



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

Robert and Lois Parks (Verizon Wireless) Use Permit and Design Review

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|-------------------|-------------------------------------|--------------------|---------------------------|
| Item No: | C1. | Application No: | CP 08-1/UP 08-10/DR 08-35 |
| Applicant: | NSA Wireless (for Verizon Wireless) | Owner: | Robert and Lois Parks |
| Property Address: | 28375 State Route One, Tomales | Assessor's Parcel: | 100-050-42 |
| Hearing Date: | June 26, 2008 | Planner: | Christine Gimmler |

RECOMMENDATION:

Approve With Conditions

APPEAL PERIOD:

10 calendar days to the Planning Commission

LAST DATE FOR ACTION:

June 26, 2008

PROJECT DESCRIPTION:

The applicant, NSA Wireless, on behalf of Verizon Wireless, is requesting approval to construct a new telecommunications facility on an agriculturally zoned approximately 197 acre parcel (the Parks Ranch) located half a mile north of the town of Tomales. The project includes the installation of one 18-foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25-foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. Both proposed monopoles would be located on a hillside a minimum of 400 feet west of State Route One.

GENERAL INFORMATION:

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|------------------------|---|
| Countywide Plan: | C-AG-1 (Coastal Agricultural, one unit per 31 to 60 acres) |
| Zoning: | C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres) |
| Lot size: | 197 acres |
| Adjacent Land Uses: | Agricultural uses |
| Vegetation: | Grazed grasslands and eucalyptus trees |
| Topography and Slope: | Gently to moderately sloping |
| Environmental Hazards: | None identified |

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project entails the installation and operation of a new telecommunications facility which would not result in grading, tree removal, or other potentially significant impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. dated January 15, 2008 concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed and existing telecommunications facilities.

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 600 feet of the subject property. No comments, adverse or otherwise, have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The project, as modified by conditions of approval in the attached resolution, is consistent with the goals and policies of the Marin Countywide Plan, the Tomales Community Plan, and the Marin County Telecommunications Facilities Policy Plan. Please refer to the plan consistency findings contained in the attached Resolution.

BACKGROUND:

Verizon Wireless is a public utility licensed by the Federal Communications Commission to operate wireless communication facilities in California. As described above, the proposed project entails the construction of a new telecommunications facility on an agricultural ranch approximately half a mile north of the town of Tomales. According to carrier coverage area maps submitted by the applicant, the proposed facility would serve an existing gap in Verizon Wireless' coverage area in and around Tomales and along State Route One in northern Marin.

PROJECT ANALYSIS:

On July 28, 1998, the Marin County Board of Supervisors adopted the Update to the Marin County Telecommunications Facilities Policy Plan (TFPP) which establishes policies to guide the development of telecommunications facilities while protecting the 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 Marin County Telecommunications Facilities Policy Plan states that wireless telecommunications facilities should be sited to avoid or minimize land use conflicts. Although the standards establish a general preference for industrial or commercial properties, open space and agriculturally zoned areas may be preferred sites when the design of the facility can avoid or minimize effects related to land use compatibility, visual resources, public safety, and related environmental factors. As described above, the proposed facility would be located on a large (197 acre) agriculturally-zoned ranch which is used for livestock grazing. As proposed, the monopoles and equipment area, which would be surrounded by perimeter livestock fencing, would maintain large setbacks (over 400 feet) from the nearest public roadway as well as residential uses. The property is served by existing gravel ranch roads and the proposed building sites are in grassland areas, therefore no tree removal or significant grading would be required. In addition, visual simulations of the project and site visits to the property indicate that the facility would not be readily visible from State Route One or other off-site locations. The subject property is encumbered by an agricultural conservation easement granted to the Marin Agricultural Land Trust (MALT). However, MALT staff have determined that the proposed project would be compatible with and accessory to the existing agricultural uses on the property. The project would effect less than 0.02 acres of the 197 acre ranch and would not interfere with the operation of the existing livestock ranching operations or diminish or impair the agricultural or open space and scenic values of the site. With the exception of routine maintenance visits by a cellular site technician on a monthly or bi-monthly basis, the facility would not generate other traffic trips to the property. Therefore, the proposed facility would not generate significant levels of noise or traffic. Finally, the proposed project has been reviewed by the Tomales Design Review Board, which found the proposed location to be appropriate for the facility. Based on these factors, the facility is consistent with the location and land use compatibility 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. As described above, the applicant proposes to construct two new monopoles measuring 18 feet and 25 feet in height, respectively, on the subject property to support the proposed antennas. However, both monopoles as well as the associated equipment area would maintain large setbacks to the nearest public roadway. Due to the topography of the ranch as well as existing vegetation (including a large eucalyptus grove) on the subject and surrounding properties, the monopoles would generally only be visible from a significant distance and, therefore, would not be visually intrusive or alter the character of the landscape (see visual simulations provided as Attachments 6-9). The proposed 25-foot monopole would be partially visible to northbound drivers from a short section of State Route One as it passes the subject property. However, due to the orientation and elevation of the road in relation to the monopole, and the prevailing speed of traffic in this area, the visibility would be very limited. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall not be permitted on the monopoles and shall be permitted in the equipment area for safety purposes only (with manually operated, low wattage, hooded, and downward directed lights) to minimize visual effects. Finally, the Tomales Design Review Board has expressed support for proposed project based on its visually unobtrusive location. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.

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. As part of their application, the applicant has submitted a report prepared by Hammett & Edison, Inc. dated January 15, 2008, which concludes that the facility would not result in any significant risks with respect to human exposure to radio frequency because at the nearest ground level locations on the property, the proposed Verizon Wireless antennas would generate maximum ambient radio frequency levels that are 18 percent of the applicable public exposure limit established by American National Standards Institute and the Institute of Electrical and Electronic Engineers. Since radio frequency levels decrease with distance, the levels expected at off-site locations would be even less. Therefore, the proposed facility would be consistent with standards contained in the TFPP regarding electromagnetic field emissions

Public Safety and Operation 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. The proposed facility would be surrounded by fencing to prevent unauthorized access or vandalism. In addition, conditions of approval require that the facility be dismantled and removed if it has been inoperative or abandoned for over a 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 adopt the attached resolution approving the Parks (Verizon Wireless) Coastal Permit, Use Permit and Design Review subject to the recommended conditions of approval.

- Attachments:
1. Proposed Resolution recommending approval of the Parks (Verizon Wireless) Coastal Permit, Use Permit and Design Review
 2. CEQA Exemption
 3. Location Map
 4. Site Plan
 5. Elevations
 6. Visual Simulation (view from State Route One adjacent to site)
 7. Visual Simulation (view north from State Route One)
 8. Visual Simulation (view south from State Route One)
 9. Visual Simulation (view from Whittaker Bluff Road)
 10. Department of Public Works, Land Development memo, 2/26/08
 11. Department of Public Works, Radio Shop, email, 2/22/08
 12. Environmental Health Services (septic) memo, 2/28/08
 13. Environmental Health Services (water) memo, 3/5/08
 14. Letter from Tomales Design Review Board, 2/21/08
 15. Letter from MALT, 2/14/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 05-186

A RESOLUTION APPROVING THE
PARKS (VERIZON WIRELESS) COASTAL PERMIT, USE PERMIT AND DESIGN REVIEW
ASSESSOR'S PARCEL 100-050-42
28375 STATE ROUTE ONE, TOMALES

SECTION I: FINDINGS

- I. WHEREAS, NSA Wireless, on behalf of Verizon Wireless, is requesting approval to construct a new telecommunications facility on an agriculturally zoned approximately 197 acre parcel located north of the town of Tomales. The project includes the installation of one 18 foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25 foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. Both proposed monopoles would be located on a hillside a minimum of 400 feet west of State Route One. The subject property is located at **28375 State Route One, Tomales**, and is further identified as Assessor's Parcel **100-050-42**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 26, 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 this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines, because the project entails the installation and operation of a new telecommunications facility which would not result in grading, tree removal, or other potentially significant impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. dated January 15, 2008 concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed and existing telecommunications facilities.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Tomales Community Plan for the following reasons:
 - A. The proposed project is compatible with the Agricultural land use designation for the project site and would not interfere with the existing use of the ranch property for livestock grazing.
 - B. The proposed project would not result in grading or the removal of existing vegetation.
 - C. Mandatory Use Permit findings can be made pursuant to Section 22.48.040 of Marin County Code to allow public utility and service uses necessary for public safety, convenience, and welfare.
 - D. The proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan (TFPP) because the project, as modified by conditions of approval, would ensure that the siting 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.
 - E. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

- F. The size and location of the subject property and the siting of the proposed facility will minimize impacts on visual qualities of the site.
 - G. The proposed project has been reviewed and approved by the Tomales Design Review Board.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project 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 proposed facility would be located on a large agriculturally zoned parcel and would be compatible with the use of the site for livestock grazing. The project site is located over 400 feet from the nearest public roadway and is not located in close proximity to residential areas. The facility would be sited in an undeveloped area where no grading or tree removal would be required and visual simulations demonstrate that the project would not be visually prominent from off-site areas. Based on these factors, the facility would be consistent with the location standards contained in the TFPP.
 - B. The facility would allow Verizon Wireless to provide improved cellular coverage in the Tomales area and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
 - C. The applicant has submitted a report prepared by Hammett and Edison, Inc., dated January 15, 2008, which concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields. RF emissions of the proposed telecommunications facility would be well below the maximum permissible exposure standards established by the FCC. Additionally, the antenna area would not be publicly accessible and, therefore, would not require mitigation to protect the public from exposure limits. Based on these factors, the proposed facility is consistent with the Electromagnetic Field Emissions policies contained in the TFPP.
 - D. The facility does not create significant lighting impacts on surrounding areas because no lighting is proposed for the site.
 - E. Vehicular access and parking for the proposed project site is provided from existing ranch roads on the property. No additional road or parking area construction would be required for the operation of the facility.
 - F. The facility would be located in a rural area. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property, therefore, the proposed facility would neither generate significant levels of noise nor traffic.
 - G. The project does not significantly impair the visual conditions on and surrounding the subject property because the facility would maintain large setbacks to property lines and would be partially screened by topography and existing vegetation on the subject and surrounding properties. Visual simulations indicate that the proposed facility would not be visually prominent as viewed from surrounding roadways or the town of Tomales. 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 wattage, hooded, and directed downward to minimize visual effects. Finally, the proposed project has been reviewed by the Tomales Design Review Board, which found the proposed location and design to be appropriate for the facility. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the governing C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density) and required findings pursuant to Section 22.57.036 of the Marin County Code because: 1) the proposed project would be compatible with and accessory to the existing agricultural uses on the property; 2) the project would effect less than 0.02 acres of the 197 acre ranch (0.01%) and would not interfere with the operation of the existing livestock ranching operations; 3) minor proposed improvements to existing ranch roads (gravel surfacing) would enhance agricultural use of the ranch and contribute to agricultural viability by facilitating more even livestock utilization across the property; and 4) the proposed improvements would not impair the open space and scenic values of the site.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of project approval, is consistent with the MANDATORY FINDINGS FOR COASTAL PERMIT approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130 of the Marin County Code) as described below.

A. Water Supply:

The proposed telecommunications facility would not need water service or impact existing water supply to the subject property.

B. Septic System Standards:

The proposed telecommunications facility would not need water service or impact existing water supply to the subject property.

C. Grading and Excavation:

Installation of the two proposed monopoles and construction of the 240 square foot equipment shelter would result in minor excavation work which the Marin County Department of Public Works, Land Use and Water Resources staff has found to be the minimum necessary to accommodate the proposed project. Therefore, the project would not result in significant grading or excavation.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of high archaeological sensitivity. In addition, it is not likely that the proposed project would disturb cultural resources because proposed development would not result in significant grading or excavation. Project approval requires that in the event that cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The subject property is located north of the town of Tomales well inland from the coast and would not affect public access to coastal areas. The site is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. In addition, the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing:

The proposed telecommunications facility would not affect the availability of housing stock within the Tomales community.

G. Stream Conservation Protection:

The proposed project site is not located in an area subject to the streamside conservation policies of the Marin Countywide Plan and Local Coastal Program, Unit II.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat:

Review of the Natural Diversity Data Base Maps on file with the Marin County Community Development Agency reveals that the subject property is not located in the identified habitat area of any rare or endangered species. In addition, the Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources.

J. Protection of Native Plant Communities:

Review of the California Natural Diversity Data Base Maps on file with the Marin County Community Development Agency, reveals that the subject property is located in the potential habitat area for a sensitive plant species, the Yellow delphinium (*Delphinium luteum*). However, the proposed telecommunications facility would be located on pasture land that is actively grazed. In addition, the development footprint of the support poles and equipment cabinet are very small in size. Therefore, it is unlikely that the proposed project would impact rare and endangered plants.

K. Shoreline Protection:

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The proposed project would not adversely impact visual resources on and surrounding the subject property because the facility would maintain large setbacks to property lines and would be partially screened by topography and existing vegetation on the subject and surrounding properties. Visual simulations indicate that the proposed facility would not be visually prominent as viewed from surrounding roadways, including State Route One, or the town of Tomales. 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 wattage, hooded, and directed downward to minimize visual effects. Finally, the Tomales Design Review Board has expressed support for proposed project based on its visually unobtrusive location.

P. Recreation/Visitor Facilities:

The subject property is not governed by Village Commercial Residential zoning regulations. The proposed telecommunications facility would improve cellular phone coverage for both residents and visitors in the Tomales area.

Q. Historic Resource Preservation:

The subject property is not located within the historic preservation boundaries for Tomales as identified in the Tomales Community Plan and the Marin County Historic Study for the Local Coastal Program, and would not affect any historic resources on the property or in the vicinity. .

R. Fire Protection:

Project approval requires that prior to final inspection, the applicant shall comply with all requirements of the Marin County Fire District.

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

- A. Public utility and service uses may be approved by Use Permit pursuant to Section 22.48.040 of the Marin County Code when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the Verizon Wireless communication network which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to the overall public safety, convenience, and welfare.
- B. The proposed project would be consistent with policies of the Marin Countywide Plan and Tomales Community Plan as described in Section IV. above.
- C. The project complies with the California Environmental Quality Act and would not result in any significant, public health risks with respect to human exposure to radio frequency radiation because the facility will operate well below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers.
- D. The proposed project would not result in significant adverse visual impacts because the facility would be located over 400 feet from the nearest public roadway in an area that is partially screened from off-site locations by existing vegetation and topographical features.
- E. The proposed project would be incidental to the primary agricultural use of the subject property for livestock grazing and would not alter or impair the character of the site or conflict with provisions of the Marin Agricultural Land Trust easement on the property.

F. As conditioned, granting the Use Permit on the subject property would not be detrimental to the public interest, health, safety, convenience, or welfare of persons working or residing in the surrounding neighborhood.

IX. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project conforms to with the requirements of Design Review pursuant to Section 22.42.060 of the Marin County Code because the proposed project would not result in significant grading, tree removal or other adverse physical effects on the environment. The facility would maintain large setbacks to surrounding public roadways and residences and would not interfere with the existing use of the subject and surrounding properties. The proposed telecommunication facility support poles would not be readily visible from off site locations, including State Route One as it passes the property. Overall, the proposed facility would be compatible with existing uses on the property and would not conflict with the visual character of the subject property or surrounding community.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Parks (Verizon Wireless) Coastal Permit 08-1, Use Permit 08-10, and Design Review 08-35 subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56 (Coastal Permit), 22.88 (Use Permit) and 22.82 (Design Review) , the Parks (Verizon Wireless) Coastal Permit 08-1, Use Permit 08-10 and Design Review 08-35 are approved for the construction and operation of an unstaffed, wireless telecommunications facility on the Parks Ranch in Tomales. As approved, the project includes the installation of one 18-foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25-foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. The facility would be sited a minimum of 400 feet west of the front property line along State Route One. The subject property is located at **28375 State Route One, Tomales**, and is further identified as **Assessor's Parcel 100-050-42**.
2. EXCEPT AS MODIFIED BY CONDITIONS OF APPROVAL, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Tomales #173496, 28375 Shoreline Highway, Tomales," consisting of 5 sheets, prepared by JES Engineering, Inc, dated 1/11/08 and received 1/24/08, and on file in the Marin County Community Development Agency.
3. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site shall be returned to its preexisting conditions.
4. The support monopole and antennas shall be painted a nonreflective gray color to blend with the sky. All metal work and fencing shall be an appropriately subdued, nonreflective color. Any changes to the approved exterior colors shall be submitted for review and approval by the Community Development Agency Director.
5. No exterior lighting is proposed or approved on or in the vicinity of the antennas, supporting monopoles, or fencing as part of this application. Any exterior lighting proposed in the area of the equipment shelter shall

be permitted for safety purposes only and must be manually operated, low wattage, hooded, and downward directed to minimize visual effects.

6. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with any other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law. The applicant shall demonstrate compliance by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as required 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 any other existing ambient sources.
7. 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. This condition shall not apply if the County is preempted by Federal and/or State law, rules or regulations from applying an updated EMF standard after the approved facility has been constructed.
8. 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 equipment that is audible from nearby locations may occur at all times. Back-up generators shall comply with the above-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
9. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
10. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

11. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
12. This Coastal Permit/Use Permit/Design Review approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County effort 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 addressed by CEQA. Verizon Wireless (or subsequent telecommunications provider) shall allow co-location on their approved support pole for a marketable rate.
13. This Use Permit is subject to revocation procedures contained in Section 22.120.030 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare of safety of persons residing or working in the neighborhood.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant. Subject to prior written request by the applicant, the Director may administratively authorize changes or additions to the project that are determined to be minor and consistent with the findings herein.

Marin County Department of Public Works

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall be required to install and maintain erosion control measures if work occurs between April 15 and October 15.
16. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4 feet (3 feet when backfill area is sloped or has a surcharge). Height is measured from the bottom of the footing.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit, Use Permit and Design Review approval by obtaining a Building Permit for the approved work and substantially completing all work before June 26, 2010, 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 Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Coastal Permit/Use Permit/Design Review shall be valid until **June 26, 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 prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions. In the event that the terms of this Use Permit are violated or the approved use is carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, this Coastal Permit, Use Permit and Design Review approval could be revoked or suspended in accordance with the terms and provisions of Chapter 22.120 of the Marin County Code.

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 - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on July 5, 2008.

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th day of June, 2008:

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary