

TOWN OF SAN ANSELMO

PLANNING COMMISSION RESOLUTION NO. 9505

**A RESOLUTION OF THE SAN ANSELMO PLANNING COMMISSION
APPROVING APPLICATIONS FOR A DESIGN REVIEW, A VARIANCE
FOR HEIGHT, AND USE PERMIT TO ESTABLISH A PERSONAL
COMMUNICATIONS SERVICE (PCS) ANTENNA CELL SITE
INCLUDING SIX ANTENNA PANELS AND ONE BASE TRANSCEIVER
STATION ON THE ROOF AND PARAPET OF THE BUILDING
LOCATED AT 324 SIR FRANCIS DRAKE BOULEVARD.**

BE IT RESOLVED by the Town of San Anselmo Planning Commission as follows:

WHEREAS, an application was filed with the Town of San Anselmo on November 14, 1995 requesting approval for Design Review, Variance and Use Permit to establish a PCS antenna cell site on the roof and parapet wall of the Tamalpais Theater at 324 Sir Francis Drake Boulevard, Assessor Parcel Number 6-251-04; and

WHEREAS, the Planning Commission held public hearings on May 20, 1996, June 27, 1996 and July 1, 1996;

WHEREAS, the Planning Commission approved the PCS antenna site for Pacific Bell Mobile Systems (PBMS) on July 1, 1996 subject to the following ten (10) conditions:

1. That the request for a conditional use permit, variance and design review be granted to install two (2) base transceiver units and six (6) Personal Communication System (PCS) antennas in accordance with the plans date stamped, received by the Town of San Anselmo Planning Department, November 14, 1995;
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections;
3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest;
4. A PBMS master plan of the Town including a map with present and future service areas, potential antenna locations, and service area rings shall be submitted prior to issuance of building permits;
5. PBMS shall provide bi-annual monitoring and reports of RF radiation emissions to ensure the levels are below the American National Standards Institute (ANSI) standards and no higher than the worst case levels proposed by the technical consultants (Dr. Peter Polson, Biological Effects of Nonionizing Electromagnetic Radiation, 5-10-96), @ 1/15 of 1% microwatts per cm² at 30' (< 1/123,000 pursuant to ANSI/IEEE C95.1-1992). Should the ANSI standards change, PBMS shall be responsible to provide the Town: a) All applicable information regarding the

new standards including reason for the change, and b) The relation of new the standards to PBMS site emission levels. Levels shall remain, in any case, below any new federal or state adopted regulation;

6. Should the power levels exceed the limit set in the previous condition, PBMS shall notify the Planning Director explaining why this has happened. Should PBMS intend to permanently increase the power, an amendment to this Use Permit shall be applied for.
7. Should the Town, within six months of the date of final action on this permit, adopt a user fee (or similar exaction) applicable to all providers of PCS whom establish cell sites within the Town limits, PBMS shall be obligated to pay the fee (not to exceed \$2500) within ninety days of said policy adoption;
8. All antenna panels and associated cabinetry shall be painted to blend with the building. Signs warning the public of the radiofrequency radiation shall be posted on or near, and in plain site, of the interior roof access and on the roof of the theater;
9. If at any time, the PCS facility becomes inoperable, or a danger to the public, PBMS shall replace with new equipment or eliminate the site;
10. If construction is not commenced within one year from the date of final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

NOW THEREFORE BE IT RESOLVED that the Town of San Anselmo Planning Commission finds as follows:

Findings required for approval of a Design Review application pursuant to Section 10-3.710, a Variance pursuant to Section 10-3.7099, and a Use Permit pursuant to Section 10-3.708 of the San Anselmo Municipal Code are as follows:

CONDITIONAL USE PERMIT

1. *The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to the property or improvements in the neighborhood or to the general welfare of the Town.*

Supporting Facts for this finding:

Staff can make this finding because, for this project, the statement addresses the issue of electromagnetic fields. According to the best available technology, the use of this type of communication is not detrimental to the health, safety and welfare of the persons residing and/or working in the immediate area of the antenna location or within its path of frequency receivers and

transmitters. And, the federal government prohibits local agencies to deny wireless communication facility applications for environmental reasons related to RF radiation.

VARIANCE

1. *Due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;*
2. *The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.*

Supporting Facts for these findings:

The surrounding properties do not have any structure tall enough to accommodate this use. The only alternatives are to deny or erect a monopole. Staff supports the height variance because the antennas do not raise the total height of the building.

Staff finds that the proposed antennas and their associated use will not produce any adverse conditions or detriment if the proposed use does not exceed the allowed radio frequency radiation standards as prescribed by the American National Standards Institute.

DESIGN REVIEW

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*
2. *Provides for protection against noise, odors and other factors which may make the environment less desirable;*
3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment or orderly development in such are*
4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists or other factors and provides for satisfactory access by emergency vehicles and personnel;*
5. *Will not adversely affect the health or safety of persons using the improvements or endanger property located in the surrounding area;*
6. *Provides adequate screening; and*
7. *Provides selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.*

Supporting Facts for these findings:

The project proposed is aesthetically de minimus. The antennas and BTS will not produce any noticeable noise, odors or undesirable characteristics. The project will offer new telecommunication services to the area and will not adversely affect the appearance or value of the area. The project will produce two (2) trips a month for routine maintenance and monitoring.

Staff finds that the proposed antennas and their associated use will not produce any adverse health or safety conditions or detriment if the proposed use does not exceed the allowed radio frequency radiation standards as prescribed by the American National Standards Institute.

The proposed project provides adequate screening using placement, color and design. As proposed, the project integrates color, placement and design (slimline antennas, facade mounted) enabling the appurtenances to blend with the existing environment.

PASSED AND ADOPTED by the Town of San Anselmo Planning Commission at a regular scheduled meeting on July 1, 1996 by the following roll call vote:

AYES: 4
NAYES: 0
ABSTAIN: 0
ABSENT: 2


David Israel, Chair

ATTEST:


Debbie Stutsman, Town Clerk