Agenda Item 1

ZONING ADMINISTRATOR STAFF REPORT

MEETING: April 27, 2017

STAFF: Brett Walker, AICP, Senior Planner

bwalker@novato.org; (415) 899-4711

SUBJECT: VERIZON WIRELESS/PG&E

CEQA CATEGORICALLY EXEMPT: SECTION 15303

P2017-018; USE PERMIT

APN 157-171-17; 150 HAMILTON DRIVE



922 Machin Avenue Novato, CA 94945-3232 (415) 899-8900 FAX (415) 899-8213 www.novato.org

PROJECT DESCRIPTION

The applicant has submitted a Use Permit application to install wireless communication antennas on an existing PG&E electrical transmission tower. Proposed tower improvements include 6 panel antennas with 3 antenna sectors, and 2 antennas per sector, which would be mounted on a 12-foot top-hat extension added to the top of the existing 100.7-foot tall tower. Proposed ground-mounted equipment includes two equipment cabinets, a 30 kw standby diesel generator, and a 210 gallon diesel fuel tank, which would all be placed within a 33' 5" by 15' (500± sq. ft.) equipment area. A 6-foot tall security fence with an access gate is proposed around the perimeter of the ground equipment area. Site plan materials are included in Exhibit A, attached.

NEED FOR ZONING ADMINISTRATOR ACTION

The Zoning Administrator is the decision-making authority for use permit applications pursuant to Novato Municipal Code Section 19.42.050.

BACKGROUND

Applicant: GTE Mobilnet dba Verizon Wireless

c/o Complete Wireless

Property Owner: Pacific Gas & Electric (PG&E)

Property Size: $22\pm$ acres

General Plan Designation: Community Facilities

Zoning: Community Facilities

Existing Use: PG&E Substation and Electrical Transmission Towers/Lines

Adjacent Zoning: Community Facilities

Flood Zone: AE (100-year flood zone, base flood elevation determined)

ENVIRONMENTAL ASSESSMENT

The proposed improvements are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section §15303 (New Construction or Conversion of Small Structures) which permits the installation of small new equipment and facilities and minor modifications to existing structures. The proposed wireless antennas, equipment enclosure, and diesel generator are minor additions to the existing tower and ancillary facilities.

STAFF ANALYSIS

In order to grant a Use Permit, the following findings must be made consistent with Novato Municipal Code Section 19.42.050.E:

Finding 1: The proposed use is consistent with the General Plan and any applicable specific plan.

Discussion: SF Policy 8: Reducing Flood Hazards. Reduce flood risk by maintaining effective flood drainage systems and regulating construction.

The applicant will need to meet minimum construction standards for placing structures and equipment at the site, and will need to provide necessary information with the building permit application(s) for the proposed improvements.

SF Policy 16: Fire Risk in New Development. Review all development proposals for fire risk, and require mitigation measures to reduce the probability of fire.

The Novato Fire Protection District has reviewed the project. A fuels management plan and placard(s) identifying diesel fuel stored on-site will be required prior to the final of building permit(s).

SF Policy 37: Noise and Land Use Compatibility Standards. Encourage the maintenance of the noise and land use compatibility standards indicated in SF Table 3.

The applicant provided an environmental noise analysis for the proposed project. The analysis concluded that noise generated by the proposed improvements are within acceptable city noise standards.

EC Policy 13: Information Infrastructure. The City shall take action to provide the information infrastructure necessary to retain and attract targeted businesses.

The proposed improvements would improve cellular telephone coverage within the city, which is consistent with this policy.

CI Policy 1: Compatibility of Development with Surroundings. Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale, and ambiance of the surrounding neighborhood. Recognize that neighborhoods include community facilities needed by Novato residents as well as homes, and integrate facilities into neighborhoods.

The location of the existing telecommunication facility is adjacent to a PG&E substation, on an existing transmission tower. The proposed facilities are consistent with the aesthetics of existing structures in the vicinity of the project site. There are no existing or planned residential neighborhoods in proximity of the site.

Finding 2: The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan.

Discussion: New wireless communications facilities require use permit approval pursuant to Municipal Code sections 19.14.040 (Table 2-9) and 19.38.030. The project is consistent with sections 19.14.040 and 19.38.030.

The site is not within a Planned District (PD) zoning district, therefore, there is not a relevant master plan or precise development plan.

Finding 3: The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Discussion: A Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report prepared by Hammett & Edison Inc., was included with the application materials. According to the submitted document, there are no modeled exposures on any accessible ground level/working surface related to the proposed equipment in the area that exceed the Federal Communication Commission's (FCC) occupational and general public exposure limits at this site. The PG&E substation is not accessible to the public, and personnel from PG&E and AT&T access this site to service their respective equipment.

Finding 4: The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Discussion: The project is located on an existing PG&E transmission tower, and closest residential use is approximately 1,700 feet to the west (across U.S. Highway 101) of this location. The proposed antennas are designed to integrate with the existing equipment and will have no significant visual impact to the surrounding industrial neighborhood which is approximately 1,200 feet southeast.

Finding 5: The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Discussion: Novato Municipal Code Section 19.38.010 *et seq*. details minimum design and location standards for wireless communications facilities. The proposed antennas will be located on an existing PG&E transmission tower, which will minimize visual

clutter that would occur if a separate tower were proposed. City standards and criteria for wireless communication facilities specify that such facilities should be unlit, served by minimal road and parking areas, and shall require landscaping to provide visual screening of the proposed wireless facility. The applicant has proposed downward facing lighting which would be used by maintenance technicians servicing the ground-level equipment facility after dark. The site is served by existing access roads; no additional roads are proposed. Existing landscaping at the site adequately shields the proposed ground equipment from neighboring lots, and highways 101 and 37. No additional landscaping is proposed or necessary.

The applicant provided an environmental noise assessment and visual simulations with the application materials. The proposed improvements would not generate noise above acceptable standards and would not result in significant visual impacts. The proposed antennas would be located on an existing 100-foot tall tower and ground equipment is shielded from adjacent lots and roadways.

RECOMMENDATION

The proposed wireless communications facility antennas and ancillary ground equipment comply with City standards and regulations, specified in Division 19.38 of the Novato Municipal Code, including: location compatibility and site design, and levels of radio frequency radiation. Staff recommends approval based on the findings discussed in the staff analysis section of this staff report.

FINDINGS AND ACTION

- 1. The proposed improvements are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section §15303 (New Construction or Conversion of Small Structures) which permits the installation of small new equipment and facilities and minor modifications to existing structures. The proposed wireless antenna, equipment enclosure, and diesel generator are minor additions to the existing PG&E tower and ancillary facilities.
- 2. In accordance with Section 19.42.050E and Division 19.38 of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Verizon Wireless to install a wireless telecommunications facility, on the basis of the findings discussed in the staff analysis above and subject to the conditions of approval specified below.

CONDITIONS OF APPROVAL

- 1. The Use Permit shall expire and become void if the permit is not exercised within two years of the date of approval, except where a time extension is approved (Novato Municipal Code Section 19.44.040).
- 2. If 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 health, welfare, or safety of persons residing or

- working in the City, this Use Permit may be subject to the revocation procedures contained in the Novato Municipal Code sections 19.42.050.G and 19.59.070.B.
- 3. Building permit(s) shall be obtained prior to installation of any improvements requiring a permit.
- 4. The project shall be implemented in compliance with Novato Fire Protection District and California Fire Code regulations.
- 5. A Bay Area Air Quality Management District permit(s), if applicable, shall be obtained prior to installation of the standby generator.
- 6. A Marin County Certified Unified Program Agency (CUPA) permit(s), if applicable, shall be obtained prior to installation of the diesel fuel tank.
- 7. No deviation from approved plans, including color changes or substitution of materials, shall be made without City approval. Any changes or additions to the approved project shall be submitted to the Community Development Department and shall be subject to review and approval prior to the implementation of any proposed modification.
- 8. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.
- 9. With the exception of emergency repairs, routine testing and maintenance activities shall be allowed only during the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday. Emergency energy generators shall be used in compliance with the City's noise standards, and shall be operated only during power interruptions, or for routine testing and maintenance.
- 10. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City's Cost Base Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, or other entitlements.

11. Indemnity and Time Limitations

- a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
- b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the

environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.

- c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- d. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- e. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

FURTHER ACTION

No further action on the application will be taken unless an appeal is filed in writing within ten calendar days along with the required filing fee.

ATTACHMENTS

Exhibit A – Site Plan

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DATÉ TIME % CHC-PLEASE RETURN COMPLETE SIGNATURE	BY: DATE			APPLICANT: PROPERTY CHINER: VERIZON WIRELESS PACIFIC GAS & ELECT 2785 MICCHELL DRIVE 245 MARKET STREET, WALNUT CREEK, CA 94598 SAN FRANCISCO, CA 9 CONTACT STEVEN MILL 925-222-0536
STE ACQUISITION:		Veri	zon	ARCHITECT MANUEL S. TSINLAS MICH JOHNSON MST ARCHITECTS, INC. MST ARCHITECTS, INC. MST ARCHITECTS, INC. SOURCE PARK DRNE SACRAMENTO, CA 95815 916-567-9630 monuel@mstorthitects.com johnson@completemire johnson@completemire
CONSTRUCTION:				
WAYAGENENT:		2785 Mitchell Drive, W	/alnut Creek, CA 94598	PROJECT SUMMARY
Verizon SCHATURE	GATE	PG&E TOWER SAP#: 40817249	& HWY 37 150 HAMILTON DRIVE NOVATO, CA 94949	ASSESSOR'S PARCEL NUMBER: 157-171-17 AURISDICTION: CITY OF HOVATO OCCUPANCY: S-2 (UNWANNED TELECOMMUNICATIONS FAC TYPE OF CONSTRUCTION: V-B ZONING: CF (COMMUNITY FACILITIES)
PEAL ESTATE:		PG& TOWER NUMBER: IG005/027 LINE NAME & VOLTAGE: LAKEVILLE	APN: 157-171-17	C O D E C O M P L I A N C E
RF ENGINEER:	····	- IGNACIO #1, 230 KV SBE NUMBER: 135-21-006C-2	LOCATION #: 414875 VZN-9027635	ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCOUNTIES CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE OFFICE OF A STANDARD STRONG METHORS FOR A STANDARD STRONG METHORS FOR A STANDARD STRONG FOR CONSTRUCTION OF THE PROPERTY OF TH
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OTHER (IF APPLICABLE) SIGNATURE	DATE	LOCATION PLAN		PART 5 CALFORNIA PLINBING CODE PART 6 CALFORNIA HISTORICA, BUILDING CODE PART 8 CALFORNIA HISTORICA, BUILDING CODE PART 10 CALFORNIA SIRE CODE PART 11 CALFORNIA GREEN BUILDING CODE PART 11 CALFORNIA GREEN BUILDING STANDARDS CODE PART 12 CALFORNIA REFERENCE STANDARDS CODE
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PROJECT DIRECTORY

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