

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
June 2, 2004**

For the Meeting of June 8, 2004

TO: Town Council
FROM: Janet Pendoley, Finance & Administrative Services Director
SUBJECT: Report of Warrants Issued, May 2004

RECOMMENDATION

That Council acknowledge and file warrant numbers 48647 to 48861 issued during the month of May 2004 in the amount of \$856,005.91. The following warrants voided or cancelled: 46873.

BACKGROUND

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment 1: Warrant Registers, May 2004

AGENDA ITEM 1(c) – not available on web page

AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
For the Meeting of June 8, 2004**

DATE: June 1, 2004
TO: Mayor and Members of the Town Council
FROM: E. Keith Angerman, Building Official
SUBJECT: Status report on vacant house at 32 Elm Avenue

The following actions have been taken recently regarding the property at 32 Elm Avenue.

San Anselmo Police Department

The police department has noted 13 incidences for department intervention at the address since 1999. They generally consist of trespassing but a recent incident on 4/18/04 resulted in a burglary arrest. On 5/29/04, cans of gasoline were found on the property.

Because suspicious activity has been increasing, the police department has increased their observation of the property. On a daily basis, they drive by the property and make a physical inspection of the house several times a week.

Ross Valley Fire Department

The fire department inspected the property on April 30, 2004. The firefighters found sufficient cause to issue a warning notice to remove the dead debris from around the house and cut the grass and weeds. A notice was mailed by RVFD to Alexander Ziburtovicz, the son of the listed owner, with a requirement to correct the fire risk by May 30.

Marin County Tax Collector

I spoke with Marian Giusti at the Marin County Tax Collector's Office on May 28 and they are having the same problem contacting Mr. Ziburtovicz as the town has. She said the county is putting the property up for auction August 18th for non-payment of property taxes since 1997. They have been unable to contact an owner as well and are doing a search for descendants of Mrs. Ziburtovicz and will call me if they find one.

San Anselmo Building Department

On February 26, 2002, a complaint was received so the property was inspected by the Building Inspector and the Fire Marshall. At that time, the exterior doors were not secured and the exterior stairs were unsafe. After this was reported to me, I personally visited the site to confirm the hazards. The house was then posted as UNSAFE TO OCCUPY and a letter was sent to the apparent owner listed on the tax rolls, Maria Ziburtovicz, on February 28, 2002.

Having received no response, I traced down the son of the apparent owner, Alex Ziburtovicz, called and asked he secure the doors and stairs. After a number of phone

calls, plywood was put across the stairs, the doors secured, and fencing installed along the front.

On April 30, 2004, I was asked by the San Anselmo Police Department and the Ross Valley Fire Department to visit the site and go into the house to see if it was safe. They were on-site and the doors were wide-open.

The interior of the house was severely deteriorated and there was no evident means of providing heat, potable water, or sanitation as required by the building codes. Consequently, as stipulated in the Uniform Code for the Abatement of Dangerous Buildings, the house was posted as "UNSAFE – DO NOT ENTER OR OCCUPY".

I sent a letter by certified mail to Mr. Ziburtovicz advising him that no one was allowed to occupy or enter the building until the interior conditions were corrected. Delivery was attempted but the letter was not claimed by the addressee and it was returned on May 24 by the post office. His phone is now disconnected.

The overall structure did not appear to be unstable or a hazard to the neighboring property so the house was not condemned.

I spoke with the Town Attorney, Hadden Roth, and it was his recommendation that the town take no additional action at this time but wait until August for the County Tax Collector to sell the property.

Respectfully submitted,

E. Keith Angerman, P.E.
Building Official

Attachments: letter: Angerman to Maria Ziburtovicz dated 2/28/02
letter: Angerman to Alexander Ziburtovicz dated 5/3/04
memo: Kirton to Angerman dated 5/25/04
memo: Wight to Kirton dated 5/25/04 summarizing incidents at 32 Elm.
RVFD Inspection Report & Warning Notice dated 4/30/04

Cc: Debbie Stutsman w/o attachments
Rabi Elias w/o attachments
Randy Kirton w/o attachments
Steve Fisher w/o attachments

AGENDA ITEM 1(e)

TOWN OF SAN ANSELMO

STAFF REPORT

June 2, 2004

For the Meeting of June 8, 2004

To: Mayor and Town Council Members

From: Ron Little, Recreation Director

RE: ROBSON HARRINGTON HOUSE STATUS REPORT

HISTORIC ARRANGEMENT

Historic -- for purposes of this report-- refers to the past five years of operation (1999 through February 2004) of the Robson Harrington House.

Grounds Maintenance – The Town of San Anselmo (Town) has provided routine gardening and maintenance services to the House grounds. The Parks Department is also responsible for maintaining the upper and lower park areas of the property. Special landscaping projects are managed by the Parks Department, but if initiated by the Robson Harrington House Association (Association) project designs are reviewed and the project is paid for by the Association.

House Maintenance- The Association has been solely responsible for the House and its maintenance needs. Weekend maintenance “emergencies” have been dealt with by an appointed Association Member who either solved the problem or hired a contractor to do so. Major House projects and/or repairs (e.g.- electrical upgrades; termite abatement) were/are undertaken by the Association.

Long-Term Tenants- secured and managed by the Association.

“Caretaker” Rentor- secured by Association. On site assistance for minor House issues in exchange for rent reduction. See attachment.

Weekend Rentals- The Association has scheduled weekend rentals at the house; set fee schedules; collected revenue; and re-invested proceeds into the property. In the past few years, rentals have been limited to weddings; wedding receptions; seminars; workshops; and low-impact classes; etc. Weddings and wedding receptions have not been permitted since spring of 2002.

Recreation Programs- The Recreation Department has been permitted to offer programming at (in) the house Mondays through Thursdays from 9 am to 9 pm. For this agreement, the Recreation Department has paid the Robson Association \$300 per month from the Recreation Fund. One popular program is the Robson After School program that serves children between the ages 8 to 11. In addition, the Recreation Department has offered Summer Day Camps at Robson Park up until two years ago when they were moved to Memorial Park.

Carriage House- The carriage house—the brick building at the end of the driveway that houses the restrooms and a large “store room” --- has been used for the Robson After School program in the past school year and for Day Camp Staff in past summers.

CURRENT STATUS

The following changes have been implemented in relation to the operation of the Robson Harrington House, grounds and park within the past few months (March 2004 – present).

Grounds Maintenance- No change.

Recent grounds projects completed by the Parks Dept.: front flowerbeds; new brick wall, water and plantings.

House Maintenance – Town has assumed responsibility for all House maintenance issues, including weekday and weekend emergency call-outs. The Association reimburses Town for time and materials as required. The arrangement requires at least one Town agent to be available “on call” on weekends. Logistics/MOU are still being finalized.

Special/ major projects continue to be the purview of the Association.

Long-Term Tenants- the Association has hired a Real Estate Manager to manage the long-term tenants who rent office space on the second floor. Leases have been rewritten; security deposits secured; rents increased and stabilized. All offices are currently rented.

“Caretaker” Rentor- After five months of vacancy, a new caretaker has been found. During the downtime, the apartment received upgrades: new kitchen floor; new electrical; new paint; new window coverings; hardwood floors refurbished.

Weekend Rentals- The Recreation Department has assumed responsibility for booking weekend rentals at the House. All revenues from weekend rentals are now shared 50/50 with Association. Updated p/r materials are being developed.

Recreation Programs- The Recreation Department seeks to expand programming at the House, respecting the nature of the House and its residential locale. Adult / kids arts classes; dance classes; and music classes are options being explored.

Carriage House- The Recreation Department has made some minor upgrades to the Carriage House room to make it more comfortable for the after school program. More are needed.

This current relationship will be evaluated after six months (September/October 2004).

Respectfully submitted,

Ron Little
Recreation Director
Town of San Anselmo

Robson Harrington House Caretaker Duties

1. Check house is properly locked each night, including front, basement, and kitchen doors.
2. Check house is properly cleaned after Friday cleaning, before weekend event. Notify cleaning service if issues; report to RHA liaison with issues, problems.
3. Check supplies weekly for bathrooms – toilet paper, towels, and reorder from established vendor when needed.
4. Notify cleaning service when lights are burnt out; replace on emergency basis.
5. Be knowledgeable about where electrical equipment, circuit breakers, etc. are located. Assist any service provider with finding appropriate boxes, etc.
6. Maintain an emergency call list. Update quarterly.
7. Collect mail from first and second floor and send bills to accountant twice weekly. Dispose of junk and prior leaser's mail.
8. Supervise occasional 'parties.' Upon request. Parties are not normally held at the house, but if they are, supervision is required. Caretaker may provide supervision for a fee or arrange for supervisor from Recreation Department.
9. Respond to routine tenant requests w/in 24 hours.
10. Refer any unusual requests to RE Management or RHA liaison w/in 8 hours.
11. Notify RHA liaison if away for more than 2 days.
12. Maintain cordial and cooperative working relationship with TOSA. Refer any concerns or issues to the RHA liaison immediately. Refer any second floor tenant issues to RE Management immediately.
13. Attend occasional RHA meetings upon request. No more than 2-3 a year.
14. Provide information to casual users of the gardens, park or house about the House, the town and park use.
15. Other duties as requested.

Rev. April 1, 2004

AGENDA ITEM 1(f)
For the Meeting of June 8, 2004

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Adoption of a Business Security Plan Ordinance

Date: June 3, 2004

RECOMMENDATION

That Council waive the second reading and adopt an ordinance, adding Chapter 4-19 to the San Anselmo Municipal Code to require compliance with a security plan and payment of costs by businesses that place an undue burden on police protection services.

BACKGROUND

At the May 25, 2004 meeting, Council introduced and waived the first reading of this Ordinance adding Chapter 4-19 to the San Anselmo Municipal Code.

Over the last two years there have been several incidents either at or caused by businesses in the Town, which have resulted in calls for service from the Police Department that are beyond the level of normal or reasonable police protection. These calls for service required significant police response over that normally provided, stripped police resources from the rest of the Town, and required mutual aide assistance to safely resolve the problems. During the past year and a half Town Staff worked with a Council subcommittee and community groups both to attempt to resolve specific ongoing problems and to fashion broader remedies.

DISCUSSION

Town Staff determined that a remedy was needed that would address the broad issue of large scale pre-planned events or incidents in a way that could be applied to a range of for-profit and not-for-profit organizations. The remedy should not be tied to a specific type of event, nor should it have to rely on permitting or zoning regulations.

Staff researched similar ordinances and developed the recommended ordinance which fits the needs of our community and will provide the highest level of protection to businesses, residents and visitors.

The ordinance requires certain identified businesses to prepare and adhere to a security plan, allows the police department to create such a plan if a business fails to do so, and

provides for reimbursement of expenses to the town by a business if the police department has to respond to an incident where the security plan has not been followed.

The Town Attorney has reviewed the proposed ordinance. The San Anselmo Chamber of Commerce has reviewed and discussed the proposed ordinance with Town Staff and supports it.

FINANCIAL IMPACT

The proposed ordinance would reduce the cost for police services by reducing the need for police calls at certain businesses, and would allow the City to seek reimbursement for the costs of providing services to businesses which operate in an unsafe manner.

CONCLUSION

Town Staff believes that the proposed ordinance will give the Town an effective tool to deal with potentially dangerous situations where it has had none in the past.

CHARLES L. MAYNARD
Chief of Police

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, AMENDING THE SAN ANSELMO MUNICIPAL CODE BY ADDING CHAPTER 4-19 TO REQUIRE COMPLIANCE WITH A SECURITY PLAN AND PAYMENT OF COSTS BY BUSINESSES THAT PLACE AN UNDUE BURDEN ON POLICE PROTECTION SERVICES

WHEREAS, the Town of San Anselmo desires to provide a safe and pleasant environment for the residents and businesses of San Anselmo; and

WHEREAS, providing an adequate level of police protection services is an important part of this effort; and

WHEREAS, the Town Council desires to ensure the Town is provided with adequate levels of police protection in all areas at all times by reducing inordinate demands created by certain types of businesses.

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1. FINDINGS.

In adopting this Ordinance, the Town Council makes the following findings:

1. The provision of police protection comprises more than 27% of the Town's Budget in the current fiscal year; and
2. The Town of San Anselmo is facing substantial revenue reductions due to the State of California's ongoing fiscal crisis; and
3. These revenue reductions make the careful deployment of police protection resources more important than ever before; and
4. Events at several businesses in San Anselmo have demonstrated that some businesses and types of businesses can, as a result of the style of management of the business, result in public safety problems that require inequitable and inordinate allocations of police services to protect the public safety; and
5. Deployments of police personnel to address issues at these establishments have required in some cases more than forty (40) sworn public safety personnel over a period of several hours, resulting in shortages of police protection in other parts of San Anselmo; and
6. The San Anselmo Police Department has determined that the types of problems requiring police services may have been avoided or reduced by the presence of private security personnel at these establishments and/or by other changes in operation; and
7. The Town currently lacks any ordinance which requires the implementation of a security plan and the payment of costs for failure to implement a security plan to address known or potential public safety problems; and
8. The Town Council finds that this Ordinance is enacted in order to mitigate the imminent threat posed to the public peace, health, safety and general welfare by the continued allocation of police resources to protect the public safety at specified businesses and the consequent reduction in police protection in other areas of San Anselmo. In this regard, the findings set forth in this Ordinance are incorporated herein by reference;
9. The adoption of this amendment to the Municipal Code is consistent with the goals, policies, and implementation programs specified in the Town's General Plan.

SECTION 2. AMENDMENTS TO THE SAN ANSELMO MUNICIPAL CODE.

Chapter 19 of Title 4 of the Town of San Anselmo Municipal Code is hereby added to read as shown below:

CHAPTER 19 ON-SITE SECURITY REQUIREMENT

Sections:

- 4-19.01 Purpose
- 4-19.02 Definitions
- 4-19.03 Security Plan May Be Required For Specified Businesses
- 4-19.04 Chief of Police May Determine That a Security Plan is Required
- 4-19.05 Notice and Enforcement Process
- 4-19.06 Payment Required from Businesses That Do Not Comply with this Chapter
- 4-19.07 Notice of Planned Event Required
- 4-19.08 Appeal
- 4-19.09 Regulations Nonexclusive – Remedies Cumulative
- 4-19.10 Severability
- 4-19.11 No Mandatory Duty of Care

4-19.01 Purpose.

The high cost of police protection, and the potential for certain businesses which operate in a way which threatens public safety by causing an inordinate increase in the demand for police services, requires that the Town implement measures to ensure that residents and businesses in San Anselmo do not receive inadequate levels of police services as the result of the allocation of resources to serve businesses which are operated in a negligent or irresponsible manner. This Chapter provides for implementation of measures to ensure that the public's safety is protected, and that the Town is reimbursed for the cost of providing services to businesses, which operate with a demonstrated disregard for safety.

4-19.02 Definitions.

The following definitions shall be used in this Chapter:

Business shall mean any business, whether for profit or not for profit, including retail, office, industrial, warehousing, and other types of non-residential land uses.

Chief of Police shall be the Chief of Police of the San Anselmo Police Department, or his or her designated representative.

Call for Service shall be any request, which results in the dispatching of uniformed police officers to a location, regardless of the source of the request.

Incident shall be any occurrence at a place of business, which results in a Call for Service.

Normal and Reasonable police protection is defined as that police protection which would occur with the use of normally scheduled police resources.

Private Security Officer shall be as defined in Section 7582.1(e) of the State of California Business and Professions Code.

Private Security Operator and *Private Security Service* shall be as defined in Section 7582.1(a) of the State of California Business and Professions Code.

4-19.03 Security Plan May Be Required For Specified Businesses.

The Town of San Anselmo may require that individual businesses or the management of larger centers provide a security plan, including but not limited to, on-site security provided by a Private Security Operator or Private Security Service, in order to protect the public safety and to reduce the added costs to the Town which result from a need for police protection which exceeds that which would be considered normal and reasonable.

4-19.04 Chief of Police May Determine That a Security Plan is Required.

The Chief of Police may decide, based on either the number of calls for service or on the severity of an individual incident or incidents requiring police response, that a business or business center is subject to the requirements of this Chapter. The Chief of Police's decision may be appealed as provided in this Chapter.

4-19.05 Notice and Enforcement Process.

a) When the Chief of Police determines that a business or business center is subject to this Chapter he/she shall notify the business owner or business center management in writing. The notice shall specify the calls and/or incidents upon which the determination is based. The notice shall require the business owner or business center management to provide to the Chief of Police a plan for improving the operation, design, hours of operation, etc., of the business or business center to address the public safety issues identified. The plan shall also include a method of and a commitment to implementation at the business and/or center. The written notice shall include a deadline for response of not less than seven (7) or more than fourteen (14) calendar days. The business owner or business center manager may submit a written request for extension of the time for the response; the Chief of Police may, in writing, grant an extension of the time in which a response is required.

b) The Chief of Police shall review the plan from the business owner or business center management and determine if the suggested plan for improving operation, design, etc., is sufficient to address the identified public safety issues. If the Chief of Police determines that the suggested plan is sufficient to address the identified safety issues, the Chief of Police shall approve the plan and no further action will be taken, provided that the suggested plan is implemented.

c) If the Chief of Police determines that the proposed plan is not sufficient to address the identified safety issues, or if no response is received, the Chief of Police shall develop a plan to address the identified safety issues. This plan may include any reasonable changes in the design, operation, hours of operation, etc., as necessary, and may specifically include a requirement for the provision at no cost to the Town of onsite Private Security Officers employed by a Private Security Operator or Private Security Service. The Chief of Police shall notify the business or business center in writing of the plan, and shall specify a reasonable deadline for compliance.

4-19.06 Payment Required from Businesses Which Do Not Comply with this Chapter.

Businesses or business centers may be charged by the Town for the cost of all calls for service to the location if they fail to comply with this Chapter by: (1) failing to respond to the initial notice from the Chief of Police, or (2) failing to comply with any plan approved or imposed by the Chief of Police pursuant to this Chapter. The rate of charge shall be determined by the Town based on direct and indirect personnel, equipment, and other costs for response to calls for service to the location.

4-19.07 Notice of Planned Event Required.

In the event a business owner or business center manager fails to notify the Chief of Police of a planned event within ten (10) calendar days of said event, the Chief of Police shall make a determination, based on the information available to him/her at the time he/she becomes aware of said event, as to the necessity and scope of police response. The Chief of Police shall then take necessary steps to insure public safety by providing police services to the event in question. All costs associated with the police response under this subsection shall be the responsibility of the business owner or business center manager and shall include all direct and indirect personnel, equipment and other costs associated with the response to calls for service to the location.

4-19.08 Appeal.

Appeal(s) of decisions of the Chief of Police pursuant to this Chapter shall be determined by the Town Administrator in writing, but without a personal hearing before the Town Administrator. In determining the appeal, the Town Administrator shall consider the decision of the Chief of Police which shall be supported by substantial evidence. Decisions by the Town Administrator, pursuant to this Chapter, may be appealed to the Town Council. All reasons to be asserted in support of an Appeal shall be submitted to the Town Clerk in writing not less than ten (10) calendar days after the receipt of the written decision by of the Town Administrator.

The Town Administrator shall decide the appeal in writing within 10 business days after the matter has been submitted by the business or business center. The Town Council shall endeavor to hear any appeal no later than the second regular meeting after the filing of the appeal from the Town Administrator's decision. The Town Council shall

determine the appeal as soon as possible. No business or business center shall be required to implement a security plan while an appeal is pending.

4-19.09 Regulations Nonexclusive – Remedies Cumulative.

The provisions of this Chapter requiring payment for security are not intended to be exclusive. Compliance with this Chapter shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as provided by local ordinance, regulation or State law. The remedies herein are cumulative with all other available remedies.

4-19.10 Severability.

If any section, subsection, subdivision, sentence, clause, or phrase in this Chapter or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Town Council hereby declares that it would have passed each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

4-19.11 No Mandatory Duty of Care.

This Chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the Town or any officer or employee thereof a mandatory duty of care towards persons and property within or outside of the Town so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

INTRODUCED at the regular meeting of the Town Council on the ____ day of _____ 2004 and PASSED AND ADOPTED by the Town Council of the Town of San Anselmo on this ____ day of _____ 2004.

PAUL CHIGNELL, MAYOR of the
TOWN OF SAN ANSELMO

ATTEST:

APPROVED AS TO FORM:

BARBARA CHAMBERS
TOWN CLERK

HADDEN ROTH
TOWN ATTORNEY

AGENDA ITEM 1(g) – continued to June 22, 2004
AGENDA ITEM 2

TOWN OF SAN ANSELMO
STAFF REPORT
June 2, 2004

For the Meeting of June 8, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointments to Library Advisory Board and Marin Commission on Aging

RECOMMENDATION

That Council appoint two members to the Library Advisory Board and one member to the Marin Commission on Aging.

BACKGROUND

The Library Advisory Board has a membership of six seats. The Board presently has two vacancies, to term expiring in June, 2008. Council has interviewed two candidates, Therese Stawowy and Ted Freeman.

The Marin Commission on Aging has a membership of one seat. The Commission presently has one vacancy, to term expiring in June, 2007. Council has interviewed one candidate, Mary O. Bailor.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachment

AGENDA ITEM 3

TOWN OF SAN ANSELMO

STAFF REPORT

June 3, 2004

For the meeting of June 8, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Telecommunications Checklist

RECOMMENDATION

That Council adopt the resolution approving the standards and criteria for wireless communication facilities and application checklist as provided in Ordinance No. 1001 to effectively regulate the location, placement and design of telecommunication antenna facilities.

BACKGROUND

Ordinance 1001, approved in December 1998, establishes necessary planning entitlements, general standards and criteria for wireless antenna facilities and an application checklist. Section 10-3.2815 calls for the inclusion of the Standards and Criteria for Wireless Telecommunication Facilities and the Application Checklist, and provides that the documents may be amended from time to time.

The Standards document contains the submittal requirements, regulations for development and location, provisions for radio frequency emission reports, and provision for aesthetic and environmental standards. It is intended to provide clear guidelines for the effective and efficient processing of permit applications for new or expanded wireless communication facilities.

The Application Checklist is a working version of the Standards and Criteria to aid the applicant in providing a complete application package, and to aid staff in evaluating the application.

SUBCOMMITTEE RECOMMENDATION

The telecommunications subcommittee (Councilmember Thornton and community members Cindy Goefft, Helene Robertson and Jane Hall) met on April 30, 2004 and agreed to the following:

- To submit for Council approval an updated checklist as an interim step to ensure that telecommunication applicants submit all information necessary for a thorough review.
- To begin work on a new ordinance modeled after an ordinance recently approved in San Rafael. The San Rafael ordinance was prepared by a consultant and reviewed by a telecommunications specialist and is viewed by both the subcommittee and staff as being a good model.

DISCUSSION

The Standards and Criteria for Wireless Telecommunication Facilities (Exhibit A) is not proposed to be changed.

The Application Checklist (Exhibit B) has been modified to add more specificity to the information required for processing, as follows:

- Carrier/Applicant identifying information, site and property owner information, and a specific project description, including identification of the size and types of antennas to be placed and the use of the facility (Items 1-5, 7 & 9).
- A description of the technology proposed (Item 15).
- A Radio Frequency Radiation (RFR) report prepared by a qualified engineer (Item 16).
- The participation of all Carriers/Operators of wireless communication facilities within the Town's jurisdiction in the measurement of RFR at each facility every two years (Item 18e).
- The requirement for a noticed community meeting prior to submitting an application for a Conditional Use Permit (Item 19).

ANALYSIS

Most of the additions to the checklist are merely clarifications intended to ensure the application is complete.

Although existing criteria provides for carriers to participate in ongoing RFR monitoring through the required agreements, this provision has not been implemented to date.

The requirement that the applicant endeavor to conduct a noticed community meeting prior to submitting an application has been added to ensure that the community is informed early in the process.

CONCLUSION

Adding more specificity to the Application Checklist will assist the applicants in ensuring a submittal that contains all the necessary information, and assist staff in evaluating the application.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachments: Proposed Resolution on Wireless Communication Facilities
Ordinance 1010

**TOWN OF SAN ANSELMO
TOWN COUNCIL RESOLUTION NO. _____**

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL RESCINDING RESOLUTION NO. 3455 AND APPROVING THE STANDARDS AND CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES (Exhibit A) AND APPLICATION CHECKLIST (Exhibit B) AS PROVIDED IN ORDINANCE NO. 1001 TO EFFECTIVELY REGULATE THE LOCATION, PLACEMENT AND DESIGN OF WIRELESS TELECOMMUNICATION ANTENNA FACILITIES IN THE TOWN OF SAN ANSELMO.

WHEREAS, the Town recognizes the need to balance the convenience related to telecommunication services with the public interest regarding siting, design and operation of wireless telecommunication facilities; and

WHEREAS, the Town recognizes the public benefits that will accrue from the orderly development of wireless telecommunication facilities allowing open access to a broad range of competitive services for residents, businesses and public agencies; and

WHEREAS, Resolution 3455, adopted by the Town Council on December 22, 1998, set standards and criteria for wireless telecommunication facilities; and

WHEREAS, proposed Standards and Criteria for wireless telecommunication facilities described in Exhibit “A” represent clarifications of existing policy and therefore not considered a project subject to the California Environmental Quality Act (CEQA); and

WHEREAS, the Town Council has adopted Ordinance No. 1001 which provides for the Council’s approval of the Standards and Criteria for wireless telecommunication facilities.

NOW, THEREFORE BE IT RESOLVED that the San Anselmo Town Council finds and approves the following:

The Standards and Criteria For Wireless Telecommunication Facilities (Exhibit A) and Application Checklist (Exhibit B) are hereby adopted.

PASSED AND ADOPTED by the San Anselmo Town Council at a regular scheduled meeting on June 8, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Paul Chignell, Mayor

ATTEST:

Barbara Chambers, Town Clerk

EXHIBIT “A”

TOWN OF SAN ANSELMO STANDARDS AND CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES

The Town recognizes the public benefits that will accrue from the orderly development of wireless communications facilities which allows open access to a broad range of competitive services for businesses, citizens, and public agencies. The Town further recognizes the need to balance the convenience related to telecommunications services with the public interest regarding the siting, design, and operation of wireless communications facilities.

Therefore, the following Standards and Criteria have been prepared to provide clear guidelines for the efficient and effective processing of permit applications for new or expanded wireless communications facilities. These standards and Criteria are consistent

with the intent and application of Ordinance No. 1001, 12/22/98, adopting entitlement procedures for wireless providers. This document also applies to all other antenna applications for wireless communications projects will be reviewed for conformance with these Standards and Criteria in addition to the other Town land use regulations. A Checklist of the items in this document is available to assist the applicant in providing a comprehensive submittal package.

General Application Submittal Requirements

1. Development applications for wireless communications facilities shall be Accompanied by the materials listed below in addition to other information specified herein and required for submittal with Use Permit, Variance and Design Review applications. The Planning Director may waive the requirement for submittal of any information described herein when determined that it is inapplicable based on project-specific factors.
 - A. Provide an updated network facilities plan for the entire Town and sphere of influence. Include the information listed below pertaining to the provision of current, contingent and projected service
 1. A written description of the type of technology and type of consumer services the carrier will provide to its customers.
 2. A list enumerating the carrier's facilities sites, including existing sites, approved sites, proposed (applications filed and pending) sites, and planned (applications not yet filed) sites for new, upgraded, and abandoned facilities. This information shall also describe the location, type and number of antennae and base transceiver stations at each proposed site.
 3. A map(s) depicting the geographic location and boundaries of all coverage areas and cell sites (for existing, contingent and foreseeable) planned by the carrier and the location of the carrier's facilities sites within each coverage area (existing, contingent and foreseeable; sites should be identified on the map by numbers corresponding to the list referred to in item 1A(2) above). Carriers are encouraged to consult with the Planning Department prior to submittal of permit applications for guidance regarding an acceptable format for the map information. The network and coverage area maps may be combined into a single map so long as the scale of the map is large enough to provide for site specific analysis within the coverage area boundaries.
 - B. If determined appropriate by the Planning Director, peer review may be Necessary for technical information submitted by the carrier. All costs associated with peer review shall be borne by the carrier.

- C. Technical information, including but not limited to RFR reports, visual Analysis, alternative sites analysis, landscape plans, lighting plans, and architectural and engineering plans shall be prepared by an appropriate qualified professional acceptable to the Planning Director.
- D. A copy of any land use easement or restriction (access, open space, public Utility, etc.) which encumbers the proposed facility site.
- E. A copy of the proposed site's title Report.

Standard Agreements

- 11. Applicants for wireless communications facilities shall be required to enter into a standard Performance Agreement with the Town which includes the following stipulations.

- A. The carrier (and successor in interest) shall properly maintain and ultimately remove, if required, the approved wireless communications facilities in compliance with the provisions of these Standards and Criteria and any conditions of permit approval. The carrier shall post a financial security, such as a letter of credit, which is acceptable to the Town to ensure that the approved facility is properly maintained and to guarantee that the facility is dismantled and removed from the premises if it has been inoperative or abandoned for a two year period, or upon expiration of the permit applications.

Posting of a financial security may also be required as a condition of approval to pay the cost for preparation of RFR reports evaluating the conformance of approved and operative facilities with applicable health standards adopted by the Federal Communications Commission.

- B. The carrier shall defend, indemnify, and hold harmless the Town and any of its councils, commissions, agents, officers, and employees to attack, set aside, void, or annul the approval of permit applications when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The Town shall promptly notify the carrier of any such claim, action or proceeding. The Town shall retain the right to participate in any claim, action, or proceeding if the Town bears its own attorney's fees and costs, and the Town defends the action in good faith.

Permit Duration

111. Entitlements for wireless communications facilities shall be valid for a period of one (1) year from the date of final approval and may be renewed for one additional year prior to expiration. Applications for renewal shall be submitted to the Planning Department no later than thirty (30) days prior to expiration of the initial one-year entitlement period. The initial one-year period may be extended by the Town if applications for renewal have been properly filed and are pending. The initial one-year period may also be extended for up to one additional year if the Planning Director determines that the project is in complete compliance with the Town's telecommunications policies and regulations, as amended. This includes, but is not limited to, the final standards and criteria, and other pertinent Town land use regulations. If the project is in compliance, new or modified conditions of permit approval may be required. In addition, a permit application may not be renewed if the facility is not upgraded to minimize its impacts, including land use compatibility, visual resources, public safety or other factors addressed by CEQA, to the greatest extent permitted by technology which exists at the time of renewal and is consistent with the provisions of adequate service at affordable rates.

Location of Wireless Communications Facilities-General Standards

- 1V. All personal wireless facilities shall be sited to avoid or minimize land use conflicts by meeting the following standards.
- A. Applications for new wireless communications facilities should avoid sites located within or near open space, ridgeline, residential areas, child day care centers and schools.
 - B. Wireless Communications facilities shall be attached or sited adjacent to existing structures unless the carrier demonstrates to the satisfaction of the Town that no other technically feasible site exists or that construction of a freestanding facility on or at a distant location from an existing structure will minimize adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. Appropriate types of existing structures may include, but not be limited to: buildings, water tanks and some telephone/utility poles
 - C. Monopoles for wireless communications facilities are prohibited within Town limits.

Co-location and shared-location of Wireless Communications Facilities

- V. "Co-location" means a telecommunications facility comprised of a single structure used to support multiple antenna operated by different carriers. "Shared-location" means more than one telecommunications facility comprised of multiple structures used to support antenna operated by one or more carriers where such structures are located within proximity to each other.

Co-location and shared-location of wireless communications facilities should be required when it is feasible and minimizes adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. The following standards should be met to ensure the proper implementation of co-location and shared-location siting:

- A. To ensure adequate and complete consideration of co-location and shared-location siting of proposed wireless communications facilities, the carrier may be required to submit to the Town a graphic and written analysis which identifies all technically feasible sites within the coverage area that would accommodate the proposed service. The analysis shall include enough information to provide adequate consideration of technically feasible alternative sites and/or facility designs that would avoid or minimize adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. The analysis shall also include in writing the specific factors for selection of the proposed facility site over alternative sites. Facilities which are not proposed to be sited on a co-location or shared-location site shall provide information substantiating the unfeasibility of such sites. The Town may require independent peer review of the analysis prior to making a decision on the permit applications. The analysis should, to the extent practical, be incorporated with the coverage area map required by Section 1 A 3 above.
- B. The Town should to the extent practicable and legal, discourage leases which convey exclusive (i.e., single user) rights for new wireless communications facilities to the extent that such leases may preclude development of suitable co-location facilities site.
- C. The design of co-location sited should promote shared use among different carriers. To the extent feasible, antenna support and equipment structures should be designed to consolidate future planned facilities to eliminate or minimize the visual clutter resulting from multiple telecommunications structures. Where appropriate, as demonstrated by the carrier and determined by the Town, multiple antenna support structures may be approved (shared location) rather than a single larger/higher structure.
- D. Facilities should make available unutilized space for co-location of other antennas and equipment, including space for competing service carriers.

Radio Frequency Radiation (RFR) Emission Reports

- V1. Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency radiation in excess of the standards for permissible human exposure to radio frequency radiation (RFR) as adopted by the Federal Communications Commission (FCC).
- V11. Applications for wireless communications facilities shall include an RFR report which measures the predicted and actual (if available) levels of RFR radiation emitted by the proposed facility operating by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site. Measurements for RFR emissions shall be based on all proposed, approved, and existing facilities operating at maximum power densities and frequencies. The Town may require one or more (periodic) post-construction RFR reports as a condition of project approval to verify that actual levels of RFR emitted by the approved facilities, operating alone and in combination with other approved facilities, substantially conform to the pre-approved RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.

Lighting

- V111. Wireless communications facilities should be unlit except for the following:
- A. Manually operated, low wattage, hooded and downward directed exterior Lighting shall be permitted for safety purposes only and shall be kept off except when maintenance or safety personnel are present at night.
 - B. Tower lighting required under FAA regulations should, to the greatest extent feasible, be shielded or directed to minimize light and glare impacts on nearby properties and residents. Carrier shall strive to receive a negative declaration from the Federal Aviation Administration regarding lighting of a facility exempting required lighting.
 - C. lighting of warning signs required near publicly accessible Facilities must consist of low-wattage fixtures, and must be directed downward and hooded.
- 1X. Applications for wireless communication facilities shall include a detailed lighting plan including the location and type of all exterior lighting fixtures.

Roads and Accessways

- X. Wireless communications facilities shall be served by the minimum roads and Parking areas necessary, as follows:
- A. Whenever feasible, existing roads and parking areas should be used to Access, build and service new telecommunications facilities.

- B. New access roads constructed in open space areas shall be prohibited.
- C. The size of new parking areas shall be limited to the minimum necessary To accommodate vehicles associated with periodic maintenance of the facility.

Vegetation

X1. Wireless communications facilities shall be installed in a manner that maintains and enhances existing vegetation. Where appropriate, additional landscaping shall be required to provide visual screening of the proposed facility. Vegetation protection and facility screening shall be accomplished through the following measures:

- A. Applications for wireless communications facilities shall be accompanied By a landscape plan that shows existing vegetation, indicates any vegetation proposed for removal or trimming, and identifies proposed plantings by type, size, and location. The emphasis of the landscape plan should be to visually screen the proposed facility and stabilize soils on sloping sites. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area.
- B. Existing trees and other screening vegetation in the vicinity of the proposed facility and associate accessways shall be protected from Damage both during and after construction. Submission of a Tree Protection Plan may be required to ensure compliance with this requirement.
- C. All vegetation shall be removed subsequent to project completion shall be Replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.
- D. No vegetation shall be removed subsequent to project completion except To comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and agriculture Department, or to prevent safety hazards to people and property.
- D. The carrier shall enter into a landscape performance and maintenance agreement with the Town of San Anselmo to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial securities in an amount equal to 150% of estimates to cover the cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for a minimum period of no less than one year and may be extended for an additional period of up to two additional years upon renewal of the permit applications.

Noise and Traffic

- X11. Wireless communications facilities shall be constructed and operated in such a manner as to minimize noise and traffic impacts on near by residents and public. Noise and traffic reduction shall be accomplished through the following measures:
- A. Wireless communications facilities shall operate in compliance with the noise exposure standard contained in the San Anselmo Municipal Code. In all areas, a maximum allowable exterior noise level of 45 dB Ldn at the property line and a maximum interior noise level of 45 dB Ldn must not be exceeded.
 - B. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday excluding emergency repairs. Normal testing and maintenance activities, which do not involve the use or operation of telecommunications and maintenance equipment that is audible from residences and other nearby sensitive receptors, may occur at all other times.
 - C. Backup generators shall comply with the same noise standards referenced above and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with item X11B above.
 - D. Traffic resulting from operation and maintenance of a wireless communications facility must be kept to a minimum. Conditions of project approval shall specify a maximum number of trips on a case-by-case basis based upon the carrier's maintenance and testing schedule.

Visual Compatibility and Facility Site Design

- X111. Wireless communications facility structures and equipment shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. Visual compatibility shall be accomplished through the following measures:
- A. Applications for wireless communications facilities shall include a visual analysis of the proposed facility, including but not necessarily limited to a photo montage or photo simulation and/or story poles erected at the proposed site or other similar technique. The visual analysis shall address views from public vantage points and private residencies if determined appropriate by the Town. The visual analysis shall also depict cumulative conditions by including information pertaining to existing, approved, and proposed telecommunications facilities that will or may eventually be constructed at the site by all carriers based upon permit applications which

have been filed with or approved by the Town. The visual analysis may be expanded to include alternative locations within the proposed service area.

- B. To the extent feasible, all building-mounted telecommunications facilities shall be sited and designed to appear as an integral part of the structure or otherwise minimize their appearance.
- C. Wall-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly-created architectural feature so as to be completely screened from view. To the extent feasible, wall-mounted antennas should not be located on the front, or most prominent façade of a structure, and should be located above the pedestrian line-of-sight.
- D. Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as possible to minimize visibility from street level locations. Where appropriate, construction of a roof-top parapet wall to hide the facility may be required.
- E. Whenever possible, base stations, equipment cabinets, back-up generators, and other equipment associated with building mounted antennas should be installed within the existing building envelope or underground. If this is not feasible, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environments. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting.
- F. In certain open space or hillside locations that would be generally viewed from a distance, it may be appropriate to design facilities to resemble a natural feature such as a tree or rock outcrop. Other innovative design solutions may be appropriate where the screening potential of a site is low (i.e. disguise facility as a landscape element, public art, etc.)
- G. Facilities should not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure, and should not interfere with prominent vistas or significant public view corridors.
- H. Facilities should be sited to avoid adverse impacts to existing views from surrounding residences.

- I. No advertising signage or identifying logos shall be displayed on any personal wireless communications facility, except for small identification plates used for emergency notification.
- J. To avoid or minimize the appearance of visual clutter on rooftops, proposed facilities should, to the extent feasible, be located adjacent to existing rooftop antennas or equipment, incorporated into rooftop antenna or equipment enclosures, or other wise screened from view. In addition, existing rooftop antenna and equipment should be consolidated where practical and shall be removed if abandoned.
- K. Carriers must demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.
- L. Antennas and associated structures and equipment shall be painted to blend with the structures, vegetation, sky, or landscape against which they will be primarily viewed.

EXHIBIT B

**TO RESOLUTION NO. _____
FOR TELECOMMUNICATIONS FACILITIES
TOWN OF SAN ANSELMO**

**Town of San Anselmo Planning Department
Telecommunications Facilities
Conditional Use Permit
Guide to Issues and Criteria**

***Application Checklist
June 2004 Revision***

This checklist is provided to wireless telecommunications applicants to help with the application and entitlement process necessary to establish, expand or improve wireless telecommunication antenna facilities within the Town of San Anselmo. It has direct correlation to the Standards and Criteria for Wireless Telecommunication Facilities adopted via Resolution No. _____ in association with the wireless telecommunications ordinance (Ordinance No. 1001).

The Standards and Criteria establish a balance for the orderly development of wireless communications facilities and the public interest in regulating the siting, design, and operation of such facilities. The basic administrative and land use elements addressed by the Standards and Criteria for Wireless Communications Facilities include:

Requirements for materials accompanying permit applications
Standard agreements between Carriers/Applicants and the Town
Duration of Conditional Use permit applications
Location of wireless communication facilities
Co-location and shared-location of wireless communications facilities
Electromagnetic frequency radiation
Lighting
Roads and access ways
Vegetation
Noise and traffic
Visual compatibility and facility site design

San Anselmo Policy of Prudent Avoidance

The Town has experienced growing community awareness about the perceived health effects from human exposure to electromagnetic frequency radiation (EMF) emitted by the operation of wireless communications facilities. Both the 1990 Telecommunications Facilities Policy Plan and Standards and Criteria address the potential health effects from EMF radiation by requiring new or expanded wireless communications facilities to meet standards for permissible exposure to EMF as adopted by the Federal Communications Commission (FCC). These requirements are consistent with the Federal Communications Facilities Act of 1996 which stipulated that permitting agencies cannot deny or require relocation of a proposed wireless communications facility on the basis of perceived health effects if the facility meets EMF exposure standards adopted by the FCC.

Notwithstanding the Town's adoption of standards that regulate exposure to EMF, there is continued concern about health effects among persons who live in proximity to wireless communications facilities. In response to this concern, the Town regularly advises service providers that it is prudent to locate new wireless communication facilities in areas that will minimize human exposure to EMF. This policy of "prudent avoidance" is intended to facilitate the approval of new wireless communications by eliminating or reducing public controversy arising from the perceived health effects of a proposed wireless communications facility and the potential for a protracted decision-making process that can occur as a result of such controversy. This policy is not intended to regulate the location of new wireless communications facilities or otherwise replace, modify, or supplement the standards for permissible human exposure to EMF as adopted by the FCC and Town.

Application Information

To facilitate application preparation and review, each telecommunications provider shall complete the attached checklists and submit them with their applications. These checklists require applicants to clearly indicate whether they have submitted information that responds to each of the issues described above, and where that information may be found.

Town of San Anselmo Planning Department
Telecommunications Facilities

Conditional Use Permit

Standards and Criteria - Application Checklist

Carrier: _____

Applicant: _____

Antenna Site Address: _____

Assessor's Parcel Number: _____

General Standards – Application Submittal Requirements

Development application shall include but may not be limited to:

A. Document/Page #

- | | | |
|-------|----|---|
| _____ | 1. | Carrier information including:
a. Name;
b. Address;
c. Contact responsible for the accuracy of this application information;
d. Contact phone number and e-mail address. |
| _____ | 2. | Applicant information including:
a. Name;
b. Address;
c. Contact responsible for the accuracy of this application information;
d. Contact phone number and e-mail address. |
| _____ | 3. | Property owner information including:
a. Name;
b. Address;
c. Phone number and e-mail address. |
| _____ | 4. | Antenna site property information:
a. Address;
b. Assessor's parcel number. |
| _____ | 5. | Copy of FCC license. |
| _____ | 6. | A written description of the type of consumer services to be provided. |
| _____ | 7. | A project description of the proposed wireless communication facility including:
a. Number and sizes of antennas and approximate orientation;
b. Type of base structure (i.e., building, tower, etc) to which antennas will be attached;
c. Location of antennas on base structure;
d. Elevation at base of structure to which antenna(s) are attached;
e. Height above average grade of structure to which antenna(s) are attached; |

- f. Height of antenna(s) above average grade on structure;
- g. Antenna support or mounting structure(s), including dimensions;
- h. Materials and colors of antenna(s) and mounting structure(s);
- i. Equipment enclosure type, size, material and colors;
- j. Description of towers or other structures necessary to support the proposed facilities;
- k. Type, quantity and locations of lighting;
- l. Type, size, quantity and message of signage; and
- m. Description of landscaping.

_____ 8. A Table listing facility sites/addresses, site names/identification, facility types, number of antenna(s), and base transceiver station(s) with precise latitude/longitude coordinates (in NAD 83) in digital degree format throughout the Town's jurisdiction for the Carrier's:

- a. Existing sites;
- b. Approved sites not yet constructed;
- c. Proposed sites (applications filed and pending);
- d. Anticipated planned sites for new, upgraded and abandoned facilities (applications not yet filed).

_____ 9. Description of use for planned facility(s).

10. Map(s) of the (10 copies each):
- a. Geographic location and boundaries of all coverage areas existing and planned by carrier in all of the Town's jurisdictions;
 - b. Location of carrier's facilities sites within each coverage area (map symbols and numbers correspond to Item 8). In coverage areas where specific facility sites have not been determined, search rings should be indicated;
 - c. Individual coverage area of the proposed facility, including all information required by Item 8.

11. Graphic information including the following (10 copies each; prepared by qualified professionals acceptable to the Planning Director):
- a. Vicinity map with parcel lines of the subject parcel;
 - b. Site plan;
 - c. Architectural plan;
 - d. Landscape plan;
 - e. Visual analysis, using photo-simulations based on current photography, of the proposed facility from various locations/angles of view, and including all existing and planned appurtenances;
 - f. Story poles or similar representations of the antenna/structure.
 - g. Structural engineering drawings of the tower/antenna support structure.

_____ 12. Copies of land use easements or restrictions (including open space and scenic) that encumber the proposed facility site.

_____ 13. Location and names of adjacent streets and drives proposed to serve as access to the facility.

-
14. Additional information, which may be required based upon preliminary review of the initial submittal, including but not limited to:
- a. Traffic analysis;
 - b. Noise analysis;
 - c. Biological assessment.
-
15. A written description of the technology proposed, including but not limited to:
- a. Base Station Controller;
 - b. Mobile Telephone Switching Offices;
 - c. Transit Switching Centers;
 - d. Antenna type(s), manufacturer(s), and model number(s);
 - e. Operational multiplexing system (specify channel combiner per antenna as appropriate);
 - f. Amplifying equipment manufacturer(s) and model number(s);
 - g. Physical & electrical tilt of each antenna;
 - h. Operating transmit and receive frequencies of each antenna;
 - i. Minimum and maximum number of operating channels per antenna;
 - j. Maximum power input and output per channel per antenna (and per the aggregate of Carrier's antennas throughout the Town's jurisdiction);
 - k. Db gain per antenna;
 - l. Polarization of each antenna (horizontal, azimuth, or circular);
 - m. ERP and EIRP of the main lobe antenna(s) pattern(s);
 - n. Minimum power level at ground level with minimum channels;
 - o. Maximum power level at ground level with maximum channels.
-
16. RFR report, prepared by a qualified engineer, including:
- a. Predictions for and actual levels of RFR per antenna operating alone and in combination with radiation emitted from other existing or approved facilities that can be detected at the proposed facility site;
 - b. Radiated propagation analysis pattern of each antenna;
 - c. Radiated spreadsheets of power output of each antenna.
-
17. Payment in full, for all costs associated with:
- a. Independent peer review of any technical information submitted by Applicant/Carrier;
 - b. Independent preparation of such information by the Town, or consultants to the Town.
-
18. The Town will require the applicant to enter into a performance agreement(s) as a condition of permit approval for the following:
- a. Removal of the approved facility should it be abandoned;
 - b. Maintenance of any proposed or required landscaping;
 - c. Post-construction monitoring report prepared by a qualified engineer indicating actual RFR levels produced by facility within 60 days of start-up;
 - d. Notification of the Town within 90 days of any change in Carrier ownership, address, contact name and/or phone number;

e. Participation by all Carriers/Operators of wireless communication facilities within the Town's jurisdiction in the measurement of RFR at each facility, every two (2) years, performed by a Town-contracted qualified engineer, with proportionate costs borne by each Carrier.

_____ 19. Prior to submitting an application for a Conditional Use Permit, the Carrier/Applicant shall conduct a noticed community meeting to provide information about the project proposal and to receive comments early in the process that might result in modifications to the project proposal. Noticing for the community meeting shall include neighborhood parcels within 300 feet of the outer boundary of the subject parcel, and be the responsibility of the Carrier/Applicant.

_____ 20. The carrier shall also be required to defend, indemnify, and hold harmless the Town from any claims, actions, or proceedings from connection with the project.

Wireless Communication Facilities Checklist

All wireless telecommunications facilities shall satisfy, or answer, the conditions or questions listed below. If answering "Yes", refer to appropriate submittal information (e.g., project plans, technical report, etc.) If answering "No", provide explanation as to why the information is not submitted or relevant. Please note that explanations or comments can be submitted on a separate page or pages.

Location Standards

The Standards and Criteria for Wireless Communication Facilities state that wireless communications facilities should be sited to avoid or minimize land use conflicts. The standards establish a location preference for co-location and shared location sites. The standards state that, to the extent feasible, wireless communications facilities should be attached or sited adjacent to existing structures. Finally, the adopted standards state that wireless communications facilities should be sited to avoid sensitive receptor sites.

B. Yes/No/Explanation

1. Can the proposed facility be located on:
_____ a. A publicly used structure?
_____ b. A co-location site?
_____ c. A shared location?
_____ d. A commercial site?

2. Does the proposed location demonstrate prudent avoidance of residential areas and other sensitive receptor sites such as schools, daycare facilities, open space, ridgelines, etc, and how so?

3. Does the application indicate the distance from the proposed facility to the nearest:
_____ a. Residential area? (Distance _____)
_____ b. School? (Distance _____)
_____ c. Daycare facility? (Distance _____)

- _____ 4. Is the proposed facility to be located in:
 - a. A residential area?
 - b. A commercial area?
 - c. Next to public lands?
- _____ 5. Can the proposed facility be attached or sited adjacent to existing structures?
- _____ 6. Is the proposed facility a monopole (or freestanding tower)?

Co-Location and Shared-Location Standards

The Standards and Criteria state that, where feasible, the co-location or shared-location of wireless communications facilities is encouraged to minimize land use, visual, and public safety impacts. However, co-location or shared-location should not be required where it creates or increases such impacts or where it is technically infeasible. In order to assess the feasibility of co-location or shared-location in this coverage area, the application for the proposed wireless communication facility must include or address the following:

- _____ 1. A graphic and written analysis that identifies all technically feasible sites within the coverage area that would accommodate the proposed service. This analysis shall include information regarding technically feasible alternative sites and/or facility designs that would avoid or minimize adverse effects related to:
 - a. Land use compatibility
 - b. Visual resources
 - c. Public safety
 - d. Other factors addressed by CEQA
- _____ 2. A written analysis of the specific factors resulting in selection of the preferred site over the alternatives, including the reasons for not selecting co-location or shared-location sites.
- _____ 3. A description of existing or planned facilities (owned/operated by applicant and other providers/carriers) located in the coverage area of the proposed project.
- _____ 4. Does the Carrier have a non-exclusive lease on the proposed facility site?
- _____ 5. Does the design of the project promote potential shared use by different carriers?
- _____ 6. Does the design of the project allow for the consolidation of future planned facilities?
- _____ 7. Does the application include a request for multiple antenna support structures?

Radio Frequency Radiation Standard

To ensure public safety, the Standards and Criteria state that wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission.

- _____ 1. Does the proposed facility, operating alone or in conjunction with other telecommunication facilities, comply with the standards established by the Federal Communications Commission for permissible human exposure to radio frequency radiation (RFR)?
- _____ 2. Does the proposed facility, in conjunction with other existing facilities in the area, exceed 75% of the FCC standards?
- _____ 3. Does the application RFR report measure the predicted and actual levels of RFR radiation emitted by the proposed facility at maximum output?

Lighting Standard

Lighting guidelines contained in the Standards and Criteria are intended to minimize light and glare impacts on nearby properties and residents.

- _____ 1. Does the application include a detailed lighting plan?
- _____ 2. Is the proposed lighting manually operated, low wattage, hooded and directed downward?
- _____ 3. Is the facility lighting shielded or otherwise directed to minimize light and glare impacts on nearby properties and residents?
- _____ 4. Are warning signs lighted by low-wattage fixtures, directed downward and hooded?

Road and Access-way Standards

The Standards and Criteria state that wireless communication facilities should be served by existing roads and parking areas.

- _____ 1. Are existing roads and parking areas used to access and service the proposed facilities?
- _____ 2. Will any new roads or parking areas be capable of being shared with subsequent telecommunication facilities and/or other permitted uses?
- _____ 3. Are any new access roads to be constructed?
- _____ 4. What is the size of the proposed parking area (square feet and number of parking spaces)?

- _____ 5. Is the size of the parking area limited to minimum necessary to accommodate maintenance vehicles?

Vegetation Standards

Landscaping and vegetation guidelines contained in the Standards and Criteria state that wireless communication facilities should maintain and enhance existing vegetation, and provide additional landscaping to screen the facility, stabilize slopes, and control erosion. The carrier shall be required to enter into a landscape performance and maintenance agreement with the Town to ensure the installation and maintenance of new and existing landscaping.

- _____ 1. Does the application include a landscape plan indicating the following:
_____ a. All existing vegetation?
_____ b. Vegetation to be removed or trimmed?
_____ c. Proposed plantings by type, size and location?
- _____ 2. Are the proposed landscape materials native, drought tolerant species compatible with the natural setting of the facility site?
- _____ 3. Is there a plan to protect the existing trees and screening vegetation from damage and control erosion during construction?
- _____ 4. Is there a post-construction re-vegetation plan?

Noise and Traffic Standards

The Standards and Criteria state that wireless communication facilities shall operate in compliance with the noise exposure standards contained in the San Anselmo-wide Plan and should not result in traffic impacts on nearby residents or the public.

- _____ 1. Does the application identify the location and typed of noise generating equipment (generators, air conditioning units, etc)?
- _____ 2. Does the application identify the noise levels that would be generated:
_____ a. By proposed equipment at the facility itself?
_____ b. Within any inhabited or occupied structures on the property?
_____ c. At the nearest property line?
- _____ 3. Does the application specify the maximum number of vehicle trips required for maintenance and testing?

Visual Compatibility and Facility Design Standards

Visual compatibility and facility design guidelines contained in the Standards and Criteria state that wireless communications facilities should be sited, designed, and screened to blend with the surrounding natural or build environment to the maximum extent feasible in order to minimize visual impacts.

- _____ 1. Does the application include a visual analysis of the proposed facility at full build-out?

- _____ 2. Can the proposed facilities be sited or designed to appear as an integral part of the support structure?
- _____ 3. If wall-mounted, can the proposed facilities be integrated with the architectural style and character of the supporting structure?
- _____ 4. Can the proposed facilities be completely screened from view?
- _____ 5. Are the proposed facilities to be located away from the most prominent façade of a structure?
- _____ 6. Are the proposed facilities to be located above the pedestrian line of sight?
- _____ 7. If roof mounted, can the proposed facilities be seen from the street?
- _____ 8. If constructed, would a parapet conceal a roof-mounted facility?
- _____ 9. Can support facilities (base stations, equipment cabinets, back-up generators) for building mounted facilities be installed:
a. Within the existing building envelope?
b. Underground?
- _____ 10. Are the proposed support facilities compatible with the architectural style and construction materials of the surrounding development and/or land use setting?
- _____ 11. If necessary, can the proposed support equipment be painted, screened/fenced, landscaped, or otherwise treated to minimize its visual impact?
- _____ 12. If the proposed facility is to be sited in open space or undeveloped hillside areas that are highly visible, can the facility be designed to resemble natural landscape elements such as rock outcroppings or trees?
- _____ 13. Can the proposed facility be designed as a piece of public art?
- _____ 14. Is the proposed facility to be located on, or near, an historic or architecturally significant structure?
- _____ 15. If so, can the proposed facility be visually integrated with the architecture of the existing structure?
- _____ 16. Do the proposed facilities interfere with prominent vistas or significant public view corridors?
- _____ 17. Do the proposed facilities interfere with views from surrounding residences?
- _____ 18. Do the proposed facilities display any advertising signage or identifying logos?

- _____ 19. Are the proposed facilities to be located adjacent to existing rooftop equipment to avoid visual clutter?
- _____ 20. Does the application demonstrate that the proposed facility has been designed to attain the minimum height from a technical point of view?
- _____ 21. Will the proposed facilities be painted to blend with the structures, vegetation, sky, or landscape against which they will be viewed?

AGENDA ITEM 4

**TOWN OF SAN ANSELMO
STAFF REPORT
June 3, 2004**

For the meeting of June 8, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Fairfax Request re: Cost Saving Efforts

RECOMMENDATION

That Council consider the request of the Fairfax Town Council to meet with San Anselmo representatives regarding any cost-saving efforts that could benefit both communities.

BACKGROUND

At their May 18, 2004 meeting, the Fairfax Town Council appointed a subcommittee comprised of Councilmember Ghiringhelli, Vice-Mayor Lew Tremaine and Town Administrator Alan Bengyel specifically to explore possible cost saving measures that might benefit both San Anselmo and Fairfax.

DISCUSSION

In the attached letter, Town Administrator Bengyel asks that the Town Council consider the request of Fairfax and advise of San Anselmo's interest in pursuing this dialog.

Respectfully submitted,

Debra Stutsman
Town Administrator