



Staff Report

MOTION TO CONTINUE PUBLIC HEARING TO REVIEW PLANNING COMMISSION ACTION FROM FEBRUARY 3, 2009, PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT AND DESIGN REVIEW (T-MOBILE), PURSUANT TO MUNICIPAL CODE SECTION 1-11, SCHEDULED FOR AUGUST 25, 2009.

Honorable Mayor and Council Members:

Summary/Background

On February 3, 2009, the Planning Commission approved a Conditional Use Permit (CUP) and Design Review (DR) to install a wireless communication facility at the Mid Peninsula Water District property at 1906 Lyon Avenue. The approved CUP and DR would allow installation of six panel antennas to be flush mounted to an existing 44-foot high water tank, and also allow for construction of a 20-foot by 12-foot pre-fabricated, fully enclosed equipment shelter. There are presently no wireless communications facilities installed on this property.

The following is a brief chronology of actions related to this project:

February 3, 2009 – Planning Commission approves the Conditional Use Permit and Design Review entitlements.

February 24, 2009 – The City Council voted unanimously (5-0) to review this matter. This item was scheduled for City Council review on March 10, 2009 in accordance with Municipal Code Section 1-11, which requires that the matter be reviewed by the council within 30 days of submittal of a *Request to Review* notice.

March 3, 2009 – Meeting held at City Hall attended by City staff and T-Mobile representatives to discuss the potential for third party review of the project. The representatives from T-Mobile tentatively agreed to use of RCC Consultants Inc., pending review of a cost estimate.

March 10, 2009 – The City Council continued the public hearing and directed staff to obtain the services of an outside consultant to perform an independent review of the proposed wireless facility. The City Council also provided input and direction on the scope of this outside review.

April 7, 2009 – Staff receives full written proposal from RCC Consultants, Inc., for outside review of this project.

April 13, 2009 – Letter sent from the City to T-Mobile project representative notifying them of the consultant proposal and requesting a deposit of required fees to complete the outside review.

April 22, 2009 – A Professional Services Agreement between the City and RCC Consultants, Inc. was completed.

May 12, 2009 – City Council continued project to June 23, 2009 to allow additional time for RCC Consultants Inc., to complete the outside review. As of this date T-mobile had not yet delivered the request fee deposit to initiate work on the third party review.

June 1, 2009 – Representative for T-Mobile submitted the fees that were requested in the April 13, 2009 letter from city staff.

June 1, 2009 – City contacted RCC Wireless to indicate that fees had been submitted by T-Mobile and that work on this project could commence.

June 12, 2009 – City and representative from RCC Consultants (located in Phoenix, AZ) tentatively schedule meetings and project site visits for the week of July 6-10th. Staff notified T-Mobile of these tentative dates.

June 23, 2009 – After staff confirmed 7/22-7/23 as the firm dates for the RCC Wireless site visits and drive test, the project was continued to August 25, 2009.

July 22 & 23, 2009 – RCC Wireless staff met with the City and conducted numerous site visits. The consultant also met with T-Mobile engineers to conduct an additional drive test so that the results can be incorporated into the final report.

August 11, 2009 – RCC Wireless is currently working on completing their draft report document. To ensure ample time to review the report, staff is recommending that the City Council continue this project to the next available meeting on September 8, 2009. T-Mobile has been notified of the recommended continuance.

Given the project timeline outlined above, staff does not believe that the recommended continuance would constitute an unreasonable delay of the project.

General Plan/Vision Statement

Not applicable at this time.

Fiscal Impact

None at this time. Approximately 30 hours of staff time is anticipated to support a full review.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code. Staff notified the neighborhood group of the recommended continuance in advance of this meeting. A Notice of Public Hearing will be sent to surrounding property owners in advance of the proposed September 8, 2009 City Council meeting.

Recommendation

Staff recommends the Council continue the public hearing for this matter to the September 8, 2009 City Council meeting.

Alternatives

1. Discontinue pursuit of Council review of February 3, 2009 Planning Commission action regarding the T-Mobile Conditional Use Permit and Design Review.
2. Provide alternative direction to staff.

Respectfully submitted,

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