

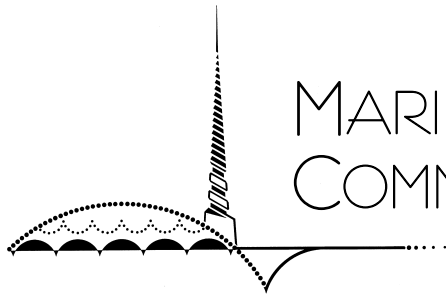
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – July 16, 2009

Hearing Officer Jeremy Tejriran

Staff Present: Veronica Corella Pearson, Planner
 Neal E. Osborne, Planner
 Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:09 A.M.
Adjourned at 9:40P.M.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **STELLA CORDA**
Application (type and number): Use Permit Renewal (Ex 09-17)
Assessor's Parcel Number: 125-130-04
Project Location: 10300 Redwood Highway, Novato
For inquiries, please contact: Veronica Corella Pearson, Planner
Decision Date: July 16, 2009

DETERMINATION: Approved with Conditions

Minutes of the July 16, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-12.

Marin County Community Development Agency

Jeremy Tejrjian
Hearing Officer

C1. USE PERMIT RENEWAL (EX 09-17): STELLA CORDA

A proposal to consider the continued operation of an existing unmanned telecommunications facility. The facility was originally approved in October of 1991 and renewed in December of 1998. Existing on the site is an equipment shelter, two monopoles, and a 60 kilowatt generator. The antennas are mounted on a 10-foot tall steel pole that is 5-inches in diameter, with 2 antennas per pole. The equipment shelter is 267 square feet in size, and has a height of 10-feet, 8-inches. Adjacent to the east side of the shelter is a 6-foot microwave dish mounted to a 12-foot tall steel pole. To the southeast of the shelter is a 60kw generator and fuel tank on a concrete pad. All equipment is located within cyclone fencing that is 6 feet in height. No changes to the facility are proposed at this time. The subject property is located at **10300 Redwood Highway, Novato** and is further identified as **Assessor's Parcel 125-130-04**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Stella Corda Use Permit, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-126

A RESOLUTION APPROVING THE RENEWAL OF THE
CORDA (VERIZON) USE PERMIT (EX 09-17)
10300 REDWOOD HIGHWAY, NOVATO
ASSESSOR'S PARCEL 125-130-04

SECTION I: FINDINGS

- I. WHEREAS NSA Wireless, has applied on behalf of the owners, the Corda Family, for Use Permit Renewal to allow for the continued operation of an existing unmanned telecommunications facility. The facility was originally approved in October of 1991, and renewed in December of 1998. Existing on the site is an equipment shelter, two monopoles, and a 60 kilowatt generator and perimeter fencing. The antennas are mounted on a 10-foot tall steel pole that is 5-inches in diameter, with 2 antennas per pole. The equipment shelter is 267 square feet in size, and has a height of 10 feet, 8 inches. Adjacent to the east side of the shelter is a 6-foot microwave dish mounted to a 12-foot tall steel pole. To the southeast of the shelter is a 60-kw generator and fuel tank on a concrete pad. All equipment is located within a cyclone fencing that is 6-feet in height. No changes to the facility are proposed at this time. 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 (Verizon) Use Permit was originally approved on September 12, 1991, and renewed on December 10, 1998.
- III. 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.
- 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 March 18, 2009, which evaluated risks with respect to human exposure to radio frequency electromagnetic fields from the existing telecommunications facility. The report concludes that the facility complies 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. The proposed project is consistent with the PFS-5.a, b, and d in that the proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan and the design of the proposed facility is compatible with other land uses, provides protection from vandalism and fire hazards, and minimizes visual impacts, and minimizes 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 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 Verizon Wireless 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 March 18, 2009, 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 renew an approved 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, 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 Verizon network, which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to public safety, convenience, and welfare.

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

Please see Section V 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 IV 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 modified and the height of the structures are appropriate for the existing use on the property and are screened by existing landscaping and topography, and are 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.B, E and I 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 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 (Verizon) Use Permit Renewal 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 (Verizon Wireless) Use Permit is approved for the continued operation of an existing unmanned telecommunications facility. Approved to remain on the site are an existing equipment shelter, two monopoles, and a 60 kilowatt generator and perimeter fencing. The antennas are mounted on a 10-foot tall steel pole that is 5-inches in diameter, with 2 antennas per pole. The equipment shelter is 267 square feet in size, and has a height of 10 feet, 8 inches. Adjacent to the east side of the shelter is a 6-foot microwave dish mounted to a 12-foot tall steel pole. To the southeast of the shelter is a 60kw generator and fuel tank on a concrete pad. All equipment is located within a cyclone fencing that is 6 feet in height. No changes to the facility are proposed at this time. 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 "Verizon Wireless, Neil's Island," consisting of 6 sheets prepared by Delta Groups Engineering, Inc., Consulting Engineers, dated November 12, 2008, received April 20, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. 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.
4. 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.
5. 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.
6. 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.
7. No exterior lights are permitted at the facility.
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 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.

9. 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.
10. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
11. The applicant shall hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the Corda (Verizon Wireless) Use Permit.
12. 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 approval by commencing the allowed use on the property, in compliance with the conditions of approval or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 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 Section 22.56.050.B.3of the 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 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 July 30, 2009**.

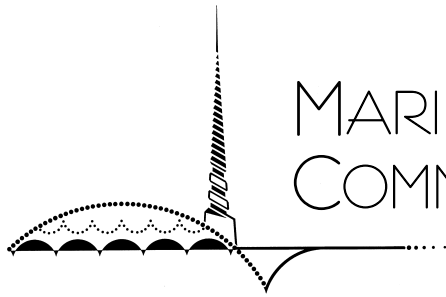
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16th day of July 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **SKYWALKER PROPERTIES LTD./CROWN CASTLE INTERNATIONAL**

Application (type and number): USE PERMIT (UP 09-6)

Assessor's Parcel Number: 164-310-07

Project Location: 3800 Lucas Valley Road, San Rafael

For inquiries, please contact: Neal E. Osborne, Planner

Decision Date: July 16, 2009

DETERMINATION: Approved with Conditions

Minutes of the July 16, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

**C2. USE PERMIT (UP 09-6):
SKYWALKER PROPERTIES LTD./CROWN CASTLE INTERNATIONAL**

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 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**.

In response to the Hearing Officer, staff acknowledged an additional comment letter from Jon Dohm, Crown Castle International, regarding concerns with Condition of Approval 4, requiring a performance agreement and Condition of Approval 6 regarding painting the facility to match the environment.

Staff explained that Condition of Approval 4 is a standard condition pursuant to the Telecommunications Facilities policy Plan, but there may be flexibility in the terms of the condition to ensure that unused equipment is removed. The lease agreement with Skywalker Properties Ltd. already has a stipulation that all equipment must be removed, but this is not enforceable by the County; therefore the performance agreement is a standard requirement. Condition of Approval 6 is necessary the surrounding property is now public open space with new trail access and more people in the vicinity that would benefit from darker colors that match the surroundings.

The public testimony portion of the hearing was opened.

Jason Osborne, applicant, spoke regarding concerns with:

- The name of the project is "Skywalker Properties" not "Lucas Film";
- There has never been a surety bond in place and the applicant prefers not to tie up capital;
- The only private carrier is T-Mobile and the other 23 tenants are public service organizations; and
- Painting the antennas would likely not be permitted by the tenants and the facility has been in place since 1972 and is miles away from most public views.

The Hearing Officer noted that a new Use Permit is required only because the facility missed the renewal date. The facility has been in place since 1972 and provides a valuable public service, and the adjacent public trails were created after the facility was constructed. Therefore, he approved the project with the following modifications to the resolution:

- Condition of Approval 4: add after Community Development Agency, Planning Division, "for all the privately held facilities...";
- Condition of Approval 6: Strike; and
- Change all references to LucasFilm to Skywalker Properties.

The Hearing Officer concurred with staff's analysis and approved the Skywalker Properties Ltd./Crown Castle International Use Permit, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-127

**A RESOLUTION APPROVING THE
SKYWALKER PROPERTIES 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 15303, Class 3 of the CEQA Guidelines because it is the operation of an existing un-staffed telecommunications facility that would not result in any substantial grading, tree removal, visual impacts, or other potentially significant impacts on the environment. Additionally, the applicant has submitted a Radio Frequency Report prepared 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/cm², 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 adequately blends into the background of hills and trees.
 - 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 Skywalker Properties 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 Skywalker Properties 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 colors that have been in use since 1972 that adequately 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 TFPF 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 Skywalker Properties 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, for all privately held facilities, 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. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment that is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-reference noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
7. No tree removal or trimming of the tree canopy may occur unless the Agency Director grants prior authorization.
8. Utility extensions or connections shall be underground.
9. The applicant shall be responsible for ensuring that the number of construction and maintenance vehicles is limited to the minimum number necessary to construct and maintain the project.
10. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
11. The applicant shall hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the Skywalker Properties Ltd./Crown Castle International Use Permit.

12. 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.
13. The electromagnetic frequency radiation (EMF) generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the allowable standards as adopted by the Federal Communications Commission and the County. If nationally accepted research establishes a substantially different standard for human exposure to EMF and such standard is adopted by the County or otherwise determined to be applicable by the County, the applicant shall demonstrate compliance with such standard by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as requested by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with other existing ambient sources.
14. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources, exceed the updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. If Federal and/or State law preempt the County, rules or regulations, from applying an updated EMF standard, this condition shall not apply.
15. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

Marin County Department of Parks and Open Space

16. 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 Skywalker Properties 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.

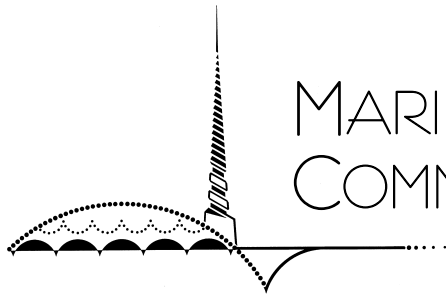
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 P.M. on July 30, 2009.

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



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **KATHLEEN WALSH**

Application (type and number): Coastal Permit (CP 09-38), Minor Design Review (DM 09-62)
and Second Unit Permit (SU 09-23)

Assessor's Parcel Number: 114-120-17

Project Location: 379 Drakes View Road, Inverness

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: July 16, 2009

DETERMINATION: Approved with Conditions

Minutes of the July 16, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

**H1. COASTAL PERMIT (CP 09-38), AND MINOR DESIGN REVIEW (DM 09-62):
KATHLEEN WALSH**

A proposal to consider: 1) construction a 565 square foot guest house and attached 2 car garage; 2) remodel and construction a 301 square foot addition to the existing 2,134 square foot residence; and 3) construction a covered walkway connecting the second unit to the existing residence, including a roof mounted solar array. The proposed second unit would be 13.5 feet tall and the walk way would be 12.5 feet tall. Additions to the primary residence would not exceed the existing height of 24 feet three inches. The new guest house and garage would maintain the following setbacks: 27 feet, 5 inches from front (north) property line; 158 feet from rear (south) property line; and 7 feet from the side (west) property lines. The property is in a C-RSP-0.25 zoning district. The subject property is located at **379 Drakes View Road, Inverness**, and is further identified as **Assessor's Parcel 114-120-17**.

In response to the Hearing Officer, staff acknowledged additional comment letters from Tamia Anderson and Bridger Mitchell. Ms. Anderson's concerns were regarding the breezeway blocking views, not allowing the new construction to become a second unit, and outside lighting meeting Dark Sky standards. Mr. Mitchell's concerns were regarding the project requiring full Design Review, second units not being allowed in the Paradise Ranch Estates, and the resolution including findings for the Inverness Ridge Communities Plan. Staff addressed the concerns as follows:

- 1) The walkway would only be a covered walkway and therefore not block views and that the project would not be visible to neighbors.
- 2) Standard conditions of approval would ensure that the guest house would not become a second unit and that lighting is appropriate to the project site.
- 3) The project does not require a full Design Review given the scope of the project.
- 4) The second unit permit was withdrawn by the applicant and subsequently changed to a guest house.
- 5) Staff submitted a revised resolution including findings addressing the Inverness Ridge Communities Plan.

Staff also noted that the materials submitted would not match the original residence.

The public testimony portion of the hearing was opened.

Bruce Baum, neighbor, spoke regarding concerns that the breezeway will block the view from the road, and the solar panels on the breezeway roof will be an eyesore. He had further concerns with Section I: FINDINGS; VI, B. and H.

Onju Updegrave, the architect spoke stating that she is modifying the proposed project to eliminate the breezeway and move the solar panels to the guest house.

The public testimony portion of the hearing was closed.

The Hearing Officer acknowledged that the applicant had modified the proposed project to eliminate the breezeway and relocate the solar array to be mounted on the accessory structure. The Hearing Officer approved the project with the following modifications to the resolution:

- Modify Section I: FINDINGS; VI, B. and H and Conditions of approval 4 and 5;
- The solar array will be mounted on the approved accessory structure; and
- Condition of Approval 1 has been amended to state that the Building Permit plans shall be modified to remove the covered walkway and indicate where the solar panels will also be relocated.

The Hearing Officer concurred with staff's analysis and approved the Kathleen Walsh Coastal Permit, and Minor Design Review, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-128

A RESOLUTION APPROVING THE WALSH COASTAL PERMIT AND MINOR DESIGN REVIEW
379 DRAKES VIEW DRIVE, INVERNESS
ASSESSOR'S PARCEL 114-120-17

SECTION I: FINDINGS

- I. WHEREAS Paul Benson and Kathleen Walsh are requesting a Coastal Permit and Minor Design Review to: 1) construct a detached 565 square foot guest house and 479 square foot garage; 2) remodel the existing 2,134 square foot residence; 3) construct a 301 square foot addition to the existing residence; and 4) install a roof mounted solar array on the new guesthouse and garage.

The new additions would be served by the existing on-site septic system. **The subject property is located at 379 Drakes View Drive, Inverness, and is further identified as Assessor's Parcel 114-120-17.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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, per Section 15303(e), Class 3 of the CEQA Guidelines because it entails development accessory to a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Inverness Ridge Communities Plan for the following reasons:
- A. The project would be consistent with the C-SF3 (Coastal, Single-family Residential, one dwelling unit per 1 to 5 acres maximum density) land use designation;
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - E. The project would minimize soil disturbance and maximize the retention of existing vegetation.
 - F. The proposed improvement would be located below the tree canopy, screened by existing vegetation, and painted earth tones and match the woodland character of the area.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The existing residence is currently served by the North Marin Water District. The District has indicated that it has adequate capacity to serve the additions to the residence and the proposed guest house.

B. Septic System Standards

The existing residence is served by an onsite septic system. The guest house would also be served by the existing septic system, which has been evaluated by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation

Grading and excavation would be limited to the amount necessary for trenching and excavation to accommodate the proposed foundations, on-grade driveways, parking area, and walkway. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements. The submitted grading, drainage, and erosion control plans have been accepted as complete and consistent with Marin County Code Section 22.56.130I.C.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of high archaeological sensitivity. Further, project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

E. Coastal Access

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. geological Survey Maps.

H. Dune Protection

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is not located in an area potentially containing rare wildlife species.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property maybe be in the vicinity of Western leatherwood, Marin manzanita, and Swamp harebell. The project would take place on an area of the site that is currently developed and improved or landscaped. Additionally, the relatively small-scale project within the developed property will not have an adverse impact on the habitat or individual plants.

The proposed project calls for the removal of one 6-inch redwood tree and one 10-inch pine tree.

K. Shoreline Protection

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

L. Geologic Hazards

Review of the Alquist-Priolo Specials Studies Zone maps indicates that the subject property lies outside the delineated boundaries of the San Andreas Fault zone. Therefore the project poses no safety threats relative to geologic hazards.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards

No land division is proposed as part of this project.

O. Visual Resources

The project would be constructed on a property that is developed with a single family residence. The project would be shielded from view by neighbors by the existing residence and pine stands located along the east, west, and south of the property. While the project would be visible from Drakes View Drive, it would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations which require a mixture of residential and commercial uses have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries of the Inverness Community as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Development Code can be made based on the following findings:

A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/ disharmony with its locale and surrounding neighborhood;

The project is consistent with this finding because the accessory structures and addition to the primary residence would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would have minimal visibility to the public with the proposed new landscaping.

B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;

The project would maintain adequate setbacks from the side and rear property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The proposed project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;

The proposed project had been sited in a developed portion of the property to minimize tree removal. As a result, only one 6-inch redwood tree and one 10-inch pine tree would be removed. Further, the covered walkway includes photovoltaic panels on the roof.

E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the project has minimized the size of the accessory structures to minimize the appearance of mass and bulk, and to reduce visual impacts.

F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:

1. The area, heights, mass, materials, and scale of structures;

As with the existing single family residence, the proposed project has been designed to minimize adverse visual effects related to design and building massing. The proposed guest house, garage, and covered walkway are small, low-profile structures.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works. Appurtenant structures are in conformance with the Single-family Design Guidelines.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The proposed project has been designed to minimize the amount of grading.

4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft;

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The applicant is proposing construction which would meet the Green Building Rating of "Silver," and the project would be required to meet Title 24 and Ordinance 3492.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Walsh Coastal Permit (CP 09-38) and Minor Design Review (DR 09-62) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Walsh Coastal Permit and Minor Design Review are approved to: 1) construct a 565 square foot guest house and attached 479 square foot garage; 2) remodel the existing 2,134 square foot residence; 3) construct a 301 square foot addition to the existing residence; and 4) install a roof mounted solar array on the new guesthouse and garage. The approved guest house would be 13.5 feet high. Additions to the primary residence shall not exceed the existing height of 24 feet 3 inches. The new guest house and garage shall maintain the following setbacks: 27 feet, 5 inches from the front (north) property line; 158 feet from the rear (south) property line; and 7 feet from the side (west) property line.

The property is approved to be served by the existing on-site septic system. **The subject properties are located 379 Drakes View Drive, Inverness, and are further identified as Assessor's Parcel 114-120-17.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Residence Remodel and Guest House," consisting of 8 sheets prepared by Onju Updegrave Architect and received May 21, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."

- a. The covered walkway will be eliminated from the plans and the solar array will be moved to the roof of the new detached accessory structure.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," dated May 21, 2009, and on file with the Marin County Community Development Agency including:
 - a. Siding – Shingle siding
 - b. Windows – earth tone window and door cladding
 - c. Roof – Grey composition shingles

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
6. 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.
7. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. 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.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners shall record a notarized deed restriction stipulating that the detached accessory structure/attached studio located on the subject property shall not contain any food preparation facilities which may include, but are not limited to, kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, and shall not be used as a dwelling unit separate from the existing residence or rented without first securing approval from the Marin County Community Development Agency - Planning Division.

10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Walsh Coastal Permit (CP 09-38) and Minor Design Review (DM 09-62, for which action is brought within the applicable statute of limitations.
11. 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

12. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
13. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
14. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
15. Submit Erosion and Siltation Control plans.
16. Provide a drainage plan for the project.
17. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Marin County Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 18. The applicant must submit a septic inspection report by either a registered professional or a qualified service provider. The report must be current (within the last 12 months). The inspector should verify that the tanks are in good condition and that the water is at the expected working level. The pump must be tested and a hydraulic load test conducted. There should be no apparent signs of septic system malfunction or failure.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Minor Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing 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 Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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, no later than **4:00 p.m. on August 22, 2009.**

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 16th day of July 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary