



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

September 30, 2014

Brian C. Crawford
DIRECTOR

Thomas Lai
ASSISTANT DIRECTOR

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY
www.marincounty.org/plan

SUBJECT: Rago/Lee Appeal of the Planning Commission's Approval of the Southern Marin Fire Protection District Design Review 14-37
309 Poplar Street, Mill Valley
Assessor's Parcels 050-252-18, 19, & -20

RECOMMENDATION:

On April 28, 2014, the Planning Commission upheld by a 5-2 vote the administrative decision which conditionally approved an application from AT&T to co-locate a new commercial wireless telecommunications facility with an existing Sprint facility on the roof top of the Southern Marin Fire Protection District's fire station in Tam Valley. The proposed facility would be used for the transmission of cellular telephone and digital data. The Planning Commission's decision was subsequently appealed to the Board of Supervisors and brought to hearing on June 10, 2014. The appeal was then continued by the Board of Supervisors to July 8, 2014 and then again continued to September 30, 2014 in order to allow the applicant time to respond to questions raised by the Board of Supervisors. The primary questions raised include: 1) height of the proposed roof top facility exceeding the Sprint facility's faux chimney (approved at 39 feet, see Attachment 9); 2) noise generation from ground based equipment and its location and consistency with a lease agreement with the fire district; 3) landscaping; 4) adequacy of the alternatives analysis; 5) levels of EMF exposure by the neighborhood and fire fighters; 6) extent to which future co-location is encouraged; and 7) the fire district's potential new CAD system (see Attachment 6). These issues are further discussed in this Board Letter, the attached resolution, the applicant's response, and the additional attachments provided. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Kim Rago and Deanna Lee and conditionally sustain the Planning Commission's action by adopting the attached resolution to approve the project.

SUMMARY:

In response to the Board of Supervisors direction during the hearing on June 10th, AT&T submitted a written response to questions raised on September 9, 2014, along with plans reflecting proposed changes (see Attachment 2). The proposed changes include: 1) a reduction in the proposed cupola's height to 38.7 feet, which is no taller than Sprint's existing approved faux chimney; 2) locating the ground based equipment into a specified 15 foot by 20 foot lease area; and 3) a fully enclosed and roofed accessory structure for the proposed ground based equipment, having a

maximum height of 10 feet and painted to match the existing fire station. The draft resolution has been amended to reflect these proposed changes.

In response to the Board of Supervisors request, AT&T has submitted additional information in their response which pertains to potential landscaping and its location (though no additional landscaping is presently proposed), photosimulations of the proposed cupola, additional information on the new structure that is intended to alleviate noise impacts from the ground based equipment, alternatives analyses, and additional information that considers radio frequency exposure to the surrounding neighborhood and the fire fighters at the fire station.

On September 10, 2014, the Planning Division mailed the full plans and response by AT&T to the Tamalpais Design Review Board and Tamalpais Planning Area Bayfront Coalition for community feedback. Following receipt of this information, the appellant has asserted that they lack sufficient information to properly evaluate AT&T's coverage information and whether viable alternatives exist (see Attachment 3). Alan Jones raises these same issues and argues that new Design Review should be undertaken and considered by the community for the new structure encasing the ground based equipment, the project's past inconsistency with the existing lease between AT&T and the Fire District should be considered, a new Use Permit should be required for AT&T at the site, the cupola should not exceed 30 feet in height, and that the County should hire its own independent consultant to evaluate AT&T's alternative site analysis (see Attachment 4). The Tamalpais Design Review Board met on September 17, 2014 and raised these same issues (see Attachment 5).

In general, the appellant's assertions are considered in the attached draft resolution. It is recognized that the proposed structure that would enclose the ground based equipment is subject to Design Review and findings for approval, approval with project modifications, or denial must be made and adopted by the Board of Supervisors. As the structure would be approximately 300 square feet, 10 feet tall at the roof pitch, and painted to match the overall appearance of the existing fire station, and is largely concealed behind an existing fence, the findings to approve the design can be made. The Planning Commission did not recommend requiring additional alternatives analysis because the facility would be co-located on an institutional building as encouraged by the Telecommunications Facilities Policy Plan and the applicant has made available their analyses and provided additional information multiple times based on requests by Planning staff, community members, and the Board of Supervisors (see Attachment 2).

REVIEWED BY: (These boxes must be checked)

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|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:


Scott Greeley
Planner

REVIEWED BY:


Brian C. Crawford
Director

ATTACHMENTS

1. Recommended Resolution Denying the Rago/Lee Appeal and Conditionally Approving the Southern Marin Fire Protection District Design Review 14-37
2. Complete Wireless Consulting, Inc. response to the Board of Supervisors and plans, received September 9, 2014
3. Deanna Lee (appellant) response to applicant's submittal, received September 21, 2014
4. Alan Jones supplemental letter, dated September 21, 2014, email exchange between the applicant and Mr. Jones, received September 16 and 17, 2014, and email from September 16, 2014
5. Tamalpais Design Review Board minutes from September 17, 2014 and attached letter from Deanna Lee, received September 19, 2014
6. Jim Irving email on CAD system, received September 22, 2014

Note: In order to conserve resources, the following documents have been provided only to the Board of Supervisors. These documents are available for public review on line at <http://www.marincounty.org/depts/cd/divisions/planning/projects> and at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

7. Board Letters and Minutes from the Board of Supervisors June 10, 2014 and July 8, 2014 hearings.
8. Minutes and approved Resolution PC14-006 from the Planning Commission Hearing on April 28, 2014
9. Administrative Decision for the Southern Marin Fire Protection District (Sprint's) Design Review (14-8), approved December 3, 2013
10. Public correspondence

