

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 1/14/10

FROM: Tim Tune, Senior Planner, via William Prince, Community Development Director

SUBJECT: **50 Park Place;** Use Permit UP-13-09, Use Permit for 70 Ft. Tall Telecommunications Tower with up to 9 Antennas and 63+/- Ft. Tall Temporary Mobile Cell Tower (or 6 Temporary Antennas on Existing Monopole); West Coast Towers LLC, applicant; City of Brisbane, owner; APN 005-201-130

Recap: At the meeting of December 10, 2009, the Planning Commission voted unanimously to deny Use Permit UP-13-09, based upon findings in a resolution to be drafted by staff and brought back to the Commission for adoption at its next meeting.

Commissioner Parker stated that the income from the new tower will not compensate for degrading the City's investment in the well-thought-out landscaping of the City Hall site. She said the proposed tower will not be sufficient to meet future needs, and now is the time to look further for alternative sites.

Commissioner Hunter noted that of the potential options, replacing the existing tower at City Hall might make the most sense; although, the Fire Station would appear to provide similar coverage, if not for potential interference from other facilities. He questioned whether there was actually a need for more cellular service in the community.

Commissioner Munir agreed with replacing the existing tower. He said that insufficient data had been submitted to justify the proposed construction of a second tower.

Dan Burke clarified that a 100-110 ft. tower would be needed to accommodate 6 carriers.

Chairperson Maturo questioned whether the community would find more towers or a taller tower desirable at City Hall to provide better service for the freeway.

Commissioner Hunter found the proposal to be detrimental to the City Hall site and its improvements. He also noted that the proposal would be detrimental to the public by removing the picnic tables which could be used by those attending functions in the Community Meeting Room. He added that it would make more sense aesthetically to locate a tower near the Fire Station than next to City Hall, which was not designed with this tower in mind.

Recommendation: Adopt the attached Resolution UP-13-09, with Exhibit A containing the findings for denial.

draft
RESOLUTION UP-13-09

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING USE PERMIT UP-13-09
TO PERMIT TELECOMMUNICATIONS FACILITIES
AT 50 PARK PLACE

WHEREAS, West Coast Towers LLC, the applicant, applied to the City of Brisbane for Use Permit approval to install a new telecommunications tower with up to 9 antennas and a temporary mobile cell tower, such application being identified as UP-13-09; and

WHEREAS, on October 22, November 12 and December 10, 2009, the Planning Commission conducted hearings of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memoranda relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of December 10, 2009, did resolve as follows:

Use Permit Application UP-13-09 is denied.

ADOPTED this fourteenth day of January, 2010, by the following vote:

AYES:
NOES:
ABSENT:

THERESA MATURO
Chairperson

ATTEST:

WILLIAM PRINCE, Community Development Director

EXHIBIT A

Action Taken: Denied Use Permit UP-13-09 via adoption of Resolution UP-13-09.

Findings:

1. Approval of the use permit would not be consistent with the general plan and any applicable specific plan adopted by the city council, in that
 - (a.) the construction of a second tower closer to City Hall would be inconsistent with General Plan Policy 283 to encourage the attractive remodeling of existing buildings to respect the architectural character of Crocker Park, and
 - (b.) removal of the existing picnic tables on the concrete slab next to the rain garden would be inconsistent with General Plan Policy 283.1 to encourage the provision of outdoor spaces for employees, and
 - (c.) insufficient data has been submitted to demonstrate that the proposal is an appropriate or necessary means to benefit the community by providing jobs, revenues and services per General Plan Policy 282.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, would be detrimental to the health, safety, morals, comfort and/or general welfare of persons residing or working in the neighborhood, and/or would be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, in that
 - (a.) the proposal would be detrimental to the City's recent substantial investment in a major remodel of City Hall by introducing a 70 ft. tall tower surrounded by a 7 ft. tall slatted fence next to the 24-31 ft. tall City Hall, where the newly planted trees in the open landscape areas on the south and west sides of City Hall will take decades to reach a sufficient height to help screen the proposed structure, and
 - (b.) the proposal would be detrimental to the comfort of persons working in or visiting City Hall by removing conveniently located picnic tables.