



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
REDWOOD LANDFILL INC USE PERMIT RENEWAL**

Item No:	C4.	Application No:	EX 10-01
Applicant:	T-Mobile West Corp	Owner:	Redwood Landfill, Inc.
Property Address:	8950 Redwood Highway, Novato	Assessor's Parcel:	125-160-13
Hearing Date:	November 12, 2009	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	November 30, 2009
LAST DATE FOR ACTION:	December 15, 2009

PROJECT DESCRIPTION:

The applicant is requesting a Use Permit renewal of telecommunications Use Permit 96-404. This will authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. Six panel antennas are mounted to the existing monopole which has a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are being considered at this time.

GENERAL INFORMATION:

Countywide Plan:	AG1 (Agriculture, 31-60 acre minimum lot size)
Zoning:	A-60 (Agriculture and Conservation, 60-acre minimum lot size)
Community Plan Area:	N/A
Lot size:	420-acres
Adjacent Land Uses:	Open Space and Agricultural
Vegetation:	Native grasslands and vegetation
Topography and Slope:	Moderately sloping
Environmental Hazards:	None

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 of the CEQA Guidelines because it entails continuing a previously permitted use with no new expansion and would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolution.

RECOMMENDATION:

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

- Attachments:**
1. *Proposed Resolution recommending approval of the Redwood Landfill Inc Use Permit Renewal*
 2. *CEQA Exemption*
 3. *Location Map*
 4. *Assessor's Parcel Map*
 5. *Project Plans*
 6. *DPW memo, dated October 1, 2009*
 7. *EHS (Solid Waste) memo, dated August 13, 2009*
 8. *EHS (Sewage) memo, dated August 21, 2009*
 9. *NFPD memo, dated August 17, 2009*
 10. *Deputy Zoning Administrator Resolution 04-119*
 11. *Deputy Zoning Administrator Resolution 97-001, dated January 16, 1997*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-
A RESOLUTION APPROVING THE REDWOOD LANDFILL INC USE PERMIT RENEWAL
8950 REDWOOD HIGHWAY, NOVATO
ASSESSOR'S PARCEL 125-160-13

SECTION I: FINDINGS

- I. WHEREAS, T-Mobile West Corp, the applicant, is seeking a Use Permit renewal which will authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. Six panel antennas are mounted to the existing monopole which has a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are being considered at this time. **The subject property is located at 8950 Redwood Highway in Novato, and is further identified as Assessor's Parcel 125-160-13.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing November 12, 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 15301, Class 1 of the CEQA Guidelines because it entails continuing a previously permitted use with no new expansion and 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 for the following reasons:
 - A. The project would be consistent with the AG1 (Agriculture, 31-60 acre minimum lot size) land use designation;

 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. (CWP Policies, Noise Policies NO-1.2, NO-1.3);

 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies, Environmental Hazards Policies EH-3.1, EH-4.1, Community Design Policies DES-4.1);

 - D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (CWP Policies, Environmental Hazards Policy EH-4.1);

 - E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To

minimize the risk of fires and ensure adequate fire protection, the Novato Fire Protection District will ensure compliance with fire safety codes and standards. (CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.c, EH-4.d);

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Use Permit Renewal (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 of the applicable provisions of this Chapter;

The proposed project is a permitted conditional use for the A-60 zoning district and complies with all other applicable provisions of the Use Permit ordinance. Therefore, the project is consistent with this finding.

B. The proposed use is consistent with the Countywide Plan and any applicable Community Plans and Local Coastal Program;

The proposed project complies with the policies and permitted uses for the AG1 land use designation of the Countywide Plan. The project is also located outside of the identified boundaries of the Local Coastal Program. Therefore, the project is consistent with this finding.

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

The proposed project has been determined to be Categorically Exempt from CEQA per Section 15301, Class 1 of the CEQA Guidelines because it entails no new expansion of the already permitted facilities. Therefore, the project is consistent with this finding.

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 existing telecommunications facility is located within the Redwood Landfill and is well concealed from view due to the parcel size and overall size of the telecommunications facility. No changes or additions have been proposed. In addition, Design Review and Use Permit findings have been made for prior telecommunications facilities onsite which are larger than the T-Mobile site. Therefore, the project is consistent with this finding.

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

The proposed project is to renew a use permit for an existing facility. No changes in use or additions have been proposed. The proposed use is permitted with a Use Permit in the A-60 zoning district and given the size of the lot and its location from the nearest public road, the height of the facility, and the existing and surrounding uses there is no architectural conflict with the zoning district. Therefore, the project is consistent with this finding.

- F. **That 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 is located in the Redwood Landfill. The adjacent properties are parklands and similarly zoned, large lot, low density agriculturally-based properties. No changes or additions have been proposed to the telecommunications facility. The project has been determined to have no potential health risks based on its location, coupled with the type of telecommunications facilities which do not result in the generation of hazardous levels of non-ionizing electromagnetic radiation. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.48 (Use Permit), the Redwood Landfill Inc approval to authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. Six panel antennas are mounted to the existing monopole which have a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are authorized by this decision. The subject property is located at **8950 Redwood Highway, Novato** and is further identified as **Assessor's Parcel 125-160-13**.
2. The project shall substantially conform to plans identified as "File Copy," entitled, "TMO CA/NV, LLC DBA T-Mobile 101/Burdell BA00328," consisting of three sheets prepared by Streamline Engineering and Design, Inc., dated May 5, 2009 and May 8, 2009 and received July 31, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site shall be returned to its preexisting conditions.
4. The 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 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.
5. All utility connections and extensions serving the project shall be installed underground.

6. No exterior lighting is approved on or in the vicinity of the antennas, supporting monopole, equipment cabinets, or fencing as part of this application.
7. 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 project, for which action is brought within the applicable statute of limitations.
8. 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.
9. This Use Permit is subject to revocation procedures contained in Section 22.120.30 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
10. Approval of the Redwood Landfill Inc Telecommunications Facility Use Permit shall expire ten years from the date of project approval unless a Use Permit renewal is authorized by the Marin County Community Development Agency, which allows the operation of the facility to continue.

Novato Fire Protection District

11. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Novato Fire Protection District.

SECTION III: APPEAL RIGHTS

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 November 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 12th day of November, 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary