

**3. USE PERMIT (09-15) AND DESIGN REVIEW (09-24):
LAUREN BONTY**

The subject property is located at **2800 Nicasio Valley Road, Nicasio**, and is further identified as **Assessor's Parcel 121-160-37**

A proposal to construct a wireless Personal Communication Services (PCS) facility on a new monopine (i.e. a monopole disguised as a pine tree). The monopine would reach a height of 55 feet and accommodate 9 panel antennas. The proposed monopole is located approximately 22 feet from the southerly property line. Co-location of additional service providers is possible with the proposed design, but is not presently planned. The zoning for this parcel is ARP-40.

In response to the Hearing Officer, staff reviewed his supplemental memorandum dated November 28, 2011, regarding the adequacy and clarity of coverage maps. The applicant provided information on the technology and coverage goals and provided landscape and irrigations plans. The Nicasio Design review Board raised concerns with the survival of the oak trees, and the Department of Public Works (DPW) would like to add a Condition of Approval to insure that adequate legal access has been provided.

The public testimony portion of the hearing was opened.

The applicants, Gordon Bell, and Rhuenette Alums spoke regarding the favorable elements of the project, including the following:

- AT&T tries to get coverage within their coverage areas;
- The coverage objective was Nicasio Valley Road and Lucas Valley road as well;
- Co-location is preferred because it is easier to get a lease, and the Verizon pole would have been the preferred objective;
- Co-location requires an extension of the Verizon pole by 10 to 15 feet and zoning implications would have to be considered;
- Raising the pole 15 feet would make it more visible so they moved away from that alternative;
- An exhibit was submitted to illustrate the topo obstruction and coverage implicated in the area;
- The Verizon site at 45 feet would provide good coverage up and down Nicasio Valley road and stop coverage at the end of the road;
- Pro and con discussion on proposed alternative locations;
- Propagation maps have some inaccurate information; and
- The antennas would have a split rad center so all the branches fit antennas to hide them.

The Hearing Officer asked if the site can be added on or incorporated in the future. A stealth design tree would be added as an option.

Members of the public objecting to the project included: Sue Klien, Nicasio Design Review Board

Detrimental elements of the project were noted by members of the public, including the following:

- The documents that the applicant was basing their comments on no longer apply;
- Assumes that the comparisons are not useful and AT&T's description should be used;
- Was told that Verizon would allow co-location and did not know that the tower would have to be higher; and
- Would like a yearly arborists review of the health of the trees and regular treatment of the oak trees.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator (DZA) made several comments pertaining to the project, including the following:

- Alternative locations are not allowed unless co-location does not work;
- The propagation maps show that there is better coverage on the Bounty site;
- The information provided for the October 27th hearing was more accurate as compared to alternative location #2 and the Killian Farm site;
- Concurs with the recommendation to reduce the height by 55 feet and design it so that additional height could be added to the site if it becomes a co-location site;
- There is adequate separation between this site and the location;
- The Nicasio Design Review letter has good points; and
- A landscaping plan will be incorporated into a Condition of Approval that includes recommendations for Bay control.

The Deputy Zoning Administrator (DZA) approved the project with the following modifications to the project:

- Condition of Approval 2: A 6 foot tall solid redwood fence shall be incorporated in the contract;
- The landscape plan shall indicate that invasive weeds will be eradicated ;
- SECTION IV: Correct the Variance and Vesting date to December 1, 2011;
- Manure management will be taken up separately with the applicant;
- Include a provision that states: "A minimum evaluation of the overall health of the oak trees shall be made at the time of the Use Permit renewal in ten years. After 3 years establishment, the landscaper shall submit a report about the existing trees health and maintenance"; and
- Add a Condition of Approval by the Department of Public Works (DPW) regarding access.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the recommended Resolution with modifications and approved the Bonty Use Permit and Design Review.

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