



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
LUCASFILM LTD./CROWN CASTLE INTERNATIONAL
USE PERMIT**

Item:	C2	Application:	UP 09-6
Applicant:	Jason Osborne, Osborne Associates, LLC	Owner:	LucasFilm Ltd.
Property Address:	3800 Lucas Valley Road, San Rafael	Assessor's Parcel:	164-310-07
Hearing Date:	July 16, 2009	Planner:	Neal Osborne
RECOMMENDATION:		Approve With Conditions	
APPEAL PERIOD:		Ten calendar days	
LAST DATE FOR ACTION:		to the Planning Commission	
		July 29, 2009	

PROJECT DESCRIPTION:

The project is a proposal to obtain Use Permit approval for the continued use of an existing Crown Castle International wireless telecommunications facility at the Big Rock Ridge major telecommunications facility site. The proposal includes continued operation of the existing facilities for multiple telecommunications carriers that provide public and private services. The original Use Permit approval was granted in 1972. In 1997 a Use Permit Renewal was granted for a six-year term, which expired in 2003. The existing facilities are contained within a 3,850 square foot fenced (8-foot tall chain link) area, with 1,210 square feet of equipment shelters, and three antenna towers supporting approximately 70 antennas with a maximum height of 90 feet above grade. The facility also includes numerous battery cabinets, 2 electricity generators, 2 propane tanks, and heating, ventilation, and cooling equipment.

GENERAL INFORMATION:

Countywide Plan Land Use

Designation:

PR (Planned Residential)

Zoning:

RMP-0.031 (Residential multiple-family planned district, one unit per 32.3 acres maximum density)

Lot size:

One acre

Adjacent Land Uses:

Agriculture, Open Space, telecommunications facilities

Vegetation:

Mixed grasses

Topography and Slope:

The property is located at the top of a small knoll along Big Rock Ridge with a level building pad and slopes of 13% to 62% around the building pad area.

Environmental Hazards: Proximity to the San Andreas and Hayward Fault Zones

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 15301, Class 1 of the CEQA Guidelines because it is the continued operation of an existing un-staffed telecommunications facility that would not result in any grading, tree removal, or other potentially significant impacts on the environment. Additionally, a Radio Frequency Analysis report prepared by William F. Hammett, P.E. an Electrical and Mechanical Engineer with 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. The Hammett and Edison, Inc. Radio Frequency Report determined that the project would comply with FCC standards for radio frequency electromagnetic fields at ground level with 0.042 mW/cm², which is 21% of the applicable public exposure limit.

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.

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 continued use of an existing major 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 RMP-0.031, Residential multiple-family planned district with a maximum density of one unit per 32.3 acres. The subject one-acre property is a separate parcel that is leased for the telecommunications facility. Adjacent uses include public trails along Big Rock Ridge, public open space, and cattle grazing.

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. The project would be compatible with the surrounding land uses as described below.

The predominate land uses in the proposed coverage area are two major telecommunication facilities, public open space and trails, and livestock grazing. The subject property is located adjacent to public trail along Big Rock Ridge and public open space. The existing telecommunications facility has been located at the site since 1972 and is strategically located due to its high elevation on the prominent ridge to provide a wide range of coverage to areas to the north and south of Big Rock Ridge as a major telecommunications site identified in the TFPP. The equipment building and antennas would have no adverse affects on the continued use of the adjacent properties for public trails and for agriculture.

The project is a proposal to obtain a new Use Permit for an existing wireless telecommunications facility for Crown Castle International that consists of a 3,850 square foot fenced (8-foot tall chain link) area, with 1,210 square feet of equipment shelters, and three antenna towers supporting approximately 70 antennas with a maximum height of 90 feet above grade. The facility also includes numerous battery cabinets, 2 electricity generators, 2 propane tanks, and heating, ventilation, and cooling equipment. (refer to Attachments 5, 6, 7, 8, and 9). Because the facility already exists and no modifications are proposed, the project would not require grading, tree removal or pruning. The design of the facility would be retained and would not alter the visual character of the site or the use of the subject and surrounding properties. To provide improved public safety for the increasing numbers of mountain bikers and hikers on the adjacent trails, staff recommends Condition of Approval 3 for the placement of additional signs on the fence of the facility and within 100 feet of the facility warning the public about potential health risks due to long-term exposure to radio frequency emissions. The additional signs shall be subject to the review and approval of the Marin County Department of Parks and Open Space. The public trail users would be advised to maintain substantial distance from the facility and to minimize the amount of time spent near the antennas.

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 technicians, 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. The project would not result in any modification to the existing antennas and equipment cabinets, and would not result in a visual change to 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. Any exterior lights shall remain turned off unless necessary for the safety of maintenance personnel.

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 Radio Frequency Analysis report prepared by William Hammett, P.E., Electrical and Mechanical Engineer with Hammett and Edison, Inc., which 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. The Hammett and Edison, Inc. Radio Frequency Report prepared for Crown Castle International determined that the project would comply with FCC standards for radio frequency electromagnetic fields at ground level for this facility with 0.042 mW/cm^2 , which is 21% of the applicable public exposure limit. Thus 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 16). Pursuant to the Radio Frequency Report, the proposed facility would be consistent with the TFPP standards regarding electromagnetic field emissions. As stated above in the Land Use Compatibility section, staff recommends Condition of Approval 3 for additional signs to warn the public, that is increasingly visiting the area as a result of construction of the Big Rock Trail, of potential health risks associated with long-term exposure to radio-frequency radiation and to minimize the duration of time spent near the facility.

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 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 Condition of Approval 4 that requires the applicant to enter into a Performance Agreement with a financial deposit pursuant to the TFPP that states that operations of telecommunications facilities should deposit funds with the County sufficient to ensure removal of the facility, if the use ceases sometime in the future.

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the LucasFilm Ltd./Crown Castle International Use Permit based on the findings and subject to the conditions contained in the attached resolution.

- Attachments:
1. Resolution recommending approval of the LucasFilm Ltd./Crown Castle International Use Permit
 2. CEQA Categorical Exemption
 3. Assessor's Parcel Map
 4. Location Map
 5. Vicinity Aerial Photograph
 6. Vicinity Plan/Partial Site Plan
 7. Compound Layout
 8. South Elevation
 9. Photograph of the Facility
 10. Cara Zichelli, DPW Land Use and Water Resources Division memorandum, 5/13/09
 11. Victoria Peters, Crown Castle International letter, 4/14/09
 12. Rand Knox, DPOS letter, 3/17/09 and e-mail, 8/22/08
 13. Shelly Nelson, DPW Communications Division e-mail, 3/5/09
 14. Jason Osborne, Osborne & Associates, LLC letters, 2/17/09 and 7/28/08
 15. Greg Mobley, DPW Waste Management CUPA e-mail, 8/12/08
 16. William F. Hammett, Hammett and Edison, Inc., Radio Frequency Report, 7/18/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

**A RESOLUTION APPROVING THE
LUCASFILM LTD./CROWN CASTLE INTERNATIONAL
USE PERMIT**

3800 LUCAS VALLEY ROAD, SAN RAFAEL

ASSESSOR'S PARCEL 164-310-07

SECTION 1: FINDINGS

- I. WHEREAS the project is a proposal to allow the continued use of an existing Crown Castle International wireless telecommunications facility at the Big Rock Ridge major telecommunications facility site. The proposal includes continued operation of the existing facilities for multiple telecommunications carriers that provide public and private services. The original Use Permit approval was granted in 1972. In 1997 a Use Permit Renewal was granted for a six-year term. The existing facilities are contained within a 3,850 square foot fenced (8-foot tall chain link) area, with 1,210 square feet of equipment shelters, and three antenna towers supporting approximately 70 antennas with a maximum height of 90 feet above grade. The facility also includes numerous battery cabinets, 2 electricity generators, 2 propane tanks, and heating, ventilation, and cooling equipment. The subject property is located at 3800 Lucas Valley Road, San Rafael and is further identified as Assessor's Parcel 164-310-07.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 16, 2009, 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 15301, Class 1 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 Hammett and Edison, Inc. that determined that the project would comply with FCC standards for radio frequency electromagnetic fields at ground level for this facility with 0.042 mW/cm^2 , which is 21% of the applicable public exposure limit. The facility would not result in any significant risks with respect to human exposure to radio frequency in compliance with the FCC 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. The project is consistent with Countywide Plan Policy PFS-5.1 in the Public Facilities and Services Element Goal PFS-5 that requires telecommunications facilities to be consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan. Consistency with this policy will 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 and safety 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 telecommunications facility for the Crown Castle International wireless telecommunications facility at the Big Rock Ridge major telecommunications facility site 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 the Crown Castle International wireless telecommunications facility to provide telecommunication services with coverage in San Rafael and Novato communities and would allow the Crown Castle International wireless telecommunications facility to provide a convenient and reliable source of wireless communications to residents, businesses, and emergency service providers.
 - C. The applicant submitted a Radio Frequency Report prepared by Hammett and Edison, Inc. that determined the project would comply with FCC standards for radio frequency electromagnetic fields at ground level for this facility with 0.042 mW/cm^2 , which is 21% of the applicable public exposure limit. The facility would not result in any significant risks with respect to human exposure to radio frequency, in compliance with the FCC standards.
 - D. The facility would visually blend with the surroundings because the antennas have been in place since 1972 and blend into the background of hills and trees, and would be painted 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.
 - G. The project would not require removal of existing vegetation.
 - H. The facility is located in an agricultural area adjacent to the LucasFilm Big Rock Ranch facility and the proposed Grady Ranch facility, H Ranch, and the Lucas Valley Open Space Preserve that provide an open rural space in the Lucas Valley area. Noise levels associated with the operation of the facility would not exceed the ambient noise levels associated with traffic on Lucas Valley Road, the Big Rock Ranch, and ranching activities. With the exception of routine

monthly or bi-monthly maintenance visits by a technician, the facility would not generate new 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 numerous telecommunications vendors' networks that provide wireless communication services to residents, public service agencies, and businesses in Marin County, and could contribute to public safety, convenience, and welfare in the communities of San Rafael and Novato. The telecommunications facility occupies a very small portion 3,850 square feet of the surrounding open space areas, is surrounded by security fences, and would not be detrimental to the continued use of the adjacent properties for public trails and 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 Lucas Valley Open Space Preserve, the LucasFilm Big Rock Ranch and Grady Ranch office facilities, and Lucas Valley Road.
- 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 colors to blend into the surrounding landscape of hills 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 has been located on the crest of Big Rock Ridge since 1972 and is identified as a major telecommunications site in the TFPP to provide services for

multiple public and private telecommunications carriers. The project would not result in substantial grading, tree removal or other adverse physical effects on the environment. Although the antennas would be visible from off-site locations, the facility would not be visually prominent due to the distance from primary vantage points, and in relationship to the existing hills, and trees in the vicinity. Overall, the continued use of the existing facility would be compatible with existing uses on the property and in the vicinity, 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 LucasFilm Ltd./Crown Castle International Use Permit subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Pursuant to Marin County Code Chapter 22.48, this Use Permit (UP 09-6) approval permits the continued use of the Crown Castle International wireless telecommunications facility at the Big Rock Ridge major telecommunications facility site. The approval permits the continued operation of the existing facilities for multiple telecommunications carriers that provide public and private services. The approval permits the existing facilities within a 3,850 square foot fenced (8-foot tall chain link) area, with 1,210 square feet of equipment shelters, and three antenna towers supporting approximately 70 antennas with a maximum height of 90 feet above grade. The approval also permits the facility with numerous battery cabinets, 2 electricity generators, 2 propane tanks, and heating, ventilation, and cooling equipment. The subject property is located at 3800 Lucas Valley Road, San Rafael and is further identified as Assessor's Parcel 164-310-07.
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, "Crown Castle International Big Rock Ridge 871463, Big Rock Ridge Fire Road, San Rafael CA 94903", consisting of five sheets prepared by TRK Engineering.
3. BEFORE JULY 16, 2011, the applicant shall install additional Radio Frequency Emissions warning signs on the fence surrounding the facility (one sign on each side of the facility) and along the public trail within 100 feet of the facility, pursuant to the review and approval of the County of Marin Department of Parks and Open Space (DPOS). The signs shall warn the public that potential dangers of exposure to radio frequency emissions and recommend that the public minimize time spent in proximity to the antennas. Photographs shall be submitted to the CDA Planning Division for verification of the installation of the warning signs. If the DPOS does not approve of warning signs along the trail, the applicant shall submit a letter to the CDA Planning Division from DPOS waiving (disapproving) the requirement for warning signs along the public trail.
4. BEFORE AUGUST, 2009, the applicant shall enter into an evergreen Performance Agreement with the Community Development Agency, Planning Division that runs with the term of the Use Permit and future Use Permit Renewals, secured with a cashier's check or certificate of deposit naming the County as the beneficiary in the amount of 1.5 times the costs to remove the facility from the site. The Performance Agreement shall guarantee removal of an abandoned facility. The facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site returned to its pre-existing conditions.

5. 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.
6. 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.
7. 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.
8. No tree removal or trimming of the tree canopy may occur unless the Agency Director grants prior authorization.
9. Utility extensions or connections shall be underground.
10. The applicant shall be responsible for ensuring that the number of construction and maintenance vehicles is limited to the minimum number necessary to construct and maintain the project.
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 LucasFilm Ltd./Crown Castle International Use Permit.
13. This Use Permit 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.
14. 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.

15. 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 Federal and/or State law preempt the County, rules or regulations, from applying an updated EMF standard, this condition shall not apply.
16. 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.

Marin County Department of Parks and Open Space

17. Access across Open Space property shall be coordinated with field operations staff at 18 Jeanette Prandi Way, San Rafael CA 94903. The contact telephone number is (415) 507-2816.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this LucasFilm Ltd./Crown Castle International Use Permit (UP 09-6) approval by substantially completing all conditions of approval and approved work before July 16, 2011, 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 July 16, 2019, 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, structures, 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 July 30, 2009.

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 16th day of July, 2009.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Joyce Evans
DZA Secretary