



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
CORDA USE PERMIT RENEWAL**

Item No:	C3	Application No:	EX 09-5
Applicant:	T-Mobile	Owner:	L Corda & S Corda Family LTD Partners
Property Address:	10300 Redwood Hwy, Novato	Assessor's Parcel:	125-130-04
Hearing Date:	December 11, 2008	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	December 29, 2008
LAST DATE FOR ACTION:	December 30, 2008

PROJECT DESCRIPTION:

This is an application to renew a Use Permit for the continued operation of an existing unstaffed telecommunications facility on a portion of the Corda dairy farm. The existing facility is operating with two panel antennas located on a 15-foot high monopole. Each antenna currently measures 63 inches in height and 6 inches in width. The proposed project would replace these with two smaller and wider antennas measuring 51 to 53 inches in height and 11.8 to 6.8 inches in width respectively. Two existing Base Transmission Stations (BTS) located at the site are approximately 8 square feet in size and approximately 5-feet in height. A new MCPA signal amplifier that is approximately 26 inches wide, 25.8 inches high, and 9 inches deep will be flush mounted to the BTS Cabinet. All equipment is located within a cyclone and barbed wire fence enclosure that is approximately 6.5 feet in height. T-Mobile purchased the subject telecommunication facility from Cingular Wireless and has been operating the facility. With exception of the above, no other modifications are proposed for this facility.

GENERAL INFORMATION:

Countywide Plan:	AG-1 (Agricultural, one unit per 30 to 60 acres)
Zoning:	A-60 (Limited Agricultural District, 60 acre minimum lot size)
Lot size:	465 acres
Adjacent Land Uses:	Agriculture
Vegetation:	Native grass and oak pastureland
Topography and Slope:	Steeply sloped
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 (CEQA) pursuant to 15301, Class 1(b) of the CEQA Guidelines because the continued operation of an existing telecommunications facility would not result in environmental impacts. The applicant has submitted a report prepared by Hammett & Edison, Inc., dated October 1, 2008, which evaluates human exposure to radio frequency electromagnetic fields from the proposed modifications to existing telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. The Community Development Agency has received no adverse comments from the public regarding this project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Marin County Single-family Residential Design Guidelines because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

A Use Permit was granted on September 26, 2002 to Cingular Wireless for the existing wireless telecommunication facility on the Corda dairy farm, a 465 acre rural agricultural parcel east of Highway 101 near the Marin/Sonoma County line. T-Mobile subsequently purchased the subject facility, which it has been operating. The current renewal includes minor upgrades to this facility.

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

- A. The telecommunications facility is located on a site currently used for agricultural purposes and is compatible with the rural character and use of the subject property and surrounding areas. The site is served by an existing access driveway, and the continued use of the facility would not require grading or tree removal, or result in other adverse environmental impacts. The project would not result in adverse visual impacts because existing landscaping and topography will screen the facility from off-site views and from U.S. Highway 101. Based on these factors, the facility is consistent with the location standards contained in the TFPP.
- B. As part of a previous application, a Ridgeline Facility Plan was conducted to inventory existing wireless telecommunications facilities on the subject property and to explore opportunities to coordinate access, avoid signal interference, and consolidate facilities.

The Plan found that the existing facilities have been clustered off a common driveway and would maintain ample separation to avoid interference of signals. The Ridgeline Facility Plan also explored alternative facilities configurations that involve resiting the facilities to achieve a tighter cluster and co-locating the facilities on one larger facility and concluded that the proposed shared use of the subject property for four separate and independent telecommunications facilities represents the preferred development scenario and would minimize the extent of visual and physical impacts on the environment. Specifically, co-location and/or consolidation of the facilities would result in larger and taller antennas (in order to minimize signal interference) which would be more visible from off-site locations, would potentially reduce the level of service by the individual carriers, or would require additional grading on the site. Continuation of the existing pattern of wireless telecommunications facilities on the subject property is consistent with the intent of the TFPP requirement by clustering the facilities in areas that are screened from off-site views, would be screened by existing landscaping, and would minimize signal interference.

- C. The facility would allow T-MOBILE to continue to provide cellular coverage in the northern portion of the County near the County boundary with Sonoma County 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.
- D. The applicant has submitted reports prepared by Hammett & Edison, Inc., dated October 1, 2008, which concludes that the existing facility would not result in any significant risks with respect to human exposure to radio frequency fields because the existing facility, in conjunction with other telecommunication facilities on the property, would generate maximum ambient radio frequency levels that are below the applicable public exposure limit established by the Federal Communications Commission (FCC).
- E. The facility does not create lighting impacts on surrounding areas because no exterior lights are proposed or required, either for the antennas or equipment building and adjoining areas.
- F. Vehicular access for the proposed project site is provided from an existing private driveway which the facility shares with four other wireless telecommunications carriers on the subject property. Parking is available from relatively level areas off the driveway. No additional road or parking area construction would be required for the continued operation of the facility.
- G. The project would not require removal of existing vegetation. Existing trees to the northwest of the facility provide the predominant screening of the facility from off-site views.
- H. The facility is 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. In addition, maintenance visits would occur no more than twice per month and would typically occur during the day, between 7:00 a.m. and 5:00 p.m. Therefore, the proposed facility would neither generate significant levels of noise nor traffic.

- I. The facility does not significantly impair the visual conditions on and surrounding the subject property because the existing facility is painted in earth tones and is screened from off-site views by existing trees and the topography of the site.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Use Permit findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the renewal of the Corda Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Corda Use Permit
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Novato Fire Protection District Letter, 10/23/08
 7. Department of Public Works Memo, 10/24/08
 8. Environmental Health Services Memo, 10/30/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-____

A RESOLUTION APPROVING THE RENEWAL OF THE
CORDA (T-MOBILE) USE PERMIT (EX 09-5)
10300 REDWOOD HIGHWAY, NOVATO
ASSESSOR'S PARCEL 125-130-04

SECTION I: FINDINGS

- I. WHEREAS T-Mobile submitted an application to renew a Use Permit for the continued operation of an existing unstaffed telecommunications facility on a portion of the Corda dairy farm. The existing facility is operating with two panel antennas located on a 15-foot high monopole. Each antenna currently measures 63 inches in height and 6 inches in width. The proposed project would replace these with two smaller and wider antennas measuring 51 to 53 inches in height and 11.8 to 6.8 inches in width respectively. Two existing Base Transmission Stations (BTS) located at the site are approximately 8 square feet in size and approximately 5-feet in height. A new MCPA signal amplifier approximately 26 inches wide, 25.8 inches high, and 9 inches deep will be flush mounted to the BTS Cabinet. All equipment is located within a cyclone and barbed wire fence enclosure that is approximately 6.5 feet in height. With exception of the above, no other modifications are proposed for this facility. The subject property is located at **10300 Redwood Highway, Novato**, and is further identified as **Assessor's Parcel 125-130-04**.
- II. WHEREAS the original Corda Ranch Use Permit for the Cingular Wireless telecom facility was approved on September 26, 2002.
- III. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on December 11, 2008 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1(b) of the CEQA Guidelines because the continued operation of an existing telecommunications facility would not result in environmental impacts. The applicant has submitted a report prepared by Hammett & Edison, Inc., dated October 1, 2008, which evaluates human exposure to radio frequency electromagnetic fields from the proposed modifications to existing telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan due to the following factors:
 - A. The proposed project is consistent with the Agricultural (AG 1) land use designation for the project site and would not interfere with the existing agricultural uses of the property.
 - B. Pursuant to Public Facilities and Services Goal PFS-5, the proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan and would ensure that the site 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. Additionally, as conditioned, the applicant is encouraged to share and consolidate to the greatest extent possible all needed facilities with other telecommunication site users, including buildings, access roads, parking areas, transmitters, towers, and antennas.

C. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

VI. 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 telecommunications facility is located on a site currently used for agricultural purposes and is compatible with the rural character and use of the subject property and surrounding areas. The site is served by an existing access driveway, and the continued use of the facility would not require grading or tree removal, or result in other adverse environmental impacts. The project would not result in adverse visual impacts because existing landscaping and topography will screen the facility from off-site views and from U.S. Highway 101. Based on these factors, the facility is consistent with the location standards contained in the TFPP.

B. As part of a previous application, a Ridgeline Facility Plan was conducted to inventory existing wireless telecommunications facilities on the subject property and to explore opportunities to coordinate access, avoid signal interference, and consolidate facilities. The Plan found that the existing facilities have been clustered off a common driveway and would maintain ample separation to avoid interference of signals. The Ridgeline Facility Plan also explored alternative facilities configurations that involve resiting the facilities to achieve a tighter cluster and co-locating the facilities on one larger facility and concluded that the proposed shared use of the subject property for four separate and independent telecommunications facilities represents the preferred development scenario and would minimize the extent of visual and physical impacts on the environment. Specifically, co-location and/or consolidation of the facilities would result in larger and taller antennas (in order to minimize signal interference) which would be more visible from off-site locations, would potentially reduce the level of service by the individual carriers, or would require additional grading on the site. Continuation of the existing pattern of wireless telecommunications facilities on the subject property is consistent with the intent of the TFPP requirement by clustering the facilities in areas that are screened from off-site views, would be screened by existing landscaping, and would minimize signal interference.

C. The facility would allow T-MOBILE to continue to provide cellular coverage in the northern portion of the County near the County boundary with Sonoma County 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.

D. The applicant has submitted reports prepared by Hammett & Edison, Inc., dated October 1, 2008, which concludes that the existing facility would not result in any significant risks with respect to human exposure to radio frequency fields because the existing facility, in conjunction with other telecommunication facilities on the property, would generate maximum ambient radio frequency levels that are below the applicable public exposure limit established by the Federal Communications Commission (FCC).

- E. The facility does not create lighting impacts on surrounding areas because no exterior lights are proposed or required, either for the antennas or equipment building and adjoining areas.
 - F. Vehicular access for the proposed project site is provided from an existing private driveway which the facility shares with four other wireless telecommunications carriers on the subject property. Parking is available from relatively level areas off the driveway. No additional road or parking area construction would be required for the continued operation of the facility.
 - G. The project would not require removal of existing vegetation. Existing trees to the northwest of the facility provide the predominant screening of the facility from off-site views.
 - H. The facility is 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. In addition, maintenance visits would occur no more than twice per month and would typically occur during the day, between 7:00 a.m. and 5:00 p.m. Therefore, the proposed facility would neither generate significant levels of noise nor traffic.
 - I. The facility does not significantly impair the visual conditions on and surrounding the subject property because the existing facility is painted in earth tones and is screened from off-site views by existing trees and the topography of the site.
- VII. 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. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all the applicable provisions of this Chapter

The proposed project would be incidental to the primary agricultural use of the subject property. Pursuant to Marin County Code Section 22.08.030, the construction and maintenance of communication facilities, such as the proposed project, are permitted in A-60 zoning districts.

Public utility and service uses may be approved in the governing Agricultural zoning district by Use Permit pursuant to Section 22.48.040(F) 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 T-Mobile network which provides wireless cellular and personal communication services to residents and businesses in Marin County and contribute to public safety, convenience, and welfare.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

Please see Section IV above.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

Please see Section III above.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed project would not result in significant adverse visual impacts because the existing facility would not be substantially modified and because: (1) the height of the monopole which supports two panel antennas would be limited to 15 feet above grade; (2) the facility would be screened by existing landscaping and topography; and (3) the antenna would be painted with an appropriate, non-reflective earth tone which blends with the predominant viewshed background.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

Please see Section VI.D above.

F. Granting the Use Permit will 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 well below the exposure limits set by the Federal Communications Commission (FCC). The grant of the proposed Use Permit on the subject property would not be detrimental to the health, safety, comfort, or welfare of persons working or residing in the surrounding neighborhood.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is exempt from the requirements of Design Review as minor and incidental pursuant to Section 22.42.020(N) of the Marin County Code because the project consists of the continued operation of an existing facility replacing two existing antennas mounted on an existing 15-foot high monopole and would not require additional grading or tree removal, or result in adverse physical effects on the environment. The facility maintains large setbacks to all surrounding properties and would not interfere with the existing agricultural use of the property. In addition, the facility would be screened from off-site views by topography and existing landscaping.

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Corda (T-Mobile) Use Permit subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.48 (Use Permit) of the Marin County Code, the Corda (T-Mobile) Use Permit is approved for the continued operation of an existing wireless telecommunications facility on a portion of the Corda dairy farm. The existing facility is approved to consist of: 1) two panel antennas on a 15-foot high monopole (the new antenna will measure 51 to 53 inches in height and 11.8 to 6.8 inches in width respectively), 2) a Base Transceiver Station (BTS) that measures approximately 8 square feet and 5 feet in height, and 3) a new MCPA signal amplifier to be approximately 26 inches wide, 25.8 inches high, 9 inches deep, and flush mounted to the BTS Cabinet. All equipment shall remain located within a cyclone and barbed wire fence enclosure that is approximately 6.5 feet in height. With exception to the above, no

other modifications are approved for this facility. The subject property is located at **10300 Redwood Highway, Novato**, and is further identified as **Assessor's Parcel 125-130-04**.

2. Development and use of the facility shall conform to plans identified as "Exhibit A," entitled "T-Mobile," consisting of 4 sheets prepared by Streamline Engineering, dated October 3, 2008, received October 7, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The color of the new antenna, amplifier, and existing facility shall be maintained in a non-reflective earth tone which blends with the predominant viewshed background. Any future change to the approved exterior colors shall be submitted for review and approval by the Community Development Director.
4. The applicant shall continue to maintain an approved business plan or other required authorization for toxic and/or hazardous materials with the Department of Public Works - Office of Waste Management.
5. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities 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 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 other existing ambient sources.
6. 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.
7. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. WITHIN 30 DAYS FROM THE DATE OF APPROVAL, the applicant shall enter into a standard performance agreement with the County and post a bond or other 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.
8. No exterior lights are permitted at the facility.
9. 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-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.

10. 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.
11. 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.
12. 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 Corda (T-Mobile) Use Permit.
13. 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 III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Use Permit approval by complying with all conditions of approval by **December 11, 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 Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **December 11, 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.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the 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, before **4:00 p.m. on December 29, 2008**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of December 2008.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary