

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

June 10, 2014

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SUBJECT: Rago/Lee Appeal of the Planning Commission's Approval of the Southern Marin Fire Protection District Design Review 14-37
309 Poplar Street, Mill Valley
Assessor's Parcels 050-252-18, 19, & -20

RECOMMENDATION:

On April 28, 2014, the Planning Commission upheld by a 5-2 vote the administrative decision which conditionally approved an application from AT&T to co-locate a new commercial wireless telecommunications facility with an existing Sprint facility on the roof top of the Southern Marin Fire Protection District's fire station in Tam Valley. The proposed facility would be used for the transmission of cellular telephone and digital data. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Kim Rago and Deanna Lee and sustain the Planning Commission's action by adopting the attached resolution to approve the project.

SUMMARY:

As modified by the conditions of approval, the wireless facility would be disguised as a cupola atop the roof of the fire station. Sprint's existing faux chimney is approximately 23 feet north of AT&T's proposed wireless facility. The proposed wireless facility would consist of 6 panel antennas, each measuring 6 feet tall x 12 inches wide x 7 inches deep to be hidden within the cupola. Supporting equipment will be located within a 17-foot by 29-foot lease area, behind a wooden fence located, at the north side of the fire station.

The original administrative decision was appealed by Kim Rago to the Planning Commission challenging that the proposed facility exceeds the maximum permitted height limits, would expose fire fighters and the community to long term, harmful, electromagnetic frequency (EMF) emissions, would be placed in the least desirable location for new telecommunications equipment according to the Marin County Telecommunications Facilities Policy Plan, and would create new noise impacts. These issues were addressed by the Planning Commission in its decision to deny the appeal and approve the project. The Planning Commission also imposed an additional condition of approval requiring the noise generating equipment be fully enclosed or baffled to avoid creating new noise impacts on the surrounding community (See attachment 5). The Tamalpais Design Review Board recognized the project could not be denied for public health reasons due to the fact that projected radio frequency emissions from the proposed and adjacent facilities do not exceed

the Federal Communication Commission's emissions standards, but recommended denial of the project for mass and bulk reasons.

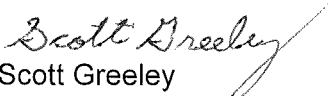
Kim Rago and co-appellant Deanna Lee, filed a subsequent appeal of the Planning Commission's decision, asserting that a cupola design was not submitted for review. To date, AT&T has submitted concepts for the cupola design for staff's review. Although it is anticipated that AT&T will provide a more detailed design of the cupola prior to the Board's hearing, this is not a requirement of the Planning Commission's decision which delegated authority for review and approval of the final cupola design to the Community Development Agency staff..

Following receipt of the appeal of the Planning Commission's decision, a letter in support of the appeal was submitted by Alan Jones (member of the Tamalpais Design Review Board), speaking on behalf of himself and the appellants, but not the Design Review Board. The supporting letter raised additional issues stating that Design Review findings A, C, and G could not be made, alternate sites should be considered, the provision in the Development Code to allow cupolas to exceed the height limit should not be applied for a commercial venture, the potential future expansion of this facility would establish a precedent, the industrial use of the proposed facility is inappropriate in the neighborhood, and the proposed facility would result in view impacts, inadequate landscaping, and inconsistencies with Tamalpais Area Community Plan Policy LU1.3. These issues were previously addressed by the Planning Commission at the prior appeal hearing. Please refer to the responses and findings in the attached Resolution under Findings VIII, IX, and X.

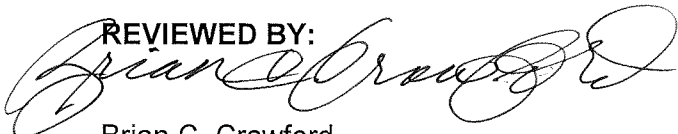
REVIEWED BY: (These boxes must be checked)

<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURE:


 Scott Greeley
 Planner

REVIEWED BY:


 Brian C. Crawford
 Director

ATTACHMENTS

1. Recommended Resolution Denying the Rago/Lee Appeal and Conditionally Approving the Southern Marin Fire Protection District Design Review 14-37
2. Rago/Lee Petition for Appeal and attachment, May 12, 2014
3. Alan Jones supplemental material, submitted May 16, 2014
4. Conceptual photosimulations of proposed cupola, submitted June 3, 2014

Note: In order to conserve resources, the following documents have been provided only to the Board of Supervisors. These documents are available for public review on line at <http://www.marincounty.org/depts/cd/divisions/planning/projects> and at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

5. Minutes and approved Resolution PC14-006 from the Planning Commission Hearing on April 28, 2014
6. Supplemental Planning Commission Memos, April 22 and 24, 2014
7. PC Staff Report from the Planning Commission Hearing on April 28, 2014
8. Public correspondence

