



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR BOLINAS FIRE PROTECTION DISTRICT (AT&T MOBILITY) COASTAL PERMIT AND USE PERMIT

Item No:	C1	Application No:	CP 10-33 and UP 10-17
Applicant:	AT&T Mobility	Owner:	Bolinas Fire Protection District
Property Address:	100 Mesa Drive, Bolinas	Assessor's Parcels:	193-020-55
Hearing Date:	July 15, 2010	Planner:	Lorene Jackson

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>July 22, 2010</b>
<b>LAST DATE FOR ACTION:</b>	<b>August 16, 2010</b>

### PROJECT DESCRIPTION

The applicant, AT&T Mobility, is requesting Coastal Permit and Use Permit approval to continue operation of an existing telecommunication facility at the Bolinas Fire Protection District site at 100 Mesa Road, Bolinas. No changes are proposed to the facility. The existing facility consists of a 67.3-foot high monopole, which supports three 6.7-foot high panel antennas. The project includes an existing emergency generator, propane tank, and 240-square foot equipment shelter approximately 11 feet in height. The tower and associated equipment are located within an existing 6-foot high chain link fence with redwood slats on three sides. The project includes two existing Omni whip antennas for Marin County Fire and Sheriff that would temporarily remain mounted on the subject tower at 32.5 feet and attain a maximum height of 47 feet. The existing tower is located behind the fire department building and would maintain the following setbacks: 25.4 feet from the northerly property line and approximately 200 feet north of Mesa Road.

### GENERAL INFORMATION

Countywide Plan:	C-PF-AG3 (Coastal, Public Facility, Agriculture, 1 unit/1-9 acres)
Zoning:	C-ARP-5 (Coastal, Agriculture Residential Planned District, 1 unit/ 5 acres maximum density)
Community Plans:	Bolinas Community Plan and Bolinas Gridded Mesa Plan
Lot size:	Approximately 40,900 square feet
Vegetation:	Limited native and introduced vegetation; site fully developed
Topography and Slope:	Level
Environmental Hazards:	Approximately 680 feet from the Alquist-Priolo Special Study Zone boundary

## **ENVIRONMENTAL REVIEW**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality pursuant to Section 15301 Class 1 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 Sitesafe, dated April 22, 2010, which evaluates human exposure to radio frequency electromagnetic fields from the existing telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public.

## **PLAN CONSISTENCY**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Community Plan, the Bolinas Gridded Mesa Plan, and the Marin County Telecommunications Facilities Policy Plan. Please refer to the plan consistency findings contained in the attached resolution and the discussion contained in the project analysis below.

## **PROJECT ANALYSIS**

### Background

AT&T Mobility is a public utility company, licensed by the Federal Communications Commission to operate wireless communication facilities in California. It currently operates the existing communication facility on the subject property. The continued operation of the facility would maintain wireless communication service in the area.

The project site is located within parcel 193-020-55, which is owned by the Bolinas Fire Protection District and developed with a newly constructed fire station and medical clinic along Mesa Road (DP 05-07, CP 05-22, VR 05-23, LL 05-9, UP 05-17.) A playground was constructed approximately 70 feet from the project site after 1997, when the existing tower was constructed by Cellular One. The playground area was previously part of the ball field, which is now about 190 feet from the existing facility.

The existing tower and equipment shed were initially approved on April 10, 1997 (CP 97-479, DM 97-441, and UP 97-445) for a 65-foot high monopole with three, 8-foot panel antenna for Cellular One and three 5-foot high panel antenna for Sprint Spectrum. Approval was granted for one year since the County was in the process of updating their Telecommunication Facilities Policy Plan. The Use Permit was renewed on August 14, 1998 (UP 98-29) and expired on April 10, 2007.

Concurrent to Cellular One's approvals, Sprint Spectrum received one-year approval for the lower, 47-5-foot portion of the existing monopole to support their three, 5-foot panel antennas. (CP 97-91, DM 97-92, and UP 97-93). The Use Permit was renewed on August 14, 1998 (UP 98-26) and expired on April 10, 2007. Sprint Spectrum's three lower antennas have been removed, but the co-location mounts remain for potential future use. AT&T Mobility took over the facilities, including the ground lease areas for both Cellular One and Sprint Spectrum.

During the construction of the new Bolinas Fire Protection District fire station, the County Fire and Sheriff Departments installed two temporary Omni whip antennas on the current AT&T Mobility tower. While these antennas are still on the tower and included in the project description, they are not in use and will be removed eventually.

Verizon operates an existing 50-foot telecommunication tower approximately 67 feet from the subject tower on parcel 193-020-57 and an equipment shelter located on parcel 193-020-56, both parcels are owned by the Bolinas Fire Protection District. On October 29, 2009, approval was granted to remove two OMNI whip antennas that attain a height of 61.4 feet and replace them with nine panel antennas that would not exceed the 50-foot height of the tower (CP 09-40, UP 09-27, and DR 09-72.)

The existing AT&T Mobility tower is painted matte gray to minimize potential glare. Any replacement antennas would be painted to match the tower. The facility is located approximately one-quarter mile away from the nearest residential structure and approximately 200 feet from Mesa Road. It is partially screened from Mesa Road by the existing fire station and vegetation. The project does not impair or obstruct coastal views from any public street or public viewing places.

The existing facility is compatible with the current use and character of the built environment. According to submitted plans, the existing 230-square foot equipment building attains a maximum height of approximately 11 feet, which is smaller and lower than the originally approved 240-square foot equipment shed that would have attained a height of 12.7 feet. The entire facility, including equipment shed and tower, are located within a fenced enclosure with redwood slats in the chain links on three sides of the enclosure. The originally approved project required redwood slats on all four sides of the fenced enclosure. However, the northerly rear side of the enclosure facing the playground and bike path is currently a lower chain link fence (approximately 5 feet high), which appears to have been built as part of community projects. An existing plant on the northwesterly side of the enclosure provides some screening and visual relief to the equipment shed. In lieu of redwood slats along the lower rear fence, staff recommends planting native shrubs for screening between the shed and fence.

On July 28, 1998, the Marin County Board of Supervisors adopted the Update to the Marin County Telecommunications Facilities Policy Plan (TFPP) which established policies to guide the development of telecommunications facilities while protecting the natural resources, communities, and other land uses in Marin County. The existing facility was approved and remains generally consistent with the policies and criteria for wireless communications facilities contained in the TFPP, which are reviewed in Section VI of the attached Resolution.

#### Project Review

The project was reviewed by the Marin County Department of Public Works (DPW) Land Development and Communications Division, Bolinas Fire Protection District, Bolinas Community Public Utility District (BCPUD), the California Coastal Commission and the Gulf of the Farallones National Marine Sanctuary. Comments received from DPW and BCPUD are attached. No other comments were received.

#### **PUBLIC COMMENT**

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. At the time this staff report was prepared, the Community Development Agency has received no direct comments from the public regarding this project. Public comments made during a March 17, 2010 regular meeting of Bolinas Utility District are included at the end of the BCPUD letter (Attachment 8) and do not reflect the views of the BCPUD. During the meeting, some members of the public expressed broad-based concern about telecommunication towers in general and not the design of the subject project.

## RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Bolinas Fire Protection District (AT&T Mobility) Coastal Permit and Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Bolinas Fire Protection District (AT&T Mobility) Coastal Permit and Use Permit
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans – Exhibit A
  6. Photos
  7. Sitesafe Report, April 22, 2010
  8. Bolinas Fire Protection District Letter, March 23, 2010
  9. Department of Public Works Memo, March 8, 2010
  10. Department of Public Works Communications Division Email, March 5, 2010

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-141

A RESOLUTION APPROVING  
BOLINAS FIRE PROTECTION DISTRICT (AT&T MOBILITY)  
COASTAL PERMIT (10-33) AND USE PERMIT (10-17)  
100 MESA DRIVE, BOLINAS

ASSESSOR'S PARCEL 193-020-55

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**SECTION I: FINDINGS**

- I. WHEREAS AT&T Mobility, is requesting to continue operation of an existing telecommunication facility at the Bolinas Fire Protection District site at 100 Mesa Road, Bolinas. No changes are proposed to the design and scale of the facility. The existing facility consists of a 67.3-foot high monopole, which supports three 6.7-foot high panel antennas. The project includes an existing emergency generator, propane tank, and 240-square foot equipment shelter approximately 11 feet in height. The tower and associated equipment are located within an existing 6-foot high chain link fence with redwood slats on three sides. The project includes two existing Omni whip antennas for Marin County Fire and Sheriff that would temporarily remain mounted on the subject tower at 32.5 feet and attain a maximum height of 47 feet. The existing tower is located behind the fire department building and would maintain the following setbacks: 25.4 feet from the northerly property line and approximately 200 feet north of Mesa Road. The subject property is located at **100 Mesa Drive, Bolinas** and is further identified as **Assessor's Parcel 193-020-55**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 15, 2010 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 (CEQA) pursuant to Section 15301 Class 1 of the CEQA Guidelines because continued operation of an existing telecommunications facility would not result in environmental impacts. The applicant has submitted a report prepared by Sitesafe, dated April 22, 2010, which evaluates human exposure to radio frequency electromagnetic fields from the existing telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public.
- IV. 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 PF-OS (Public Facilities and Open Space) land use designation for the project site and would not interfere with the existing fire station and medical clinic use of the immediate property and open and recreational use of the surrounding area.

- B. The proposed project is consistent with the PFS-5.1 because the proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan. The existing facility is compatible with other land uses, provides protection from vandalism and fire hazards, minimizes visual impacts, and minimizes potential health risks to people. The applicant is utilizing an existing facility, rather than seeking a new tower or location. The tower is designed to allow the future co-location of additional carriers.
  - C. The proposed project would not result in any grading or the removal of existing vegetation.
  - D. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
  - E. The proposed project would not adversely affect riparian areas, wetlands, or habitats of special-status species.
  - F. Mandatory Use Permit findings can be made pursuant to Section 22.82.040I of Marin County Code to allow public utility and service uses necessary for public safety, convenience, and welfare.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan and the Bolinas Gridded Mesa Plan for the following reasons:
- A. The proposed project would not adversely affect the surrounding natural environment relative to vegetation, species habitats, or on-site drainage.
  - B. The proposed project would not adversely affect the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, or building design, mass, and bulk.
  - C. The subject property is not located within the Bluff Erosion Zone identified by the Bolinas Gridded Mesa Plan, which has limited opportunities for development.
- 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 TFPP states that wireless telecommunication facilities should be sited to avoid or minimize land use conflicts. The TFPP policies establish a general preference for non-residential sites for wireless facilities. TFPP policy LU 1.4 rank orders location preferences in seven categories:
    - 1. Industrial sites
    - 2. Commercial sites
    - 3. Public facilities sites
    - 4. Agricultural sites
    - 5. Mixed use sites

6. Open space and recreational sites
7. Residential sites

The existing telecommunications facility is compatible with the public facility, open area, and agricultural use of the subject property and surrounding area. The subject property is developed with a fire station, medical clinic, and adjacent telecommunication facility, which as public facilities, is ranked third in location preference. There are no industrial or commercial facilities in the search ring for the coverage area. The open area south of Mesa Road is owned and used by the Bolinas Community Public Utility District for wastewater treatment ponds.

TFPP policy LU 2.1 encourages co-location of facilities or clustering of facilities on a single property. The existing facility has pipe mounts that are available for future co-location.

The proposed project is an existing facility served by an existing access driveway. By utilizing existing facilities, there would be no tree removal or other adverse environmental impacts. The project would not result in adverse visual impacts because it is an existing facility that was constructed prior to construction of the current fire station, medical center, and playground. The facility does not impair or obstruct coastal views from any public street or public viewing places. Based on these factors, the facility is consistent with the location standards contained in the TFPP.

- B. The facility would allow AT&T Mobility to maintain existing communication services in the Bolinas area, allowing the carrier to continue providing a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
- C. The applicant submitted a report by Sitesafe, dated April 22, 2010. This report concluded that the existing facility would not result in any significant risks with respect to human exposure to radio frequency fields because the proposed facility would generate maximum ambient radio frequency levels that are below the applicable public exposure limit established by the Federal Communications Commission (FCC), even when combined with the adjacent telecommunication facilities.
- D. 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. TFPP policy VIS 1.1 encourages the most efficient use of existing sites and facilities, thereby postponing the need to develop new sites. Further, TFPP policy VIS 1.1.2 states, "Wherever possible, new telecommunication devices should be co-located or clustered at existing facilities and multiple devices consolidated in the course a facility renovation, unless co-location or clustering will result in significant adverse visual effects that could be avoided or minimized by alternative facility locations and/or design." Since the proposed project is the continuation of an existing use and would not change the visual effects of the existing tower, an alternative location is not warranted.

VIS 1.1.4 encourages providers to share facilities to the greatest extent possible. Access road and parking areas on the subject properties are shared among other service providers and the fire department.

VIS 2.2.1 calls for telecommunication facilities to blend with the surrounding natural and built environments. Any upgrades to the facility would be painted to match the existing tower (matte, non-reflective gray) and adjacent cell tower. As conditioned, new landscaping would be installed to help screen the building from the adjacent playground and bike path. Overall, the proposed continued use of the existing facility would be compatible with current uses on the property and would not conflict with the visual character of the subject or surrounding properties.

- E. There is one existing light on the door to the equipment shelter and no additional lights are proposed. 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, shielded, and directed downward to minimize visual effects on adjoining areas.
- F. Vehicular access for the facility is provided and would remain unchanged. No additional parking area would be required for the operation of the facility.
- G. The project would require no removal of vegetation.
- H. The facility is located on a developed site with no known complaints about noise. Noise levels associated with the operation of the facility would not exceed ambient noise levels. With the exception of routine maintenance visits by technicians and installation of equipment upgrades, the facility would not generate other traffic trips to the property. 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. This existing facility was constructed 13 years ago, during which time a new fire house, medical clinic, and playground were constructed nearby. The continued operation of this facility would not alter or impair the visual conditions on or surrounding the subject property and would avoid the need to construct an alternative facility to retain existing wireless coverage.

VII. 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**

No on-site water services will be required as part of the proposed project. The Bolinas Community Public Utilities District (BCPUD) has reviewed project plans and indicated that the continues use would not impact current water service to the site.

**B. Septic System Standards**

No on-site sanitation services will be required as part of the proposed project.



### **C. Grading and Excavation**

Since the project entails the continued use of an existing facility, no grading will be required. The project will utilize an existing tower and equipment building. Any trenching to replace or upgrade existing underground cables/conduits would be in the same location as existing, which is previously disturbed soil.

### **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 located in an area of high archaeological sensitivity. However, it is unlikely that this project would adversely affect any archeological resources because the project entails continued operation of an existing facility. Replacement of existing approved antennas, transmitters, or other equipment with new or upgraded technology that is substantially consistent with the scale or design of the existing facility would be exempt from discretionary review.

### **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 1, 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 Bolinas community.

### **G. Stream and Wetland Resource Protection**

The proposed project is not situated in an area subject to the Local Coastal Plan's streamside protection policies as identified on the Natural Resources Map for Unit 1 of the Local Coastal Program or near any blue- line on the USGS Quadrangle Maps for the project area.

### **H. Dune Protection**

The project site is not located near dunes or in a dune protection area of the Local Coastal Program.

### **I. Wildlife Habitat**

The project entails the modification of an existing telecommunication tower on a previously disturbed and developed site with a firehouse, medical clinic, and other telecommunication facilities. No significant alteration of land or removal of vegetation identified for habitat protection in the Local Coastal Plan is proposed.

## **J. Protection of Native Plant Communities**

Review of resource maps and field inspection by Planning staff indicates there are no known rare or endangered plant species at or near the subject property. The project entails the modification of an existing telecommunication tower on a previously disturbed and developed site. The subject property does not contain a significant number or type of non-indigenous, invasive plant species that would threaten the preservation or reestablishment of native species.

## **K. Shoreline Protection**

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

## **L. Geologic Hazards**

The project site is located approximately 680 feet from the Alquist Priolo Zone and would be subjected to strong ground shaking during a proximate seismic event. At the time of installation, the Marin County Community Development Agency – Building and Safety Division required seismic compliance with the Uniform Building Code.

## **M. Public Works Projects**

The continued use of this facility will not affect any existing or proposed public works project in the area.

## **N. Land Division Standards**

No land division or property line adjustment is proposed as part of this project.

## **O. Visual Resources**

As conditioned in the initial Coastal Permit, Use Permit, and Design Review approval, the existing tower is a non-reflective gray, monopole. The tower is located approximately 200 feet from Mesa Road and is partially screened from the road by the existing fire station and vegetation. The project does not impair or obstruct coastal views from any public street or public viewing places. The lease area is facility is partially screened on three sides by 6-foot high chain link fence with redwood slates. The existing 230-square foot equipment building attains a maximum height of approximately 11 feet and is constructed of earth-tone, gravel seeded concrete. As conditioned, the shed would be screened by landscaping along the northerly rear property line.

The existing facility is compatible with the current use and character of the built environmental. All utility lines serving the tower and equipment building will remain underground. In a recent approval of the adjacent Verizon telecommunication tower, the Bolinas Fire Protection District specified that they did not want landscaping around that tower.

**P. Recreation/Visitor Facilities**

The project would not have any impact upon recreation or visitor facilities.

**Q. Historic Resource Preservation**

The subject property is not located within the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, Unit 1.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Use Permit findings (Section 22.88.020I of the Marin County Code), as specified below.

**A. The establishment, maintenance, or conducting of the use for which this Use Permit is sought will not 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 be detrimental to the public welfare or injurious to property or improvements in the neighborhood for the reasons listed below:**

1. The proposed project would be incidental to the primary public facility. Pursuant to Section 22.57.022.12 of the Marin County Code, the construction, alteration, and maintenance of communication facilities are permitted uses in the C-ARP-5 (Coastal, Agriculture Residential Planned District, 1 unit/ 5 acres maximum density) zoning district.
2. The proposed project would not adversely affect the surrounding natural environment relative to vegetation, species habitats, and on-site drainage. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1.
3. Since there is no plumbing associated with this project, there would be no impact on existing water or sewer to the subject or surrounding properties.
4. Continued use of the existing tower would have no adverse impact on existing parking or traffic.
5. The proposed project would not result in significant adverse visual impacts because the design and height of the existing structure will remain the same.
6. Continued use of the existing facility would allow the continued service of the overall AT&T Mobility network in the Bolinas area for personal, business, and emergency use in the area and contribute to public safety, convenience, and welfare.
7. 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 granting 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.

8. The Marin County Planning Department provided public notice of the project to all properties within 600 feet of the subject property. No direct comments were received about the design and scale of the existing facility. Indirect comments were received from the Bolinas Community Public Utility District during their March 17, 2010 regular meeting where some members of the public expressed broad-based concern about telecommunication towers in general and not the design of the existing facility.

## **SECTION II: CONDITIONS OF APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Fire Protection District (AT&T Mobility) Coastal Permit (CP 10-33) and Use Permit (UP 10-17) subject to the conditions as specified below:

### Marin County Community Development Agency - Planning Division

1. Pursuant to Sections 22.56.130I (Coastal Permit) and 22.88.020I (Use Permit) of the Marin County Code, the Bolinas Fire Protection District (AT&T Mobility) Coastal Permit and Use Permit are approved to continue operation of an existing telecommunication facility. No changes are approved to the design and scale of the facility; the existing facility is approved to remain a 67.3-foot high monopole, which supports three 6.7-foot high panel antennas. The approved project includes an existing emergency generator, propane tank, and 240-square foot equipment shelter approximately 11 feet in height. The tower and associated equipment are approved to be located within an existing 6-foot high chain link fence with redwood slats on three sides. The project is approved to include two existing Omni whip antennas for Marin County Fire and Sheriff that shall remain mounted on the subject tower at 32.5 feet and attain a maximum height of 47 feet. The existing tower is approved to remain located behind the fire department building and maintain the following setbacks: 25.4 feet from the northerly property line and approximately 200 feet north of Mesa Road. The subject property is located at **100 Mesa Drive, Bolinas** and is further identified as **Assessor's Parcel 193-020-55**.
2. Development and use of the facility shall conform to plans identified as **Exhibit A**, entitled "AT&T Mobility", consisting of 5 sheets prepared by L.D. Strobel Co, Inc, dated December 15, 2009, revised April 16, 2010, received May 18, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. WITHIN 30 DAYS, 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, these plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede **Exhibit A**.
  - a. The diameter of the antenna array (as measured by an imaginary circle drawn around them) shall be no greater than is 3.5 feet. Revise all elevations and the azimuth detail to indicate the diameter of the antenna array. Indicate the correct scale of the azimuth detail on Sheet A-3.

- b. Revise the site plan to indicate the correct location of Assessor Parcel Numbers 193-020-56 and 57.
  - c. Revise site plan to include three native shrubs, at least 15-gallon size, to be planted between equipment shed and the northerly rear fence. Identify the size and species of plants.
  - d. Existing plants along the northwest corner of the facility shall be retained.
4. WITHIN 90 DAYS, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall submit a letter and photographs from a certified or licensed landscape professional confirming that the installed landscaping and irrigation.
  5. All visible components of the tower (including, but not limited to the pole and antennae) shall be maintained to match the existing non-reflective, matte-finish gray.
  6. The 6-foot high chain link fence surrounding three sides of the facility shall include redwood slats.
  7. The emergency generator appurtenant to the approved equipment building shall be tested only on weekdays, Monday through Friday, from 9:00 a.m. to 4:00 p.m.
  8. The approved communication facility must be maintained in a clean, weed-free, and orderly condition. Any damage or vandalism to the site must be repaired promptly. No equipment, operable or inoperable, shall be stored outside the equipment building, other than the installed antennas and emergency generator.
  9. The site plan and/or other first sheet of the office and job site copies of subsequent Building Permit applications for equipment upgrades shall list these Coastal Permit and Use Permit Conditions of Approval as notes.
  10. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, shielded, and directed downward to minimize visual effects. No additional exterior lighting is approved as part of this application.
  11. 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.
  12. Utility extensions or connections shall be installed underground.
  13. The applicant shall notify the Bolinas Fire Protection District prior to the installation of any upgrades or replacement components and shall be responsible for ensuring that the

number of construction vehicles is limited to the minimum number necessary to complete the project.

14. 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.
15. This Use Permit approval may be revoked by the County should the approved facility, in combination with other existing ambient sources exceed an 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.
16. 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.
17. The approved 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.
18. 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.
19. 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 Bolinas Fire Protection District (AT&T Mobility) Coastal Permit and Use Permit.

20. This Coastal Permit and Use Permit are 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 substantially completing all conditions of approval and commencing the allowed use by **October 13, 2010**, 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.3 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **July 15, 2020**, 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, structures, 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 22, 2010**.

**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 15<sup>th</sup> day of July 2010.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary