



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
SILVEIRA/VERIZON WIRELESS
USE PERMIT RENEWAL**

Item:	C1	Application:	EX 08-8
Applicant:	John Owens of Peacock Associates, Inc. and Verizon Wireless, Inc.	Owner:	Anthony Silveira of Silveira Ranches
Property Address:	8950 Redwood Highway, Novato	Assessor's Parcel:	125-160-20
Hearing Date:	March 27, 2008	Planner:	Neal Osborne

RECOMMENDATION:	Approve With Conditions
APPEAL PERIOD:	Ten calendar days to the Planning Commission
LAST DATE FOR ACTION:	April 13, 2008

PROJECT DESCRIPTION:

The project is a proposal to renew Use Permit (UP 04-1) that was approved December 16, 2004 by the Deputy Zoning Administrator to construct a wireless telecommunications facility for Verizon Wireless with four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building. Renewal of the Use Permit was required to evaluate the visual appearance of the facility after completion of the construction of the Redwood Landfill bridge overpass of U.S. Highway 101. Two of the panel antennas face south and have 2 Redwood trees planted behind them, and 3 Indian Hawthorne shrubs in front of them, to minimize their visibility from U.S. Highway 101 northbound. These two antennas are each mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment and air conditioners. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access road on a small knoll northwest of a large oak tree and boulder. Access is provided through a 12-foot wide "access route" from the Redwood Landfill access road and the highway overpass.

GENERAL INFORMATION:

Countywide Plan
 Land Use Designation: Agriculture, one unit per 31 acres to 60 acres (AG1)
 Zoning: Agriculture and Conservation, 60 acres minimum lot size (A-60)

Lot size: 62.9 acres
Adjacent Land Uses: Redwood Landfill, U.S. Highway 101, and agriculture
Vegetation: Oak trees and grasses
Topography and Slope: Less than 5% slope to the south at the proposed building site and variable slopes greater than 25% on adjacent hills and rock outcroppings
Environmental Hazards: Proximity to the San Andreas and Hayward Fault Zones

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it is the continued operation of an un-staffed telecommunications facility that would not result in substantial grading, tree removal, or other potentially significant impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. concluded that the project would not result in any significant risks with respect to human exposure to radio frequency fields emitted from the telecommunications facility.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 625 feet of the subject property, posted at the subject property, and published in the Marin Independent Journal on March 5, 2008.

PLAN CONSISTENCY:

The project is consistent with the goals and policies of the Marin Countywide Plan and the Marin County Telecommunications Facilities Policy Plan because the project consists of the establishment of an un-staffed telecommunications facility where it would not interfere with surrounding land uses or result in adverse health risks with respect to human exposure to radio frequency emissions. Please refer to the project analysis and recommended resolution for detailed findings.

PROJECT ANALYSIS:

Background

The subject property is zoned A-60, Agriculture and Conservation, with a minimum lot size of 60 acres. The subject 62.9-acre property is a 300-foot wide strip of land located along the northeast side of U.S. Highway 101. The property is currently in use for grazing dairy cows for the Silveira Ranches that comprise multiple properties in the vicinity, with 1,245 total combined acres (refer to Attachment 5). The property is also bisected by the access road to the Redwood Landfill located east of the Silveira Ranches properties. In 2003, the Board of Supervisors certified a Supplemental Environmental Impact Report for the Redwood Landfill and approved the construction of an overpass and new access road to minimize traffic hazards on U.S. Highway 101 at the Redwood Landfill access road intersection. Construction of the overpass was completed in December 2006. Access to the project site is provided from a driveway on the north side of the new access road, approximately 180 feet northeast of the highway right-of-way.

On July 28, 1998, the Marin County Board of Supervisors adopted the Update to the Marin County Telecommunications Facilities Policy Plan (TFPP). The TFPP establishes policies to guide the development of telecommunications facilities while protecting natural resources, communities, and other land uses in Marin County. The proposed application is generally consistent with the policies contained in the TFPP and with the criteria for wireless communications facilities contained therein, as described below.

Land Use Compatibility

The TFPP states that wireless telecommunications facilities should be sited to avoid or minimize potential land use conflicts. The TFPP policies establish preferences for the locating new telecommunications facilities on industrial, commercial, and institutional properties rather than properties with other land uses. TFPP standards also establish a strong preference for co-located or clustered telecommunications facilities. Other telecommunications facilities for AT&T and Cingular Wireless exist approximately 1.5-mile to the southeast of this site. The applicant stated that the coverage area requirements would not be satisfied if they were to co-locate at one of those sites. Staff evaluated the proposed coverage area and determined that co-location with the others was not feasible and that the project would be compatible with the surrounding land uses as described below.

The predominate land uses in the proposed coverage area are the Redwood Landfill, U.S Highway 101, Rancho Olompali State Historic Park, and agriculture. The agricultural, commercial, and institutional properties that would be in the proposed coverage area are located along U.S. Highway 101 to the northwest and south of the proposed site. Uses include the Redwood Landfill, highway, single-family residences and farm buildings, State Park museum, and hiking trails. The subject property is located adjacent to U.S. Highway 101, and as an agricultural property currently developed with the access road to the Redwood Landfill, is an appropriate property for a new telecommunications facility in comparison to other properties in the vicinity. The equipment building and antennas have no adverse affects on the continued use of the property for agriculture and access to the Redwood Landfill.

The project is a proposal to renew the Use Permit for a wireless telecommunications facility for Verizon Wireless with four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building (refer to Attachments 6, 7, 8 and 9). Because the facility is an existing facility and is located on a level site behind trees, hills, and boulders, the project would not require substantial grading, tree removal or pruning, or otherwise substantially alter the visual character of the site or the use of the subject and surrounding properties. Existing hills and trees substantially screen public views of the site from U.S. Highway 101 southbound. The proposed overpass and landscaping, and existing trees and boulders partially screen public views of the site from U.S. Highway 101 northbound. Staff recommended additional plantings to further screen the antennas and the applicant proposed to remove the dying redwood trees and replace them with 3 new redwood trees behind the antennas. The trees proposed would provide a dark green background and diminish the visual presence of the antennas in the landscape as viewed from the highway.

The subject property is an agricultural property with access from the Redwood Landfill access road. The antenna and equipment cabinet site is accessible from the approved overpass access road and a driveway. Therefore the project would not require improvements for vehicular access. No additional road construction would be necessary. Noise levels associated with the operation of the facility would not exceed the ambient noise levels in the area. Also, with the exception of routine maintenance visits by a Verizon Wireless Inc. technician on a monthly or bi-monthly basis, the facility generally would not

generate vehicular traffic to the property. Therefore, the proposed facility would not generate significant levels of noise or traffic. Based on all the factors discussed above in this Land Use Compatibility Section, the facility would be consistent with the location standards contained in the TFPP.

Visual and Aesthetic Compatibility

Visual and aesthetic compatibility policies contained in the TFPP specify that telecommunications facilities should be sited and designed to avoid or minimize adverse visual effects. One of the primary means for implementing this objective is to provide a design that fits into the surroundings. As observed at the site, the antennas blend into the existing hills and adjacent tree canopy, and with the additional 3 redwood trees proposed would be adequately screened from views along U.S. Highway 101 (please refer to Attachments 8 a, b, c, and 9). The antennas are painted subdued matte dark green to match the color of the background and blend into the surroundings. The proposed facility would not result in visually prominent antenna structures or equipment cabinets. The addition of the antennas and a small equipment cabinet would not result in a substantial visual change in the property as viewed from off-site locations.

To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects with an ability to further reduce lighting intensity, if deemed necessary.

Electromagnetic Field Emissions

The TFPP states that telecommunication facilities should be sited and designed to minimize potential health risks from electromagnetic (EMF) radiation. To ensure compliance with adopted public health standards telecommunications facilities shall not generate EMF radiation in excess of the standards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC). As part of their proposal, the applicant submitted a report prepared by Hammett & Edison, Inc. that concludes the facility would not result in any significant risks with respect to human exposure to radio frequency; in compliance with the FCC standards (refer to Attachment 15). The proposed antennas would generate maximum radio frequency levels at ground level outside the fenced area that are 52% of the applicable public exposure limit established by American National Standards Institute and the Institute of Electrical and Electronic Engineers (ANSI/IEEE) as adopted by the FCC. The microwave dish antenna would provide point-to-point service that is so directional that it would not result in radio frequency exposure at ground level. In conjunction with other existing telecommunications facilities in the area, such as the AT&T and Cingular Wireless facilities 1.5-mile to the southeast, the cumulative radio frequency emissions would not be significant to public exposure levels as a result of the project. Pursuant to the Hammett & Edison, Inc. report, the proposed facility would be consistent with the TFPP standards regarding electromagnetic field emissions.

Public Safety and Operational Effects

TFPP policies require that telecommunications facilities be constructed, maintained, and operated in a manner that does not adversely affect public safety or result in noise or traffic impacts on surrounding land uses. Access to the facility would be restricted and warning signs shall be posted pursuant to FCC regulations. In addition, conditions of approval require that the facility be dismantled and removed if it has been inoperative or abandoned for more than one year. As described above, noise levels associated with the operation of the facility would not exceed the ambient noise levels. With the

exception of routine maintenance visits by a cellular site technician on a monthly or bi-monthly basis, the facility would not generate traffic trips to the property. Therefore, the proposed facility would not result in noise or traffic impacts on surrounding properties. Based on these factors, the facility is consistent with public safety and operational standards contained in the TFPP.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Silveira/Verizon Wireless, Inc. Use Permit Renewal based on the findings and subject to the conditions contained in the attached resolution.

- Attachments:
1. Resolution recommending approval of the Silveira/Verizon Wireless Inc. Use Permit Renewal
 2. CEQA Categorical Exemption
 3. Assessor's Parcel Map
 4. Location Map
 5. Property Boundary and Site Plan
 6. Road Plan
 7. Site Plan
 8. Elevations
 - a. Southeast Elevation
 - b. Northwest Elevation
 - c. Southwest Elevation
 9. Site Photographs, 11/20/07
 10. 2007 Annual Hazardous Materials Chemical Certification and Triennial Review for Hazardous Materials Business Plan
 11. California Department of Transportation e-mails with staff, 1/17/08, 12/17/07, 12/7/07
 12. California Department of Transportation letter, 12/14/07
 13. DPW, Land Use and Water Resources Division memorandum, 12/11/07
 14. DPW, Communications Division memorandum, 12/6/07
 15. Hammett & Edison, Inc., Radio Frequency Report, 2/20/04
 16. DZA Minutes and Resolution 05-127, 12/16/04

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING
THE SILVEIRA/VERIZON WIRELESS INC.
USE PERMIT RENEWAL

8950 REDWOOD HIGHWAY, NOVATO

ASSESSOR'S PARCEL 125-160-20

SECTION 1: FINDINGS

- I. WHEREAS John Owens of Peacock Associates, Inc. submitted the Silveira/Verizon Wireless Inc. Use Permit Renewal application to continue the operation of the Verizon Wireless telecommunications facility consisting of four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building. The project is a proposal to renew Use Permit (UP 04-1) that was approved December 16, 2004 by the Deputy Zoning Administrator to construct the wireless telecommunications facility for Verizon Wireless, Inc. Renewal of the Use Permit was required to evaluate the visual appearance of the facility after completion of the then proposed construction of the Redwood Landfill access road overpass of U.S. Highway 101. Two of the panel antennas face south and have 2 Redwood trees planted behind them, and 3 Indian Hawthorne shrubs in front of them, to minimize their visibility from U.S. Highway 101 northbound. These two antennas are each mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment, and air conditioners. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access road on a small knoll northwest of a large oak tree and boulder. Access is provided through a 12-foot wide "access route" from the Redwood Landfill access road and the highway overpass. The subject property is located at 8950 Redwood Highway, Novato and is further identified as Assessor's Parcel 125-160-20.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 27, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it is the operation of an existing un-staffed telecommunications facility that would not result in any substantial grading, tree removal, visual impacts, or other potentially significant impacts on the environment. Additionally, the applicant has submitted a Radio Frequency Report prepared by Hammett & Edison, Inc. that concludes the proposed project would not result in any significant risks with respect to human

exposure to radio frequency fields emitted by the proposed telecommunications facility pursuant to accepted Federal Communications Commission standards.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the Marin Countywide Plan due to the following factors:
- A. The proposed project is compatible with the Agriculture (AG1) land use designation for the project site and would not interfere with the existing agricultural uses of the property.
 - B. Mandatory Use Permit findings can be made pursuant to Sections 22.08.030, Table 2-1 and 22.48.040 of Marin County Code to allow telecommunications facilities uses necessary for public safety, convenience, and welfare.
 - C. Pursuant to Community Facilities Objective CF-8, the proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan and would ensure that the location and design of the proposed facility is compatible with other land uses, would provide protection from vandalism and fire hazards, would minimize visual impacts, and would minimize potential health risks to people.
 - D. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:
- A. The continued use of the existing telecommunications facility would consist of a 230 square foot equipment building, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and four panel antennas that would be mounted on 12-foot to 20-foot tall support poles. The equipment building, diesel back-up power supply generator, and 20-foot tall antennas would be screened from view by existing trees and rock formations. The 12-foot tall antennas would be painted dark green and screened with proposed trees and shrubs, and the constructed Redwood Landfill overpass. The project would be compatible with the character and use of the subject property. Because the facility is located on a level area behind a knoll and trees on the property, the project would not require substantial grading, tree removal, or otherwise substantially alter the visual character of the site or the use of the subject property. Other telecommunications facilities for AT&T and Cingular Wireless exist approximately 1.5-mile to the southeast of the proposed site that would not be feasible co-location sites because of the Verizon Wireless, Inc. coverage area requirements. The project would be compatible with the surrounding land uses and based on these factors, the facility is consistent with the location standards contained in the TFPP.
 - B. The facility would allow Verizon Wireless, Inc. to provide cellular coverage in the unincorporated area of Novato and would allow Verizon Wireless, Inc. to provide a convenient and reliable source of wireless communications to residents, businesses, and emergency service providers along U.S. Highway 101 in the County.
 - C. The applicant submitted a Radio Frequency Report prepared by Hammett and Edison, Inc., dated February 20, 2004, that concludes the facility would not result in any significant risks with respect to human exposure to radio frequency fields because the antennas, would generate maximum radio frequency levels at the ground that are 52% of the applicable public

exposure limit established by American National Standards Institute and the Institute of Electrical and Electronic Engineers, and accepted by the FCC. In conjunction with other existing antennas in the vicinity, the AT&T and Cingular Wireless facilities 1.5-mile southeast, the cumulative radio frequency levels would comply with the FCC standards.

- D. The antennas are mounted on 12-foot to 20-foot tall support poles. The 10.5-foot tall equipment building and 20-foot tall antennas are screened from view by existing trees and rock formations. The 12-foot tall antennas would be painted dark green and would be adequately screened with proposed trees, and the approved Redwood Landfill overpass. Security fences would surround the equipment building, diesel back-up power supply generator, and antenna support poles and the building would be located behind large rock outcropping and oak tree. The facility would not be visually prominent because the building and 20-foot tall antennas would be in a saddle area predominately surrounded by hills, rocks, and trees. The Redwood Landfill overpass access road construction was completed in December 2006 and would provides screening from northbound U.S. Highway 101. The facility would visually blend with the surroundings because the antennas would blend into the background of hills and trees and would be painted dark green and other subdued colors that would blend into the surroundings.
- E. The facility would not create lighting impacts on surrounding areas because conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects on adjoining areas.
- F. U.S. Highway 101 and the Redwood Landfill access road provide access to the subject property and no road construction would be necessary.
- G. The project would not require removal of existing vegetation. Existing trees around the facility provide partial screening of the facility from off-site views.
- H. The facility is located in an agricultural area adjacent to the Redwood Landfill that provides an open space that serves as a community separator between Novato and Petaluma. Noise levels associated with the operation of the facility would not exceed the ambient noise levels associated with traffic on the highway, the landfill operation, and farm equipment. With the exception of routine monthly or bi-monthly maintenance visits by a technician, the facility would not generate new substantial traffic trips to the property. Therefore, the proposed facility would not generate significant levels of noise or traffic, and would be consistent with the location standards of the TFPP.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the mandatory findings to approve a Use Permit (Section 22.48.040 of the Marin County Code), as specified below.

The establishment, maintenance or conducting of the use for which a Use Permit is sought will not in this case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of this use and will not, under the circumstances of the case be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

A. The telecommunications facility is a permitted use that must be approved in the governing Agricultural District with a Use Permit pursuant to Section 22.08.030, Table 2-1 of the Marin

County Code. The telecommunications facility is part of the Verizon Wireless, Inc. network that would provide wireless personal communication services to residents and businesses in Marin County, and could contribute to public safety, convenience, and welfare along the U.S. 101 corridor. The telecommunications facility would occupy a very small portion (less than 400 square feet) of the 62.9-acre property, would be surrounded by security fences, and would not be detrimental to the continued use of the property for agriculture.

- B. The telecommunications facility is consistent with the Countywide Plan and the TFPP (refer to Sections IV and V above).
- C. The telecommunications facility complies with the California Environmental Quality Act (refer to Section III above).
- D. The design, location, size and operating characteristics of the telecommunications facility is compatible with the existing and future land uses in the vicinity including agriculture, the Redwood Landfill, the Redwood Landfill overpass and access road, and U.S. Highway 101.
- E. The telecommunications facility does not impair the architectural integrity and character of the Agricultural zoning district because exterior materials would be finished with subdued dark colors to blend into the surrounding landscape of hills, rocks, and trees.
- F. The granting of the proposed Use Permit Renewal on the subject property would not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located. The project would not result in any significant public health risks with respect to human exposure to radio frequency radiation because the facility will operate below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers adopted by the Federal Communications Commission

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, as modified herein, conforms to with the requirements of Design Review pursuant to Section 22.42.060 of the Marin County Code because the facility is located on a saddle area predominately surrounded by hills, rocks, and trees approximately 100 feet north of U.S. Highway 101 adjacent to the Redwood Landfill access road. The project would not result in substantial grading, tree removal or other adverse physical effects on the environment. Although two of the antennas would be visible from off-site locations, the facility would not be visually prominent in relation to the existing hills, rocks, and trees. The construction of the Redwood Landfill overpass, completed in December 2006, provides screening of the two visible antennas. To ensure that the facility visually blends with the surrounding background of hills and trees, the antennas shall be painted a matte non-reflective dark color. Proposed landscaping behind the antennas would further soften the visual appearance of the antennas so they would blend into the surroundings. Overall, the proposed facility would be compatible with existing uses on the property and would not conflict with the visual character of the subject or surrounding properties.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Silveira/Verizon Wireless, Inc. Use Permit Renewal subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Pursuant to Marin County Code Chapter 22.42 and 22.48, this Use Permit Renewal approval permits the continued operation of an existing wireless telecommunications facility for Verizon Wireless, Inc. consisting of four panel antennas, a 60 square foot concrete pad for a diesel-powered back-up power supply generator, and a 230 square foot, 10.5-foot tall, equipment building. The approval permits renewal of Use Permit (UP 04-1) that was approved on December 16, 2004 by the Deputy Zoning Administrator to construct a wireless telecommunications facility for Verizon Wireless, Inc. with four panel antennas, and a 230 square foot, 10.5-foot tall, equipment building. Renewal of the Use Permit was required to evaluate the visual appearance of the facility after completion of the construction of the Redwood Landfill bridge overpass of U.S. Highway 101. Three new redwood trees are required behind the two panel antennas that face south to minimize their visual presence as viewed from the highway. These two antennas are each mounted on a separate 12-foot tall pole within a 4-foot tall barbed wire fenced area to protect them from livestock. The two panel antennas facing north are mounted on 20-foot tall poles adjacent to the equipment building. A six-foot tall chain-link fence topped with three barbed wires surrounds the equipment building, and the two north-facing panel antennas. The equipment building contains electronic telecommunications equipment, and air conditioners. The telecommunications facility is located approximately 100 feet north of U.S. Highway 101, and 750 feet northwest of the Redwood Landfill access road on a small knoll northwest of a large oak tree and boulder. Access is provided through a 12-foot wide "access route" from the Redwood Landfill access road and the highway overpass. The subject property is located at 8950 Redwood Highway, Novato and is further identified as Assessor's Parcel 125-160-20.
2. Except as modified by conditions of approval, the project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Verizon Wireless, Novato Narrows, CA-0151", consisting of five sheets prepared by J.E. Schuricht & Associates, Civil Engineering and Land Surveying.
3. BEFORE MAY 30, 2008, the applicant shall plant the three new redwood trees behind the antennas as shown on Exhibit A, and schedule a site inspection with the Community Development Agency Planning Division staff to verify planting of the trees. The required screening landscaping shall be maintained in a healthy condition with proper watering and fertilizer amendments during the entire term of the Use Permit. Replacement trees shall be planted and adaptive management techniques shall be utilized, to improve the health and vigor of the required screening vegetation, if the three redwood trees do not provide adequate visual screening as viewed from U.S. Highway 101.
4. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects. No exterior lighting is approved on the antennas as part of this application.
5. All visible components of the facility shall be painted subdued matte-finish colors to match the colors of the existing natural surroundings. The subdued exterior colors shall minimize the visual appearance of the facility and shall blend into the surrounding environment.

6. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, 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 nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-reference noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
7. No tree removal or trimming of the tree canopy that provides visual screening of the facility and antennas shall occur unless the Agency Director grants prior authorization.
8. Utility extensions or connections shall be underground.
9. The applicant shall be responsible for ensuring that the number of landscaping and maintenance vehicles is limited to the minimum number necessary to maintain the project.
10. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
11. The applicant shall hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the Silveira/Verizon Wireless, Inc. Use Permit Renewal.
12. This Use Permit Renewal approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County efforts to utilize the subject property for shared location or co-location in the future if it is technically feasible and would minimize adverse affects related to land use compatibility, visual resources, public safety, and other environmental factors.
13. The electromagnetic frequency radiation (EMF) generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the allowable standards as adopted by the Federal Communications Commission and the County. If nationally accepted research establishes a substantially different standard for human exposure to EMF and such standard is adopted by the County or otherwise determined to be applicable by the County, the applicant shall demonstrate compliance with such standard by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as requested by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with other existing ambient sources.
14. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources, exceed the updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. If the County is preempted by Federal

and/or State law, rules or regulations, from applying an updated EMF standard, this condition shall not apply.

15. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Silveira/Verizon Wireless, Inc. Use Permit Renewal approval by substantially completing all approved work by planting the three required redwood trees and obtaining final inspection approval before May 30, 2008, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Director approves it. Extensions of time may be granted for cause consistent with Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until March 27, 2018, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days before the expiration of the Use Permit. If the Use Permit expires without benefit of a renewal, all equipment, structure, and antennas shall be removed, and the site shall be returned to its pre-existing conditions.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 P.M. on April 10, 2008.

SECTION 4: DECISION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 27th day of March, 2008.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Joyce Evans
DZA Secretary