In addition, the proposal requests modifications to the existing facility to increase the size of the existing antennas and install a second equipment cabinet next to the existing cabinet.

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 53 inches, are 6 inches wide, and extend no more than five feet above the parapet surrounding the roof to a maximum height of 30' 4" above grade.

The proposal would replace the four existing antennas with similar antennas at the same locations. The new antennas would be 56 inches in height and 13 inches wide. The second equipment cabinet would be situated to the west of the building, adjacent to the existing cabinet.

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. The marginal increase in the size of the antennas would not substantially increase the visibility of these fixtures. 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 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 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 was prepared in 2003, which also indicated that the radiation emitted by this facility was at or below 1% of the applicable FCC limits for this type of facility. A fourth study (Exhibit 9) has now been prepared for the proposed antennas. The new study indicates that the radiation that would be emitted by this facility would be 0.42% of the FCC limits for public exposure and the maximum levels at the second floor of this building would be 1.4% of the public limit.

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. The

time periods for review of WCF applications were modified on April 16, 2008 to comply with changes in state law.

Section 16-4.13.050 of the Municipal Code states that for a conditional use permit for a WCF approved prior to January 1, 2007, the permit may be extended for a period of five (5) years unless a longer time period is approved by the acting body. The Planning Commission is required to hold 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.

As noted above, the original use permit for this facility was approved on September 11, 1996, with a five year time extension granted on September 9, 1998 extending the use permit until September 11, 2003, and a second time extension granted on August 13, 2003 extending the use permit until September 11, 2008. A five year time extension from this previous date would extend the use permit only until September 11, 2013. 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 visually unobtrusive location on a commercial property and continues to comply with FCC requirements for electromagnetic frequency radiation levels.

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 1996, 1998 and 2003.

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 September 11, 2013.

EXHIBITS

1. Wireless Communications Facilities Standards
2. Planning Commission Resolution No. 96-11
3. Planning Commission Resolution No. 98-17
4. Planning Commission Resolution No. 2003-11
5. Minutes of the August 28, 1996 Planning Commission meeting
6. Minutes of the September 11, 1996 Planning Commission meeting
7. Minutes of the September 9, 1998 Planning Commission meeting
8. Minutes of the August 13, 2003 Planning Commission meeting

9. Health study prepared by Hammett & Edison, Inc., dated June 11, 2008
10. Draft resolution
11. Site plan and elevations

Prepared By: Daniel M. Watrous, Planning Manager

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
July 23, 2008
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: File No. 10705; Review of Draft Environmental Impact Report (DEIR) for the "Harbor Light" Commercial Project at 20-22 Main Street; Zelinsky Properties, Owner; Hank Bruce Architects, Applicant; Assessor Parcel Number: 059-102-18
Reviewed By: _____

BACKGROUND

The Town of Tiburon is processing an application for demolition of an existing 2-story, 2,415 square foot commercial building and replacing it with a new 2-story, 2,941 square foot commercial building. The project is located at 20-22 Main Street with additional frontage on Juanita Lane.

A draft environmental impact report (DEIR) was prepared and circulated for public review and comment for 45 days. Public comments on the DEIR were solicited at a public hearing held at the July 9, 2008 Planning Commission meeting. The comment period closed on July 18, 2008.

No comments on the DEIR, written or oral, were received during the comment period.

ANALYSIS

Purpose of the Planning Commission Meeting

Pursuant to the Town's adopted CEQA Guidelines, the purpose of this meeting is for the Planning Commission to hear and consider the recommendation of the Environmental Coordinator as to whether "significant new information" that would require recirculation of the DEIR has been received during the public comment period.

Public Comments

As no public comments were received regarding the DEIR during the comment period, no substantial evidence has been presented that would require re-circulation.

Future Actions

A public hearing on the merits of the project has been scheduled for August 13, 2008 before the Planning Commission. Certification of the Harbor Light EIR will be considered at the same meeting.

RECOMMENDATION

Staff recommends that the Commission, by motion, determine that recirculation of the DEIR is not required.

Prepared By: Laurie Tyler, Associate Planner/Environmental Coordinator



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Planning Commission Meeting
July 23, 2008
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 1600 Mar West Street (Tiburon Peninsula Club); Amendment to an Existing Conditional Use Permit to Allow Extended Hours of Operation for Occasional Special Events; Tiburon Peninsula Club, Owner/Applicant; File # 10808; Assessor's Parcel Nos. 058-171-17, 76 & 84, and 058-240-21

Reviewed By: _____

PROJECT DATA

Address: 1600 Mar West Street
Assessor's Parcel Numbers: 058-171-17, 76 & 84, and 058-240-21
File Number: 10808
Lot Size: 12 acres
General Plan: Public/Quasi-Public
Zoning: P (Public/Quasi-Public)
Current Use: Private Recreational Facility
Owner: Tiburon Peninsula Club
Applicant: Same
Date Complete: July 14, 2008

PROJECT DESCRIPTION

On February 23, 2005, the Planning Commission adopted Resolution No. 2005-02 approving a conditional use permit (File #10406) for the expansion of a private recreational facility (Tiburon Peninsula Club, or TPC) on property located at 1600 Mar West Street. Condition of approval No. 5 of Resolution No. 2005-02 limits the TPC hours of operation as follows:

“Indoor social events and use of meeting rooms shall be permitted only until 9:00 p.m. on any day. Outdoor social events shall be permitted only until 8:00 p.m. on any day. Amplified music at events on the subject property shall not be played before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and not after 6:00 p.m. on weekday evenings or past 8:00 p.m. on weekend evenings.”

TPC has now submitted an application to amend this condition of approval to allow Tiburon Town Staff to authorize occasional exceptions to these hours on a case-by-case basis for special events.

ANALYSIS

The origins of Tiburon Peninsula Club predate the incorporation of the Town of Tiburon. The Club was first organized in 1948 as the “Southern Marin Recreational Center.” The Marin County Board of Supervisors approved a use permit for the Club in 1950 and an expansion of the facilities in 1960. The Town of Tiburon approved a conditional use permit in 1964 for the “Tiburon Peninsula Club Master Plan,” although most of this plan was never implemented. These early use permits for TPC did not include any limits on hours for social events or amplified music.

During the review in 2005 of the use permit to expand the TPC facilities, the Club indicated that the expansion project would involve no increases to the club membership, no changes to the intensity or operation of club activities and events, and no changes to the hours of club operation. The Planning Commission’s established the hours for social events or amplified music detailed under Condition of Approval No. 5 of Resolution No. 2005-02 based on these assurances from TPC and the club’s hours at that time.

TPC has informed the Town that they are planning to hold a 60th anniversary celebration this fall and would like the ability to hold this event past the hours prescribed by their use permit. The current condition of approval regarding events and amplified music does not provide any flexibility to allow special events or play amplified music beyond the hours specified in Condition No. 5. TPC has requested that Condition No. 5 be modified to allow Town Staff to authorize occasional exceptions to these hours on a case-by-case basis for special events.

The hours for social events or amplified music at TPC were established to limit the disruption that events and music may have on the early morning and nighttime peace and quiet for neighboring residents and to allow neighbors to know the times when events and amplified music will occur at the Club. Staff believes that limited exceptions can be made on to these hours without substantially increasing any disruption to neighboring residents. Staff recommends that the following limitations be placed on any exceptions to the current hours for social events and amplified music:

1. The Town shall use the equivalent of its Special Event Permit procedure (currently used for Staff review of events on Town property) to review and authorize any requests for exceptions
2. Neighboring property owners and residents shall be notified by mail in advance of events authorized by such exceptions.
3. Any exceptions to these hours shall be restricted to a small number of occasions each year (a maximum of 3) and a limited time extension (no later than 11:00 p.m.). The exceptions shall be limited to official TPC functions, rather than wedding receptions or other similar private events, to discourage such exceptions for routine events and allow exceptions only on special occasions.

An increase in noise associated with a social event or amplified music until 11:00 p.m. no more than 3 times per year would be noticeable for neighboring residents, but would have a limited effect on the year-round noise character of the surrounding neighborhood. Mailed notices to these neighbors would help them anticipate the additional noise and disruption on these few occasions. The effectiveness of these limitations may be reviewed by the Planning Commission during subsequent scheduled reviews of the TPC conditional use permit.

ENVIRONMENTAL STATUS

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15301 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, and adopt the draft resolution determining that the project is categorically exempt from CEQA and approving the amendment to the Tiburon Peninsula Club conditional use permit.

EXHIBITS

1. Application form
2. Planning Commission Resolution No. 2005-02
3. Draft resolution

Prepared By: Daniel M. Watrous, Planning Manager

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