MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2022-125

A RESOLUTION DENYING STEVEN HALPERN’S APPEAL AND UPHOLDING THE DEPUTY
ZONING ADMINISTRATOR’S APPROVAL OF THE SAN DOMENICO SCHOOL (VERIZON)
USE PERMIT AND DESIGN REVIEW
1500 BUTTERFIELD ROAD, SLEEPY HOLLOW
ASSESSOR’S PARCEL: 176-300-30

The Board of Supervisors of the County of Marin hereby resolves as follows.

SECTION I: FINDINGS

1. Verizon Wireless, on behalf of the owners, San Domenico School for the Girls, has
submitted a Use Permit and Design Review application for a new 30-foot-tall wireless
communications facility on a developed property located in San Anselmo (on the grounds of San
Domenico School). The wireless communications facility entails building a new 30-foot-tall
structure disguised as a water tower. Additional facilities associated with the wireless
communications facility would be located approximately 330 feet from the water tower structure
in a 423 square foot fenced-in area. The two locations would be connected via underground
cables.

The applicant proposed a 30-foot-tall structure, disguised as a water tower, that was square like-
in shape and 17-feet long by 17-feet wide at the base and 13-feet long by 13-feet wide at the top.
The Deputy Zoning Administrator modified the proposed structure to ensure consistency with the
Marin County Telecommunications Facilities Policy Plan to be a 30-foot-tall cylindrical structure
disguised water tower with a diameter of no more than 17 feet.

The wireless communications facility would include the following: (1) an approximately 400 square
foot concrete slab; (2) a 30-foot-tall structure disguised as a water tower; (3) nine 8-foot-tall
antennas enclosed within the water-tower; (4) an approximately 423 square foot area enclosed
by an eight-foot-tall wooden fence; (5) a 30 kw backup diesel generator; (6) three backup
power/battery cabinets; and, (7) rack mounted equipment including telecom cabinets and
equipment enclosures. Various site improvements would also be entailed in the proposed
development, including widening the gravel roadway from approximately 8 feet to 12 feet to
access the proposed wireless communications facility, underground utilities within the existing
roadway on the San Domenico School campus and general site improvements to implement the
proposed project. The wireless communications facility would be setback at least 650 feet from
all property lines.

The property is located at 1500 Butterfield Road, San Anselmo and is further identified as
Assessor’s Parcel 176-300-30.

2. On August 4, 2022, the Marin County Deputy Zoning Administrator approved the project
with conditions.

4. On October 25, 2022, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider the project.

5. The bases of appeal are insufficient to overturn the Deputy Zoning Administrator’s decision, for the reasons discussed below.

A. The appellant asserts that the project is inconsistent with Objective EMF 1 of the Marin County Telecommunications Facilities Policy Plan and expresses concern regarding electric and magnetic field exposure.

Objective EMF 1 of the Marin County Telecommunications Facilities Policy Plan (TFPP) is to avoid or minimize of community conflicts over the potential adverse health effects from telecommunication facilities by the prudent avoidance of locating such facilities in close proximity to areas where people will be exposed to pro-longed electric and magnetic fields (EMF). The applicant has provided an alternative site analysis that looked at several potential locations for the proposed wireless communications facility. The proposed location was selected based on considerations including polices within the Marin County TFPP, proximity to residences or schools and service coverage gaps. Policy EMF 1.1 under Objective EMF 1 is advisory only and is not intended to regulate the location of new facilities; deny a facility, require site modification, or otherwise replace, modify, or supplement the maximum permissible 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). Additionally, Federal law prohibits cities and counties from considering radiofrequency ("RF") emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC RF emissions regulations. A study was presented by the applicant’s engineer confirming that any new RF emissions would be at the FCC’s established threshold and limit.

The Department of Public Works reviewed the RF emission study and confirmed the findings of the applicant’s study that the equipment would be in compliance with the FCC mandates. Given that the proposed facility would operate within the established FCC standards, the County does not have the ability to preclude the development of this facility based solely on perceived health impacts from radiofrequency emissions.

B. The appellant asserts that not all the project materials were available to the public to review, and information was missing from the project plans.

All materials submitted by the applicant are available for the public to review in the project folder. Project folders include all plans and reports and are available for the public to review in Room 308 of the Marin County Civic Center. Additionally, project materials are posted on the project webpage as a courtesy, including a noise study, photo simulations, an alternatives analysis, a title report, a natural resources report, RF reports, and a colors and materials pallet. The project plans include a facility layout on sheets A-3 and C-2 which demonstrates the antennas disguised by a fake water tower are facing northwest, southwest, and southeast.
6. The 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 telecommunications facility would not result in environmental impacts. The applicant has submitted a report prepared by Verizon Wireless, which evaluates human exposure to radio frequency electromagnetic fields from the proposed 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.

7. The project is consistent with the goals and policies of the Marin Countywide Plan (CWP) for the following reasons:

A. The CWP land use designation for the subject property is for residential uses. The proposed project would be consistent with the existing land use designation because telecommunication facilities are allowed uses under the corresponding zoning subject to the approval of a Conditional Use Permit.

B. The proposed project is compatible with the residential land use designation for the project site and would not interfere with the existing use of the site for a school. The project would involve the construction of a wireless facility that would be accessory to the current primary use. The location, size, and operating characteristics of the proposed facilities are compatible with the allowed uses in the vicinity. The design, as modified by conditions of approval herein, would also be compatible with the uses on-site as well as the adjacent uses on the surrounding properties. The on-site circulation would remain unchanged, and the proposed project will not alter parking areas.

C. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.

D. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.

E. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

F. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

G. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

H. As discussed in Section 8 below, the proposed project is consistent with the goals and policies of the Marin County TFPB because the project, as modified by conditions of approval, would ensure that the siting and design of the proposed facility are compatible
with other land uses, would minimize visual impacts, and would minimize potential health risks to people.

I. Mandatory Use Permit findings can be made under Section 22.48.020 of the Marin Code to allow public utility and service uses necessary for public safety, convenience, and welfare, as discussed in Section 9 below.

J. The project would provide critical emergency communications needs to the community.

K. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.

8. The project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communication facilities contained therein, as follows:

A. The Marin County TFPP states that wireless telecommunications facilities should be sited to avoid or minimize land use conflicts. The Marin County TFPP policies establish a general preference for non-residential sites for wireless facilities. Marin County TFPP policy LU 1.4 ranks 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

There are no industrial or commercial sites in the coverage area. Given that Sleepy Hollow is primarily a residential community, which is the lowest priority for locating telecommunication facilities, the proposed property is preferred to the alternative sites within the needed coverage area.

The private property is developed with institutional buildings, dormitories, recreational fields, pathways and parking lots operated by the San Domenico School. The educational use of the property would be ranked three in priority. The majority of the property is undeveloped and also includes a network of private trails, which as open space and recreation use would be ranked sixth. Adjacent properties are open space or residential. The nearest off-site residence is approximately 750 feet away.

As discussed in more detail below, a stealth water tower is compatible with the open space character and use of the subject property and surrounding areas. The project site is served by an existing access roadway. The facility is sited to minimize the amount of grading and avoid the removal of any trees or result in other adverse environmental impacts. The project would not result in adverse visual impacts because of the stealth design, topography, and distance from the most public vantage points. The proposed equipment area would be fenced, hiding the equipment.
B. Visual and aesthetic compatibility policies VIS 1 and 2 specify that telecommunications facilities should be sited and designed to avoid or minimize adverse visual effects. The Marin County TFPP also encourages stealth design to minimize visual effects. The proposed telecommunications tower is disguised as a 30-foot-tall wooden water tower located at an elevation contour line of 355 feet. The location is approximately 1,250 feet southwest of the visually prominent ridgeline upslope that connects topographic highpoints, and well over 125 feet lower in elevation. As seen in the project plans, the top portion of the structure is square, approximately 13 feet wide by 13 feet long and 11 feet tall. This area would house the antennas. At the base of this area, the structure fans outward and at the base is 17 feet wide by 17 feet long.

The stealth water tower design originally proposed by the applicant is inconsistent with other water tank designs that exist in Marin County and the Bay Area because it does not disguise the tower well enough. To improve the stealth design to ensure the structure is disguised more effectively as a water tower, a condition of approval has been added that requires the stealth structure to be 30-foot-tall cylindrical design similar to the one presented in the alternatives analysis. However, the exterior shall have a wooden finish similar to that of the proposed water tower rather than the metal surface shown in the alternative. The cylindrical design shall be no more than 17 feet in diameter and no taller than 30 feet. Wood siding would ensure the structure would blend in with the natural environment and would not stand out or cause a distraction. As modified, this stealth design option would allow for future co-location of antennas that would not require substantial modification to the structure that could result in the structure looking less like a water tower. Additionally, the Marin County TFPP encourages co-location; therefore, this condition of approval would allow for this project and future projects to be consistent with Marin County TFPP Policy 2.1.

C. Marin County TFPP Policy LU 1.1 states that new telecommunication facilities in Ridge and Upland Greenbelt areas should be avoided unless no other technically feasible and available site exists. The Ridge and Upland Greenbelt designation is a broad swath that includes flatlands, canyons, valleys, and ridgeland, some of which are developed with single-family residences. The proposed project is located within the Ridge and Upland Greenbelt. As called for in the Marin County TFPP, the applicant has provided an alternative site analysis indicating there are no existing sites within the area that would service their coverage gap to co-locate upon. Alternative sites on the San Domenico School campus were examined but all were located within the Ridge and Upland Greenbelt as well. While the applicant has shown that there are other technically feasible alternatives, they would not meet other requirements of the Marin County TFPP. Antennas located elsewhere would be significantly taller, and/or would not blend into the natural landscape. Those alternatives would be less consistent with telecommunication policies to protect views and meet coverage objectives. They would also be located closer to residential areas, which is the least-preferred option. The proposed structure is located well below the ridge and disguised as a water tower. The visual appearance of the structures would be softened by the use of natural colors to blend in with the hillside. Additionally, the water tower would be located near existing trees which would soften its appearance.

D. Marin County TFPP Policy LU 1.1.5 states that new telecommunication facilities shall only be permitted on properties with public easements or other restrictions in accordance with the terms of such an agreement. The undeveloped portions outside of the campus area
of the San Domenico School and areas 50 feet outwards from the top of bank from Sleepy Hollow Creek on the subject property are part of a private open space and conservation agreement that was recorded against the property in 2003 and amended in 2008. The agreement limits development on the school property by stating that a large area of the property (including the area of this project) "shall be preserved substantially in its undeveloped state" and that "[n]o new structures may be developed over the non-development area."

The Telecommunications Act of 1996 enables the FCC to issue rules preempting state or local legal requirements that act as a barrier to entry in the telecommunications service. Section 332(c)(7)(B) preempts state and local requirements that prohibit or have the effect of prohibiting the provision of personal wireless services. In general, a local government's denial of a wireless facility permit violates this provision of the Telecommunications Act if a significant service gap exists, and the proposed facility is the "least intrusive means" of addressing that gap.

The applicant has submitted maps showing the wireless coverage provided by the proposed project. These coverage maps indicate that the higher elevation of the proposed facility gives it a greater line of sight, and therefore broader wireless coverage to this area than lower locations that would be outside the area restricted by the open space agreement. In addition, as discussed above, the application proposes a design that is minimally intrusive given the wireless coverage gap it will address. The applicant has also submitted information showing that other location alternatives would not be less intrusive because they would not serve the coverage gap, would result in a more intrusive deployment, lack landlord interest, or would not comply with Marin County TFPP location policies. As a result, denying this applicant could, assuming the existence of a coverage gap and the lack of less intrusive alternatives, be considered inconsistent with FCC regulations and the Telecommunications Act, and the open space agreement and conservation agreement cannot supersede these authorities.

E. Marin County TFPP policy LU 2.1 states that new commercial wireless facilities should be co-located or clustered at existing or planned telecommunication sites unless requiring the proposed facility to be located at another stand-alone location would have the effect of prohibiting wireless service, or result in adverse land use effects that would otherwise be avoided or minimized to an acceptable level. As noted above, the applicant has provided maps of gaps in service that cannot be covered by co-locating on existing facilities.

F. Marin County TFPP policy LU 1.7 encourages sites in proximity to existing or proposed trails or open space lands to be sited to ensure that these public uses are not adversely affected. The proposed project is consistent with this policy because it does not interfere with public access or use, would have limited visual effects for nearby recreational trails and open space areas, meets FCC limits for public exposure, and utilizes existing roads.

G. Marin County TFPP policy OL 1 requires 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. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property. Therefore, the proposed facility would neither generate significant levels of noise nor traffic.
H. The facility would allow Verizon Wireless to provide communications services for the Sleepy Hollow area and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.

I. The applicant submitted a report prepared by Verizon Wireless which concludes 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 FCC.

9. The project is consistent with the mandatory findings for Conditional Use Permit approval (Marin County Code Section 22.48.040).

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.

Pursuant to Marin County Code Section 22.10.030, the construction and maintenance of telecommunication facilities, are conditionally permitted in RSP (Residential Single-Family Planned) zoning districts. Telecommunication facilities may be approved in the governing RSP zoning district by Use Permit pursuant to Section 22.48.040 of the Marin County Code when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the Verizon Wireless network, which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to public safety, convenience, and welfare. Therefore, the project is consistent with this finding.

B. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The applicant has submitted coverage maps, which show that there is low to no coverage for the surrounding area and no options for co-location to achieve the required coverage results. The proposed facility would significantly increase the wireless coverage for the surrounding area and benefit the local community and public services. As modified herein, the facility would be the least visibly intrusive means to accomplish the required coverage improvements for the area as the stealth design would conceal the antennas as a water tower, not on a ridgetop, and setback from the San Domenico School and nearby residence. See section 8, above.

C. That granting the Conditional Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The project would not result in any significant, public health risks with respect to human exposure to radio frequency radiation because the facility would operate well below the exposure limits set by the FCC. 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.
10. The project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.42.060).

A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.

The Single-family or Multi-Family Residential Design Guidelines do not apply since they apply to residential development and the proposed project is a telecommunication facility. Additionally, the project is not located in a combining district; therefore, Chapter 22.14 of the development code would not apply. The development would not be located near streams or areas that are constrained by unusual geotechnical hazards. Any excavation or grading would be minimal, and no vegetation would be removed as part of the project.

As previously discussed, the project site is located well below a ridgeline but within a Ridge and Upland Greenbelt area. While the proposed water tank would be visible from some public locations, using a stealth design would ensure the tower would not distract from the natural landscape and would not create a visual impact. Although design standards discourage development in Ridge and Upland Greenbelt areas or ridgelines, Ridge and Upland Greenbelt area development may be allowed if no other suitable location is available on the site or in the needed service area. As previously discussed, most of Sleepy Hollow is within the Ridge and Upland Greenbelt or is residentially developed. Therefore, the alternative sites analysis prepared by the applicant indicated the proposed site is the most suitable location for the project. The location of the water tower is approximately 1,250 feet southwest of the visually prominent ridgeline upslope that connects topographic highpoints, and well over 125 feet lower in elevation. Additionally, the coverage gap area is a residential area or designated Ridge and Upland Greenbelt.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The project site is located within Sleepy Hollow, which is primarily a residential area surrounded by hills. The use of a stealth design and fencing would help disguise the facility at the project site. The project, as conditioned, would be compatible in terms of architectural design, massing, materials with the site surroundings and the community. Please see Sections 5.A, B, C, D, and E above for more information.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The project would be located with adequate setbacks to adjoining properties and would not interfere with development on other properties. The project would be a stealth design that would be far enough away from residential areas that it would not result in loss of light, air, privacy, or views in the surrounding neighborhood. Please see Sections 8.A, B, C, D, and E above for more information.
D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

At the closest point the equipment area is approximately 120 feet from Butterfield Road on the San Domenico School campus and approximately 5 feet from a dirt access road. The proposed structures would not adversely affect these roads because they would be enclosed behind fences and would not encroach into these areas. Additionally, the project includes underground utilities and associated equipment that would not interfere with access once construction is completed. The project would not permanently interfere with circulation on the existing sidewalk or right-of-way. Furthermore, the project would not result in substantial grading, retaining walls, tree removal, or other adverse physical effects on the environment.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The facility would maintain large setbacks to all surrounding properties and would not interfere with the existing uses on the property. The proposed facility would be located within a fenced lease area that would not be accessible to the school and other users of the private property. The water tower would be over 750 feet from the closest residence southwest and approximately 400 feet to the nearest structure on the San Domenico School campus, which is an equestrian related structure. The facility would blend in with the existing landscape due existing vegetation and the stealth design. Furthermore, the project would be reviewed during the Building Permit stage to ensure the structure meets all current fire and building code requirements.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Board of Supervisors and is subject to the conditions of project approval.

This decision certifies the proposed project’s conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the San Domenico School (Verizon) Use Permit and Design Review subject to the conditions listed below.
CDA-Planning Division

1. This Use Permit and Design Review approval authorizes a new 30-foot-tall wireless communications facility on the grounds of San Domenico School. The wireless communications facility shall be a 30-foot-tall structure disguised as a water tower. Additional facilities associated with the wireless communications facility shall be located in a 423 square foot fenced-in area. The two locations shall be connected via underground cables. The wireless communications facility shall include the following: (1) an approximately 400 square foot concrete slab; (2) a 30-foot-tall structure disguised as a water tower structure; (3) nine 8-foot-tall antennas enclosed within the water-tower portion of the structure; (4) an approximately 423 square foot area enclosed by an eight-foot-tall wooden fence; (5) a 30 kw backup diesel generator; (6) three backup power/battery cabinets; (7) rack mounted equipment including telecom cabinets and equipment enclosures. Various site improvements shall include widening the gravel roadway to 12 feet to access the proposed wireless communications facility, underground utilities within the existing roadway on the San Domenico School campus and general site improvements to implement the proposed project.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “San Domenico,” consisting of 14 sheets prepared by Verizon Wireless, received in final form on July 12, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

a. The water tower stealth design shall be cylindrical in shape, no more than 17 feet in diameter and no taller than 30 feet above surrounding grade. The exterior siding shall be a natural wood finish.

3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2022” with respect to all of the standard conditions of approval and the following special conditions 6 and 7.

4. 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 Agency, Building and Safety Division. The plan shall contain safety standards to be implemented in order to protect people working in areas that are not accessible to the general public who might be exposed to EMF 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.

5. 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. The facility must be dismantled and removed from the premises if it has been inoperative or abandoned for more than a two-year period unless the service provider or property owner obtains an extension from the Community Development Agency.
6. 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 that 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 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 approved by the Community Development Agency 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.

7. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin County Code. 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.

8. The project shall comply with the California Public Utility Commission’s latest requirements related to back-up energy sources and duration.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within 3 years of the date of the approval, shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.
SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 25th day of October 2022, by the following vote to wit:

AYES:      SUPERVISORS      Dennis Rodoni, Judy Arnold, Damon Connolly, Stephanie Moulton-Peters, Katie Rice

NOES:      NONE

ABSENT:    NONE

[Signature]

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

[Signature]

Matthew H. Hymel
Clerk of the Board