



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR		
MARIN PARK PLACE LLC (VERIZON) DESIGN REVIEW AND USE PERMIT		
Item No:	C2.	Application No: DR 10-19 and UP 10-2
Applicant:	NSA Wireless for Verizon	Owner: Marin Park Place LLC
Property Address:	700 Donahue Street, Sausalito	Assessor's Parcel: 052-140-33
Hearing Date:	March 11, 2010	Planner: Daniella Hamilton
	RECOMMENDATION:	Approve with Conditions
	APPEAL PERIOD:	10 days to the Marin County Planning Commission
	LAST DATE FOR ACTION:	April 12, 2010

PROJECT DESCRIPTION:

The applicant, NSA Wireless, on behalf of Verizon Wireless, requests Design Review and Use Permit approval to allow the installation, operation and maintenance of a wireless telecommunications facility consisting of a new monopole and a new equipment shelter adjacent to an established minor telecommunications facility at an existing MMWD water tank enclosure on a ridge top above Donohue Street, Sausalito. The new facility would consist of (1) a new 30 foot monopole installed on a new 36 square foot lease area 7 feet southwest of the MMWD water tank enclosure, and (2) a new, 192 square foot, self contained equipment shelter, 10 feet 7 inches in height, would be located on new 17 feet 8 inches by 39 feet 6 inches square foot lease area topped by a concrete slab 15 feet northwest of the existing water tank enclosure. In addition to the self contained equipment shelter, a 48KW standby diesel generator with UL142 rated 210 gallon tank would be located on the concrete slab. Antennas currently located on top of the MMWD water tank would be relocated to the new monopole. The new fenced enclosure would maintain the following approximate setbacks: 180 feet from the northernmost property line, 460 feet from the westernmost property line; 1,340 feet from the southernmost property line; and 900 feet from the easternmost property line. The project would be located at **700 Donohue Street on Assessors Parcel 052-140-33 in the RMP-0.5 (Residential, Multi-family Planned) zone district.**

GENERAL INFORMATION:

CWP Land Use Designation: PR (Planned Residential, 1 unit/1-10 acres)
Zoning: RMP 0.5 (Multi-family Residential, Planned)
Lot area: 50+ acres
Lease area size: 698 square feet for the equipment shelter, 36 square feet to support the base of monopole.
Adjacent Land Uses: Public Facility, Multi-family residential
Vegetation: Non-native ornamental Conifer/Hardwood, Non-native ornamental grasses
Topography and Slope: Ridgetop
Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the proposed project would not result in significant tree removal, grading, drainage alterations or other adverse impacts on the environment.

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 300 feet of the subject property.

PLAN CONSISTANCY:

The project, as modified by conditions of approval, is generally consistent with the goals and policies of the Marin Countywide Plan and the Marin County Telecommunications Facilities Policy Plan (TFPP) because it entails a stealth design for minimal visual impacts, employs co-location, includes landscaping to screen the equipment enclosure, and is compatible with the existing setting and land use. Please refer to the plan consistency findings contained in the attached Resolution for more information.

PROJECT ANALYSIS:

SETTING

The proposed site for the new monopole and equipment shed is located adjacent to a Marin Municipal Water District water storage tank on top of the ridge at the end of Donohue Street in an unincorporated area between Marin City and the Homestead Valley neighborhood of Mill Valley. The MMWD water storage tank site is an "island" of MMWD-owned landed in the midst of a 50+ acre, undeveloped property owned by Marin Park Place LLC. The water tank is enclosed within an 8 foot chain link fence with a locked gate. Numerous telecommunications providers including Pacific Bell, Cellular One, and Sprint have situated antennas and equipment on and around the water tank

within the fenced enclosure, subject to County Use Permits and Design Review. The proposed project is a new facility that would be located outside of the MMWD water tank enclosure. When viewed from Donahoe Street, the water tank in its fenced enclosure, including the existing monopole, is well screened by mature eucalyptus and cypress trees on the eastern side, but the other three sides of the water tank enclosure are only partially screened from view. A designated trail runs through the property connecting the Tennessee Valley Road area to the Golden Gate National Recreation Area trail system. The trails on the ridge and around the water tank are busy with hikers and dog walkers because this open space can be accessed easily from the surrounding neighborhoods.

BACKGROUND

The property surrounding the MMWD water tank was previously owned by Marriott and was planned for development as part of the now expired 1998 Marincrest Master Plan. The MMWD water tank is identified as a "Selected minor telecommunication facility in unincorporated Marin County" in the Marin County Telecommunications Facilities Policy Plan Update dated July, 1998.

DEVELOPMENT ISSUES

The proposed project is subject to a Use Permit and Design Review approval pursuant to the Marin Countywide Plan, the Marin County Code, and the County's Telecommunication Policy Plan. The TFPP states that Use Permit with concurrent Design Review should be required for development of new minor telecommunications facilities, and can be acted on at a public hearing by the Deputy Zoning Administrator. Conditions of approval may be imposed to ensure compliance with County policy and standards. Through conditions, Use Permits allow the County to regulate the ongoing operational aspects of telecommunications facilities, if warranted, and can be used to require periodic permit review and/or renewal to evaluate future changes in policies, physical circumstances in the project area, or telecommunications technology. Design Review informs the County's decisions relative to the placement, construction, and design of telecommunications facilities.

The Federal Government has principal regulatory power over telecommunications facilities. Local agencies are preempted from taking actions that would effectively prohibit telecommunications service or discriminate among service providers. Local agencies are also preempted from denying a proposed telecommunications facility or requiring site modifications based solely upon potential adverse health effects from exposure to electromagnetic field (EMF) emissions when the facility complies with the Federal Standard for permissible human exposure to EMF.

Alternative Site Analysis

The TFPP requires that alternative sites be considered, particularly when a project is proposed in a residential district, or close to residential development. In the case of this project, the majority of the area within the "search ring" (which identifies the area within which the facility must be located) is developed with residential uses. Co-location on the existing MMWD water tank site was considered, however it was determined there is not enough room on the existing poles to accommodate the new Verizon antennas and equipment. The commercial center at the bottom of Donahue Street was found to be

outside the search ring and subject to interference due to natural topography. Therefore, co-location adjacent to the water tank site was determined to be the best solution for providing coverage.

Radio Frequency Exposure Analysis

The maximum ambient RF level anywhere at ground level due to the proposed Verizon operation by itself is calculated at 9.0% of the applicable public limit. The maximum calculated cumulative level at ground for the simultaneous operation of all four carriers is 34% of the public exposure limit. The maximum calculated level at the nearest building (located at least 390 feet away from the facility) would be 2.5% of the public limit. It should be noted that, due to the operation of the existing carriers at the site, areas on the water tank (within the fenced enclosure) may already exceed the applicable exposure limit.

CONCLUSION

As discussed in the attached Resolution, the proposed project, as conditioned, would be consistent with the mandatory Findings for Use Permit and Design Review approval pursuant to MCC 22.32.165 Telecommunication Facilities, MCC 22.48 Use Permits because the project is a new minor facility clustered with (located adjacent to) a minor facility site identified in Appendix A of the TFPP, and is consistent with the policies of the Marin Countywide Plan.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Marin Park Place LLC (Verizon) Use Permit and Design Review based on the findings and subject to the conditions contained therein.

Attachments:

1. Resolution recommending approval of the Marin Park Place LLC (Verizon) Use Permit and Design Review
2. Environmental Document
3. Location Map
4. Assessor's Parcel Map
5. Exhibit A: Project Plans (Sheets T-1, C-1, A-1, A-2, A-3, A-4, A-5, and L-1)
6. Department of Public Works Memorandum, August 6, 2009
7. Photosimulations

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION -----

A RESOLUTION APPROVING THE HORIE VARIANCE
ASSESSOR'S PARCEL 070-011-25

SECTION I: FINDINGS

- I. WHEREAS the applicant, NSA Wireless, on behalf of Verizon, is requesting Use Permit and Design Review approval to allow the installation, operation and maintenance of a wireless telecommunications facility consisting of a new monopole and a new equipment shelter adjacent to an established minor telecommunications facility at an existing MMWD water tank enclosure on a ridge top above Donohue Street, Sausalito. The new facility would consist of (1) a new 30 foot monopole installed on a 36 square foot lease area 7 feet southwest of the MMWD water tank enclosure, and (2) a new, 192 square foot, self contained equipment shelter, 10.7 feet in height, would be located on new 17.8 foot by 39.6 foot lease area topped by a concrete slab 15 feet northwest of the existing water tank enclosure. In addition to the self contained equipment shelter, a 48KW standby diesel generator with UL142 rated 210 gallon tank would be located on the concrete slab. The new fenced enclosure would maintain the following approximate setbacks: 180 feet from the northernmost property line, 460 feet from the westernmost property line; 1,340 feet from the southernmost property line; and. 900 feet from the easternmost property line. The project would be located on Assessors Parcel 052-140-33 in the RMP-0.5 (Residential, Multi-family Planned,) zone district.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 11, 2010 to consider the merits of the project, and hear testimony regarding 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 (CEQA), per Section 15303, Class 3 of the CEQA Guidelines because it would not result in significant tree removal, grading, drainage alterations or other adverse impacts on the environment.
- IV. WHEREAS The proposed project, as modified by the conditions of approval, is consistent with the goals and policies of the Marin Countywide Plan as discussed below:
 - A. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of native trees and the project site was previously developed.
 - B. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of plants or animals.

- C. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
- D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
- E. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed project would involve minimal grading or disturbance of soil, would minimally increase the impermeable area on the site, and the existing drainage system complies with the standards and best management practices required by the Department of Public Works.
- F. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
- H. The project would meet energy efficient standards for exterior lighting, and would reduce excessive lighting and glare (*CWP Policy DES-1.h*) because lighting is prohibited.
- I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would provide landscape screening for the equipment enclosure, and stealth design would be used to disguise the new monopole as discussed below in Design Review findings H.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Use Permit approval (Section 22.48.040 of the Marin County Code) as described 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.

Telecommunications facilities are allowed in all zone districts. The proposed project is allowed, as a conditional use, pursuant with Section 22.32.165 of the Marin County Code, subject to Use Permit and Design Review approval..

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

The project involves co-location of a new facility at an existing minor telecommunications facility site. Therefore the project would not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

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

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the proposed project would not result in significant tree removal, grading, drainage alterations or other adverse impacts on the environment.

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 project site is identified in the TFPP as an appropriate site for collocation of telecommunications facilities. The scale and positioning of the proposed project are appropriate in its context adjacent to the MMWD water tank site. The operation of proposed project and the adjacent facilities on the MMWD water tank site are subject to review by the County in order to avoid conflicts with existing and future land uses in the vicinity.

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

The area of the MMWD water tank has the appearance of a public facility and is partially screened from view from the surrounding area. It is also located sufficiently distant from residential buildings in the vicinity so that the proposed facility would not become a significant architectural feature identified with surrounding residential development.

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 proposed development would not have detrimental effects on 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 because it involves alterations to an existing residence in a residential zone. The proposed project would cause no injury to the property nor to improvements in the vicinity or the zone district., and is of compatible design with the existing improvements at the MMWD water tank site.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.42.060 of the Marin County Code) as described below.

A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

The proposed project is consistent with this finding as discussed below in Finding H.

B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.

The proposed project is consistent with this finding as discussed below in Finding H.

C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.

The proposed project is consistent with this finding as discussed below in Finding H.

D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The proposed project is consistent with this finding as discussed below in Finding H.

E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The proposed project is consistent with this finding as discussed below in Finding H.

F. The project is designed to conserve energy and natural resources by meeting the green building standards in Table 4-6 of the Marin County Code.

The proposed project is consistent with this finding as discussed below in Finding H.

G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed project is consistent with this finding as discussed below in Finding H.

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 criteria for wireless communications facilities contained therein, as follows:

Countywide Plan Policy PFS 5.1 requires implementation of the TFPP as discussed below/

1. TFPP policies state that wireless telecommunications facilities should be sited to avoid or minimize land use conflicts. The TFPP policies establish that when a telecommunications facility is located in a residential area, siting and design measures may be employed to minimize potential land use conflicts to an acceptable level. The telecommunications facility proposed for this site is "clustered" in close proximity to the existing facilities on the MMWD water tank site. Based on these factors, the facility is consistent with the location standards contained in the TFPP. The equipment enclosure would be located in a brushy area behind the MMWD water tank site and would be further screened by proposed landscaping. Therefore, the proposed project would be consistent with the Land Use Compatibility Policies of the TFPP.

2. 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 facility, as proposed, would be located within view of hikers using the trails that pass by the MMWD water tank, and would be barely visible from neighborhoods on Donohue Street and Bucklew Street. In keeping with Policy VIS 2.3 of the TFPP, the colors and materials of the fenced enclosure shall blend with the predominant visual backdrop. In this case, the predominant visual backdrop is the MMWD water tank and surrounding trees and bushes. In keeping with Policy VIS 2.2.14, one of the most successful techniques for minimizing or avoiding visual effects is to use "stealth design" to integrate antennas and other telecommunications equipment into the design of structures so they are not readily recognizable to the casual observer. Therefore, the new monopole shall utilize dark earthtone colors to blend with the surroundings. There shall be no exterior lighting permitted. Policy VIS 2.4 requires that landscaping shall be used to minimize visual effects of telecommunications facilities. The proposed project includes plantings around the perimeter of the new equipment enclosure for screening. Conditions of approval require that tree protection measures shall be employed during construction, vegetated areas disturbed during construction shall be replanted with drought tolerant natives to minimize erosion, and landscaping shall be selected and situated to comply with Fire Protection standards. Based on these factors, the proposed facility is consistent with the Visual and Aesthetic Compatibility policies contained in the TFPP.
3. TFPP policy EMF 2 requires that wireless facilities be designed in compliance with Federal standards to reduce the potential health risks from radio fields. The applicant has submitted a report prepared by Hammett & Edison, Inc. which indicates that the antennas were designed to concentrate energy toward the horizon, thus minimizing energy direction toward the ground or the sky. The report concludes that the maximum ambient RF level at the proposed facility would not exceed 9 percent of the maximum public exposure limit established by the Federal Communication Commission, that the maximum calculated effect of simultaneous operation of all four carriers is 34% of the public exposure limit, and the maximum calculated level at the closest nearby building (390 feet away) would be 2.5% of the public limit.
4. TFPP policies require that telecommunications facilities be constructed, maintained and operated in a manner that does not adversely affect public safety or result in noise or traffic impacts on surrounding land uses. The proposed antenna panels would be located on a new 30 foot monopole, and would not be accessible to the public. The new equipment shelter would be screened on three sides. It would be locked except during maintenance. A condition of approval requires that the facility be dismantled and removed if it has been inoperative or abandoned for over a year. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. The new antennas on the monopole and the equipment enclosure would be accessed from the existing Water District road at the water tank. With the exception of routine maintenance visits by a wireless site technician, 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.

SECTION II: CONDITIONS OF PROJECT APPROVAL (DR 10-19) and (UP 10-2)

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Marin Park Place LLC (Verizon) application subject to the following conditions:

1. Pursuant to Section 22.42.060 and 22.48.040 of the Marin County Code, this Design Review and Use Permit approval for Verizon authorizes installation, operation and maintenance of a wireless telecommunications facility consisting of a new monopole and a new equipment shelter adjacent to an established minor telecommunications facility at an existing MMWD water tank enclosure on a ridge top above Donohue Street, Sausalito. The new facility shall consist of (1) a new 30 foot monopole installed on a 36 square foot lease area 7 feet southwest of the MMWD water tank enclosure, and (2) a new, 192 square foot, self contained equipment shelter, 10 feet 7 inches in height, would be located on new 17 feet 8 inches by 39 feet 6 inches lease area topped by a concrete slab 15 feet northwest of the existing water tank enclosure. In addition to the self contained equipment shelter, a 48KW standby diesel generator with UL142 rated 210 gallon tank would be located on the concrete slab. Antennas currently located on top of the MMWD water tank would be relocated to the new monopole. The new fenced enclosure would maintain the following approximate setbacks: 180 feet from the northernmost property line, 460 feet from the westernmost property line; 1,340 feet from the southernmost property line; and. 900 feet from the easternmost property line. The project would be located on **Assessors Parcel 052-140-33 in the RMP-0.5 (Residential, Multi-family Planned,) zone district.**
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Tamalpais Homestead Valley PS#173513 consisting of 8 sheets prepared by JES Engineering, dated July 6, 2009 and received July 28, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials identified on sheet A-3 of "Exhibit A," prepared by JES Engineering, dated July 6, 2009 and received July 28, 2009, and on file with the Marin County Community Development Agency:
 - a. Siding
 - b. Roof
 - c. Fence materials

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 applicant 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 applicant shall submit a copy of a safety standards plan for review and approval by the Community Development Director. The plan shall contain safety standards to be implemented in order to protect persons working in areas

that are not accessible to the general public who might be exposed to EMF or RF levels in excess of the Maximum Permitted Exposure Level. Such standards may include restricted access to telecommunications facilities, temporarily ceasing operation of the facility for work required within specified distances of antennas, and posting safety signage in compliance with FCC requirements.

6. BEFORE ISSUANCE OF BUILDING PERMIT 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. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period.
7. Exterior lighting shall be prohibited.
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. 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.

10. 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.
11. 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.
12. This 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 of wireless facilities 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. BEFORE FINAL INSPECTION, the applicant shall install warning signage, in compliance with FCC requirements, warning of the presence of electromagnetic waves.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by March 11, 2012, 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 22.56.050.B.3of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

Comment [TL1]: Use this if the application was NOT submitted for enforcement case. Pick the appropriate requirements and delete those that do not apply. Select one or both of the 2 codes for extensions - Section 22.44.050 for extensions - Section 22.44.050. Precise Development Plans are subject to Section 22.56.050.B.3 applies to all other Tentative Maps. . (Note: For coastal zone where the Coastal Commission has permit jurisdiction over the project, use the appropriate extension citation in the Zoning Ordinance: eg. 22.82.050 Review, 22.77.040(7) for Tentative Maps, 22.86.070 for Variance.)

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 Planning Department, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on March 25, 2010.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of March, 2010.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary