

3. **METRO PCS @ SAN MARIN PLAZA (DM)**
10711U; USE PERMIT
124-202-28; 199 SAN MARIN DRIVE

Consider a Use Permit application to allow a tri-sector antenna to be mounted within a 38 foot tall replacement light post in the parking lot of San Marin Plaza at 199 San Marin Drive.

PRESENT

No one was present for the hearing.

Zoning Administrator Lazure reported that no correspondence had been received in response to the application.

The staff report states a recommendation for approval subject to conditions.

The public hearing was opened. The public hearing was closed.

ACTION

Zoning Administrator Lazure rendered a decision of approval on November 29, 2007, in accordance with the findings and action as recommended in the staff report, subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Use Permit shall be valid for one year from the date of approval. The Use Permit may be extended at the request of the applicant for additional one year increments at the discretion of the Community Development Director, in compliance with the procedures set forth in Section 19.38.180 of the Zoning Code. The applicant shall be responsible for the costs, on an hourly basis, for the City to process an extension.
2. 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.
3. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.

NOVATO ZONING ADMINISTRATOR
MINUTES EXCERPT
DATE: November 29, 2007

*Copies to project owner and
applicant 12/10/07*

4. No exterior lighting shall be allowed for any part of the proposed facility, except as may be deemed necessary for security and shall be subject to the review and approval of the Community Development Director.
5. 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.
6. The Radio Frequency Radiation (RFR) generated by the approved facility, in combination with other sources of RFR, shall not expose the general public to RFR levels that exceed the allowable standards as adopted by Federal Communications Commission (FCC) and the City. Should nationally accepted research result in the establishment of substantially revised standards for human exposure to RFR and such standards are adopted by the City or otherwise determined to be applicable to the City, the applicant shall demonstrate compliance with such standards by submitting a new RFR report to the Community Development Department within 30 days of the effective date of the adoption of the revised standards. A longer period for submitting the RFR report may be granted at the discretion of the Community Development Director. The RFR report shall determine compliance with the updated standards by calculating the RFR power level of the approved facility in combination with other similar sources of RFR.
7. Within 6 months of the initiation of the operation of the approved facility, the applicant shall submit a post-construction RFR report, including the data developed, verifying that the actual levels of RFR emitted by the approved facility, operating alone, and in combination with other approved facilities, are below the FCC, threshold standards. The applicant shall be responsible for the cost of the post-construction reports to be prepared by a qualified consultant selected by the City.
8. Prior to the issuance of a building permit, the proposal shall be subject to the review and approval of the City of Novato Public Works Department. Items that may need to be addressed, include, but are not limited to:
 - a. Maintenance agreements/facility maintenance requirements
 - b. Shared or common use agreements
 - c. Indemnification
9. This Use Permit is subject to the revocation procedures contained in Section 19.42.050.G

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| NOVATO ZONING ADMINISTRATOR MINUTES EXCERPT DATE: November 29, 2007 |
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of the Novato Municipal Code in the event that 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.

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, recordation of final maps 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 of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (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. In the event that a claim, action or proceeding described in Article (a) above, is brought, the City shall promptly notify the applicant of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, the City shall retain the right to (I) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the

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| NOVATO ZONING ADMINISTRATOR MINUTES EXCERPT DATE: November 29, 2007 |
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applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that if said Counsel is the City Attorney, his fees and costs shall be paid by the applicant.

- d. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. 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.
- f. 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.

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| NOVATO ZONING ADMINISTRATOR MINUTES EXCERPT DATE: November 29, 2007 |
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THE CITY OF
NOVATO
CALIFORNIA

Community Development Dept.
Planning Division
75 Rowland Way, #200
Novato, CA 94945
(415) 899-8989
FAX (415) 899-8217
www.ci.novato.ca.us

ZONING ADMINISTRATOR STAFF REPORT
(Use Permit)

MEETING

DATE: November 29, 2007

STAFF: Daniel Toillion, Planner I
899-8981

SUBJECT: **WIRELESS COMMUNICATION FACILITY**
10711U; USE PERMIT
APN 124-202-28; 199 SAN MARIN DR.

PROJECT DESCRIPTION

Consider a Use Permit to allow installation of a tri-sector monopole antenna within the top of a 38-foot light pole. The proposed monopole antenna would replace an existing light pole in the parking lot of the shopping center at 199 San Marin Drive. The site currently has two existing light pole mounted antennas as well as a roof-mounted antenna used by Sprint PCS, T-Mobile, and Verizon respectively.

NEED FOR ZONING ADMINISTRATOR ACTION

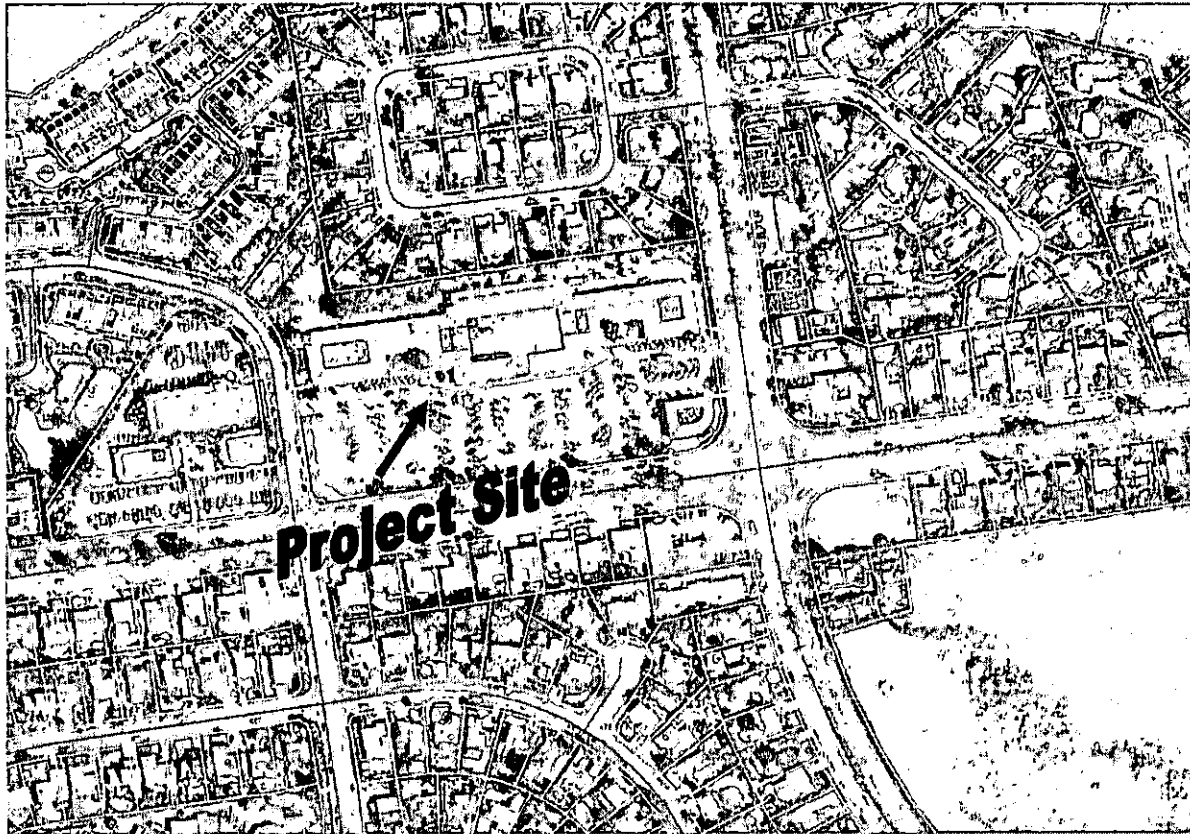
Novato Municipal Code Section 19.42.050 provides for the Zoning Administrator to hold public hearings on a Use Permit. Novato Municipal Code 19.38.030.A.3, states the Zoning Administrator has the authority to approve a co-located wireless facility that is not located within 200 feet of a scenic resource as designated by the General Plan.

BACKGROUND

Applicant: Metro PCS Inc.
Property Owner: San Marin Partners LLC
Property Size: 7.09 Acres
GP Designation: CN
Existing Zone/Use: PD; Shopping Center
Adjacent Zone/Use: North – R1; Residential
South – R1, BPO; Residential, Office
West – BPO; Office
East – R10,BPO; Residential, Office

ENVIRONMENTAL ASSESSMENT

The Environmental Coordinator has determined this project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section §15303 (New Construction) Class 3; installation of small, new equipment and facilities in small structures.



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: Chapter VI of the Novato General Plan (Economic Development & Fiscal Vitality) establishes the following Program for the implementation of wireless telecommunications.

EC Program 13.1: Work with telecommunications companies and the PUC to encourage state-of-the-art telecommunications capabilities, including fiber optic, satellite, wireless, cable lines and other new emerging technologies capable of transferring data digitally.

The applicant is a telecommunication company and proposes the installation of wireless technology, which is consistent with and would implement the above Program.

Discussion: The Community Identity Chapter of the Novato General Plan establishes the following policy that is applicable to wireless facilities:

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 proposed monopole antenna will be concealed within a light pole in the parking lot of the San Marin Plaza Shopping Center. The color will be consistent with the other light poles in the lot, and blend in with the existing structures on 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: Section 19.38.030 of the Zoning Ordinance specifies that wireless communication facilities shall not be constructed, installed, or maintained without first obtaining a Use Permit in compliance with Section 19.42.050 (Use Permits).

Zoning Ordinance 19.38.030.A.3: The Zoning Administrator shall have the authority to approve a co-located facility that is not within 200 feet of a scenic resource as designated by the General Plan.

The project site is located within a PD Zoning District currently occupied by a shopping center. The building and parking lot currently supports wireless antennas for three other service providers operating under previously approved Use Permits. Pursuant to Zoning Ordinance Division 19.38 (Wireless Communication Facilities), the current proposal would utilize the site as a co-location facility and is allowed with Use Permit approval.

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.

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.

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: Zoning Ordinance Division 19.38 establishes development standards to help mitigate any undesirable health or visual effects caused by wireless telecommunications facilities, including location compatibility and site design, roadway access, vegetation and lighting standards, co-location requirements, and levels of radio frequency radiation (RFR). These standards have been used by staff as a guide in preparing this analysis and in determining consistency with Use Permit findings 3-5. The project proposal is found by staff to comply with the established development standards and is consistent with findings 3-5 as follows:

Radio Frequency Radiation (RFR) *City standards and criteria for wireless communication facilities specify that such facilities operating alone and in conjunction with other telecommunications facilities shall not produce RFR in excess of the standards for permissible human exposure to RFR as adopted by the Federal Communications Commission (FCC).*

A statement prepared by Hammet and Edison, the applicant's consulting engineers, has been included with the application submittal materials. The document confirms that the maximum combined RFR level to be produced by the proposed monopole antenna and the three existing antennas is well below Federal Communication Commission (FCC) standards at 3.5% of the applicable public exposure limit of 3 kHz – 300 GHz.

Site Design & Location Compatibility *City standards and criteria for wireless communication facilities specify that such facilities shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible.*

The proposed antenna would be concealed within a new light pole to replace an existing light pole in the parking lot of the shopping center at 199 San Marin Dr. The new light pole will be 8 feet taller than the existing one and colored to match the two existing light pole antennas that currently occupy the space.

Co-location *City standards and criteria for wireless communication facilities specify that the design of co-location sites should promote shared use among different carriers. To the extent feasible, antenna support and equipment structures should be designed to consolidate future planned facilities to eliminate or minimize the visual clutter resulting from multiple telecommunications structures.*

The facility will be located near to three existing wireless facilities, making it the fourth antenna occupying this site.

*Vegetation,
Lighting, &
Access*

City standards and criteria for wireless communication facilities specify that such facilities should be unlit, served by the minimum roads and parking areas, and shall require additional landscaping to provide visual screening of the proposed monopole. Existing parking would not change.

The proposed facility will be unmanned and does not require additional landscaping, lighting, roads, or parking areas to serve its operation. Service workers doing routine maintenance will access the equipment using the existing parking lot.

RECOMMENDATION

The proposed co-located monopole antenna complies with City standards and regulations, specified in Division 19.38 of the Novato Municipal Code, including: location compatibility and site design, co-location requirements, 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. In accordance with Section 19.42.050E and Division 19.38 of the Novato Municipal Code, and as stated in the above staff analysis section, the Zoning Administrator hereby makes the required Use Permit findings.
2. Approve the application subject to the conditions listed below.

CONDITIONS OF APPROVAL

1. The Use Permit shall be valid for one year from the date of approval. The Use Permit may be extended at the request of the applicant for additional one year increments at the discretion of the Community Development Director, in compliance with the procedures set forth in Section 19.38.180 of the Zoning Code. The applicant shall be responsible for the costs, on an hourly basis, for the City to process an extension.
2. 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.
3. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.

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 - a. Maintenance agreements/facility maintenance requirements
 - b. Shared or common use agreements
 - c. Indemnification
9. This Use Permit is subject to the revocation procedures contained in Section 19.42.050.G of the Novato Municipal Code in the event that 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.

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, recordation of final maps or other entitlements.

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 - b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (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. In the event that a claim, action or proceeding described in Article (a) above, is brought, the City shall promptly notify the applicant of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, the City shall retain the right to (I) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that if said Counsel is the City Attorney, his fees and costs shall be paid by the applicant.
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FURTHER ACTION

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

metro PCS inc.

SF18620A
SAN MARIN PLAZA
101-199 SAN MARIN DRIVE
NOVATO, CA 94945
COUNTY OF MARIN

Michael Wlk. Architecture
 833 Market Street, Suite 803
 San Francisco, CA 94103
 tel: 415.839.8594
 fax: 415.904.8588

metroPCS Inc.
 1080 MARINA VILLAGE PKWY
 4TH FLOOR
 ALAMEDA, CA 94601

SF18620A
SAN MARIN PLAZA
 101-199 SAN MARIN DRIVE
 NOVATO, CA 94945

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|-------------|-------------|------------------|
| PROJECT NO. | SF18620A | |
| DRAWN BY | SH | |
| CHECKED BY | MICHAEL WLK | |
| NO. | DATE | ISSUE |
| 1 | 108/22/07 | 90% ZONING |
| 2 | 109/05/07 | 90% ZONING REV. |
| 3 | 109/05/07 | 100% ZONING |
| 4 | 109/10/07 | 100% ZONING REV. |
| 5 | 111/02/07 | 100% ZONING REV. |

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

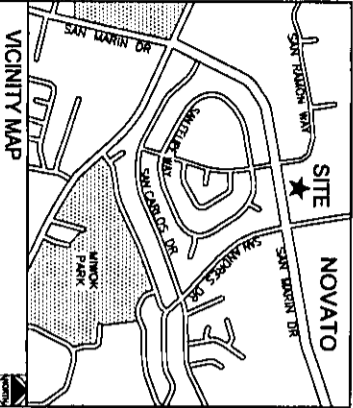
THE PROJECT INVOLVES THE INSTALLATION OF:
 - (1) TR-SECTOR ANTENNA CLIMBER MOUNTED AT NEW 38' HT. LIGHT STANDARD TO REPLACE EXISTING 30' HT. LIGHT STANDARD MOUNTED WITH BATTERY PULPHY MOUNTED ON NEW CONCRETE SLAB ON GRADE
 - ANTENNA COAXIAL TRANSMISSION LINES FROM BTS TO ANTENNAS
 - POWER AND TELEPHONE SERVICE TO BE PROVIDED FROM EXISTING BUILDING SOURCES.

PROJECT DESCRIPTION

APPLICANT/LESSEE
 METRO PCS INC.
 1080 MARINA VILLAGE PARKWAY, 4TH FLOOR
 ALAMEDA, CA 94501
 CONTACT: KENNETH RUTHERFORD
 PHONE: (510) 747-4664

LEASING MANAGER
 RYAN CROMLEY
 (415) 341-5301

ZONING MANAGER
 MOJIB CROMLEY
 (415) 336-5134



- DIRECTIONS FROM METRO PCS OFFICE AT 1080 MARINA VILLAGE PKWY, ALAMEDA, CA:
1. START AT 1080 MARINA VILLAGE PKWY, ALAMEDA GOING TOWARD INDEPENDENCE DR - GO 0.3 MI
 2. TURN RIGHT ON WARDER SQUARE DR - GO 0.2 MI
 3. CONTINUE ON WEBSTER ST (CA-280 N) - GO 0.2 MI
 4. CONTINUE TO FOLLOW CA-280 N - GO 0.7 MI
 5. CONTINUE ON WARDER ST - GO 0.1 MI
 6. CONTINUE ON WARDER ST - GO 0.1 MI
 7. BEAR RIGHT ON JACKSON ST - GO < 0.1 MI
 8. TAKE RAAMP ONTO I-880 N TOWARD SAN FRANCISCO (I-880 E/WALNUT CREEK (CA-24) - GO 0.5 MI
 9. BEAR RIGHT ON I-880 E - GO 1.5 MI
 10. TAKE THE SAN FRANCISCO/HAYWARD EXIT ONTO I-580N TOWARD SAN FRANCISCO (PORTLAND TOLL)
 11. TAKE THE SAN FRANCISCO/HAYWARD EXIT ONTO I-580N TOWARD SAN FRANCISCO (PORTLAND TOLL)
 12. TAKE THE ALBERTSON AVE/SAN MARIN DR EXT - GO 0.3 MI
 13. TURN LEFT ON ALBERTSON AVE - GO < 0.1 MI
 14. CONTINUE ON SAN MARIN DR - GO 2.3 MI
 15. ARRIVE AT 101 SAN MARIN DR, NOVATO

DRIVING DIRECTIONS

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT TO PREVENT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

1. 2001 CALIFORNIA BUILDING CODE
2. UNIFORM BUILDING CODE
3. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
4. UNIFORM MECHANICAL CODE
5. ASH/DAS-222-F
6. ASH/DAS-222-F
7. UNIFORM PLUMBING CODE
8. NATIONAL ELECTRIC CODE
9. CALIFORNIA ADMINISTRATIVE CODE
10. CITY/COUNTY ORDINANCES
11. 1998 NPA 72/LIFE SHEET CODE
12. CALIFORNIA FIRE CODE
13. TITLE 24, ENERGY CODE

CODE COMPLIANCE

ARCHITECT
 MICHAEL WALKER ARCHITECTURE
 833 MARKET STREET, SUITE 803
 SAN FRANCISCO, CA 94103
 CONTACT: JAMES VACCARO
 CONTRACT NUMBER: (415) 350-8346
 FAX NUMBER: (415) 904-8388

SUPERVISOR
 JAMES LAND SURVEYING AND MAPPING
 1227 36th 11th 42nd W (NAD 83)
 TORRANCE, CA 94501
 CONTACT: RICK HAVES
 CONTRACT NUMBER: (925) 798-3591

PROJECT TEAM

CONSTRUCTION MANAGER
 BOB WALTER
 METRO PCS INC.
 1080 MARINA VILLAGE PARKWAY, 4TH FLOOR
 ALAMEDA, CA 94501
 (415) 341-5301

PROPERTY INFORMATION
 LANDLORD: SAN MARIN PARTNERS LLC
 ADDRESS: 3838 W. CARSON ST. #210
 TORRANCE, CA 90503
 CONTACT: RUSS WALTER
 (707) 684-1400

AREA OF CONSTRUCTION: 60 ± SQ. FT.
OCCUPANCY TYPE: 5-2
CONSTRUCTION TYPE: TYPE V-N
CURRENT ZONING: NC-NEIGHBORHOOD COMMERCIAL
LAND: 38' 7" 21.57' N (NAD 83)
LONG: 122' 36" 11.42' W (NAD 83)
A.P.N.: 124-202-28
HANDICAP: 124-202-28
REQUIREMENTS: METRO PCS FACILITY IS UN-MANAGED AND NOT FOR PUBLIC HABITATION. DISABLED ACCESS NOT REQUIRED.

PROJECT SUMMARY

| SHEET | DESCRIPTION | REV |
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| C1 | TOPOGRAPHIC SURVEY EXISTING CONDITIONS | 5 |
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| A3 | ELEVATIONS | 5 |

SHEET INDEX

| TITLE | SIGNATURE | DATE |
|--------------|-----------|------|
| LEASING | | |
| ZONING | | |
| CONSTRUCTION | | |
| LANDLORD | | |
| PER ENGINEER | | |

SIGNATURE BLOCK

DO NOT SCALE DRAWINGS
 THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"x36". CONTRACTORS SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE PROCEEDING ARCHITECT OF ANY DISCREPANCIES. CONTRACTORS SHALL BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICES TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

GENERAL CONTRACTOR NOTES

107114

SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH THE MAIN SUBMITTAL. DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THE BUILDING OFFICIAL HAS BEEN ADVISED OF THE DEFERRED SUBMITTAL ITEMS. THE DEFERRED AND SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.

- SOIL COMPLIANCE PRIOR TO FOUNDATION INSPECTION
- CONCRETE OVER 2500 PSI AT 28 DAYS
- CONCRETE PLACEMENT AT SLAB ON GRADE
- WRITTEN CERTIFICATION FOR PROPER PLACEMENT OF REINFORCEMENTS AT SLAB ON GRADE
- FOUNDATION EXCAVATION AND FILL INCLUDING UTILITY TRENCHES
- CERTIFICATION OF BUILDING PAD, FOUNDATION AND FILL BY THE GEOTECHNICAL ENGINEER OF THE RECORD
- VERIFICATIONS OF MILL REPORT
- IDENTIFICATION OF STEEL AND AT JOB SITE
- ANCHOR BOLTS IN CONCRETE OR MASONRY
- ANCHOR BOLTS INSTALLATION AND PLACEMENT IN CONCRETE
- HIGH STRENGTH BOLTING
- EXPANSION ANCHOR INSTALLATION
- SPREADER -ON- FIREPROOFING
- STRUCTURAL MASONRY
- PRESTRESSED CONCRETE
- ALL FIELD WELDING
- REINFORCING PLACEMENT
- DESKTOP SPECIFIED (SEE SHEET ___)
- OTHER _____

SPECIAL INSPECTION REQUIREMENTS

1. THE CONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
2. ALL EXISTING ACTIVE, SINKER, WATER, GAS, ELECTRIC AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY CONTRACTOR. EXTREME CARE SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR DRILLING PITS AROUND OR NEAR UTILITIES. CONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE, BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.
3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.
4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
5. ALL EXISTING INACTIVE SINKER, WATER, GAS, ELECTRIC AND OTHER UTILITIES WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL UTILITIES.
6. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION.
7. THE CONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATION FOR SITE SIGNAGE.
8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BHS EQUIPMENT AND TOWER AREAS.
9. ALL FILL OR EMBAIKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBAIKMENT.
10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION AS SPECIFIED IN THE PROJECT SPECIFICATIONS.
12. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES REQUIRED FOR CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE LOCAL ORDINANCES FOR EROSION AND SEDIMENT CONTROL.

SITE WORK GENERAL NOTES

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.
3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPACES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.
4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:
 - CONCRETE CAST AGAINST EARTH, ... 3 IN.
 - CONCRETE EXPOSED TO WIND OR WEATHER:
 - 1.5 IN.
 - 2 IN.
 - 3 IN.
 - 4 IN.
 - CONCRETE NOT EXPOSED TO WIND OR WEATHER OR NOT CAST AGAINST THE GROUND:
 - 1 1/2 IN.
 - 2 IN.
 - 3 IN.
 - 4 IN.

ANTENNA CONFIGURATION CHART

MANUFACTURER: WARIANTON
MODEL NO.: M12V1CSFT
TYPE: STATIONARY SEALED LEAD-ACID BATTERY

| TYPE | PER UNIT | | # OF BATTERIES | TOTAL | |
|-------------------|-----------------|--------------|----------------|-----------------|--------------|
| | VOLUME (GALLON) | WEIGHT (LBS) | | VOLUME (GALLON) | WEIGHT (LBS) |
| TOTAL ELECTROLYTE | 5.3 | 1.4 | 10 | 53 | 14 |
| SULFURIC ACID | 1.6 | 0.43 | 10 | 16 | 4.3 |
| BATTERY WEIGHT | N/A | N/A | 79 | N/A | N/A |
| | | | 10 | | |
| | | | | 350 | 790 |

SEE SHEET T-3 FOR ANTENNA SPECIFICATIONS

BATTERY CHART

- GROUT OR PLASTER
- CONCRETE
- EARTH
- PLYWOOD
- GRAVEL
- WOOD CONTINUOUS
- WOOD BLOCKING
- STEEL
- SPOT ELEVATION
- REVISION
- GRID REFERENCE
- DETAIL REFERENCE
- ELEVATION REFERENCE
- SECTION REFERENCE

SYMBOLS

1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A16 UNLESS OTHERWISE NOTED.
2. ALL WELDING SHALL BE PERFORMED USING EPOX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC MANUAL OF STEEL CONSTRUCTION, PART 1, PLATED SURFACES SHALL BE TOUCHED UP.
3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE UNLESS NOTED OTHERWISE.
4. NON-STRUCTURAL CONNECTIONS FOR STEEL GATING MAY USE 5/8" DIA. ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.
5. INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO SPECIAL INSPECTION REQUIRED BY GOVERNING CODES. SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

CONCRETE AND REINFORCING STEEL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
 - CONTRACTOR - GENERAL CONTRACTOR
 - SUBCONTRACTOR - SUBCONTRACTOR
 - OWNER - ORIGINAL EQUIPMENT MANUFACTURER
 - DES - ORIGINAL EQUIPMENT MANUFACTURER
2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING CONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF ARCHITECT/ENGINEER.
3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND AUTHORIZE REGARDING THE PERFORMANCE OF THE WORK.
4. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY REGULATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE CODE AND REGULATIONS.
5. DRAWINGS PROVIDED HERE ARE NOT TO BE SCALED AND ARE INTENDED TO SHOW OUTLINE ONLY. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
6. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
7. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE ARCHITECT/ENGINEER.
8. CONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND TV CABLES, GROUNDING AND SHIELDING. CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL CONDUITS AND SHALL UTILIZE EXISTING TRAYS AND/OR SHALL ADD NEW TRAYS AS NECESSARY. CONTRACTOR SHALL CONTROL THE ACTUAL ROUTING WITH THE CONSTRUCTION MANAGER.
9. THE CONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, FURNITURE, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.
10. CONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COUPLER CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
11. CONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.
12. CONTRACTOR SHALL REPAIR WORK SHALL BE DONE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 301.
13. ANY NEW CONCRETE NEEDED FOR THE CONSTRUCTION SHALL HAVE 2500 PSI STRENGTH AT 28 DAYS. ALL CONCRETING WORK SHALL BE DONE IN ACCORDANCE WITH ACI 318 CODE REQUIREMENTS.
14. ALL STRUCTURAL STEEL WORK SHALL BE DONE IN ACCORDANCE WITH AISC SPECIFICATIONS.
15. CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS MUST BE VERIFIED. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
16. THE EXISTING CELL SITE IS IN FULL COMMERCIAL OPERATION. ANY CONSTRUCTION WORK BY CONTRACTOR MUST NOT DISRUPT THE EXISTING NORMAL OPERATION. ANY WORK ON EXISTING EQUIPMENT MUST BE COORDINATED WITH CONTRACTOR. ALSO WORK SHOULD BE SCHEDULED FOR AN APPROPRIATE MAINTENANCE WINDOW USUALLY IN LOW TRAFFIC PERIODS AFTER WORKHOURS.
17. SINCE THE CELL SITE IS ACTIVE, ALL SAFETY PRECAUTIONS MUST BE TAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC RADIATION. EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PERFORMING ANY WORK THAT COULD EXPOSE THE WORKER/EMPLOYEES TO DANGER. PERSONAL RF EXPOSURE MONITORS ARE ADVISED TO BE WORN TO ALERT OF ANY DANGEROUS EXPOSURE LEVELS.
18. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-B TO BE WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE WORK AREA DURING CONSTRUCTION.
19. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICES TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO CONTRADICT TO THESE CODES.
 - 2001 BUILDING STANDARDS ADMINISTRATIVE CODE, PART 1, TITLE 24 C.C.R.
 - 2001 CALIFORNIA BUILDING CODE(CBC), PART 2, TITLE 24, C.C.R.
 - 2001 CALIFORNIA BUILDING CODE VOLUMES 1-3 AND -2001 CALIFORNIA AMENDMENTS
 - 2001 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.
 - 2005 NATIONAL ELECTRICAL CODE AND 2001 CALIFORNIA AMENDMENTS
 - 2001 CALIFORNIA MECHANICAL CODE (CMC), PART 4, TITLE 24, C.C.R.
 - 2001 CALIFORNIA MECHANICAL CODE AND 2001 CALIFORNIA AMENDMENTS
 - 2001 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24, C.C.R.
 - 2003 UNIFORM PLUMBING CODE AND 2001 CALIFORNIA AMENDMENTS
 - 2001 CALIFORNIA FIRE CODE, PART 8, TITLE 24, C.C.R.
 - 2000 UNIFORM FIRE CODE AND 2001 CALIFORNIA AMENDMENTS
 - 2001 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24 C.C.R.
 - TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS

Michael Wilk Architecture
833 Market Street, Suite 803
San Francisco, CA 94108
Tel: 415.838.9584
Fax: 415.904.8398

SF18620A
SAN MARIN PLAZA
101-199 SAN MARIN DRIVE
NOVATO, CA 94945

metroPCS inc.
1060 MARINA VILLAGE PKWY
4th FLOOR
ALAMEDA CA 94501

PROJECT NO. SF18620A

DRAWN BY: SH

CHECKED BY: MICHAEL WILK

DATE: 1/09/22/07 90% ZONING

1/09/05/07 90% ZONING REV.

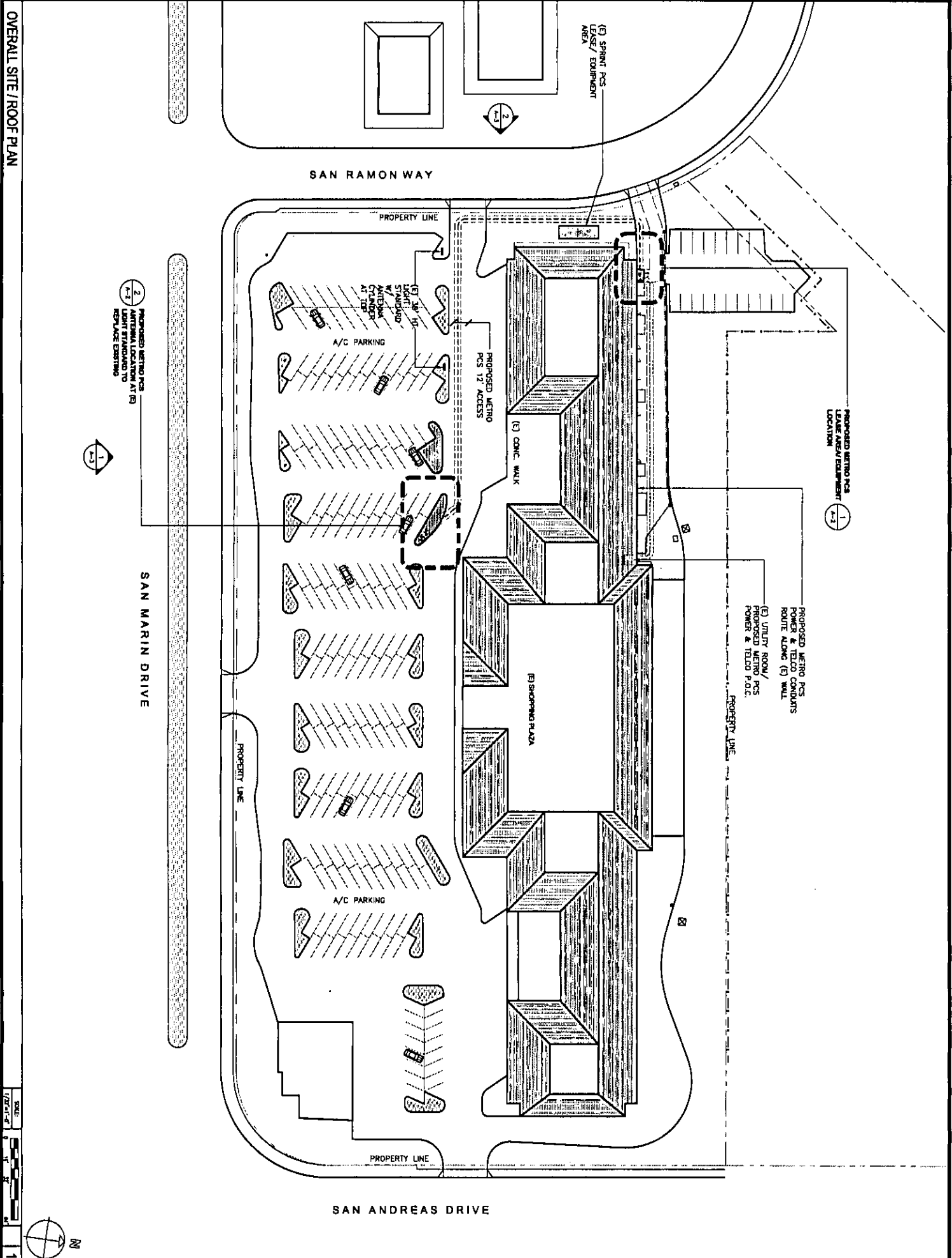
2/09/08/07 100% ZONING REV.

4/09/10/07 100% ZONING REV.

5/11/07/07 100% ZONING REV.

SHEET TITLE: GENERAL NOTES

SHEET NUMBER: T-2



OVERALL SITE / ROOF PLAN

A-1

OVERALL SITE / ROOF PLAN

| NO. | DATE | REVISION |
|-----|----------|------------------|
| 1 | 08/22/07 | 90% ZONING |
| 2 | 09/05/07 | 90% ZONING REV. |
| 3 | 09/06/07 | 100% ZONING |
| 4 | 09/20/07 | 100% ZONING REV. |
| 5 | 11/02/07 | 100% ZONING REV. |

PROJECT NO. SF18620A
 DRAWN BY: SH
 CHECKED BY: MICHAEL WALK

SHEET NO. 1

SF18620A
SAN MARIN PLAZA
 101-199 SAN MARIN DRIVE
 NOVATO, CA 94945

metro PCS inc.
 1080 MARINA VILLAGE PKWY
 4th FLOOR
 ALAMEDA, CA 94601

Michael Wolk Architecture
 833 Market Street, Suite 803
 San Francisco, CA 94103
 Tel: 415.839.8594
 Fax: 415.904.8389

Michael Wilk Architecture
 833 Market Street, Suite 803
 San Francisco, CA 94103
 Tel: 415.839.9594
 Fax: 415.904.8388

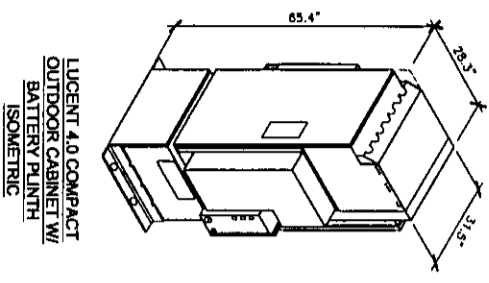
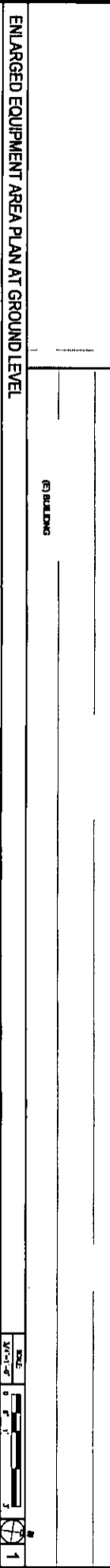
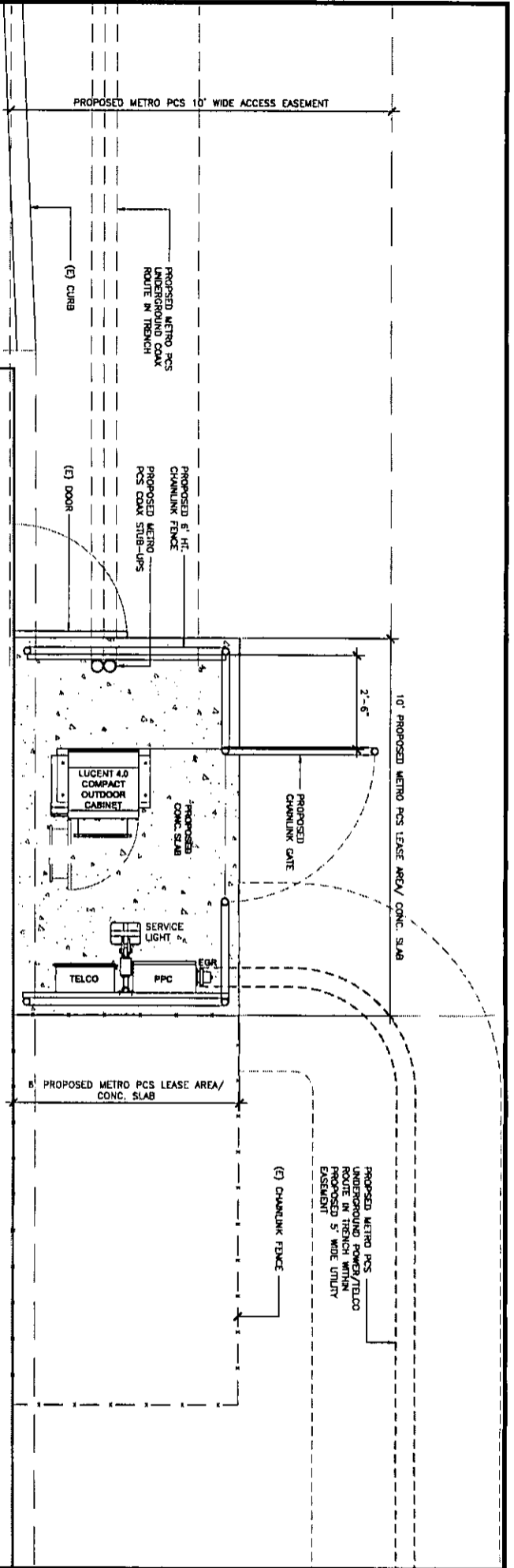
metroPCS Inc.

1000 MARINA VILLAGE PKWY
 4th FLOOR
 ALAMEDA, CA 94601

SF18620A
 SAN MARIN PLAZA
 101-199 SAN MARIN DRIVE
 NOVATO, CA 94945

| | |
|-------------|-------------|
| PROJECT NO. | ST18620A |
| DESIGNED BY | MIHAEL WILK |
| DRAWN BY | SH |
| CHECKED BY | MIHAEL WILK |
| DATE | 08/22/07 |
| NO. | 1 |
| DATE | 09/05/07 |
| NO. | 2 |
| DATE | 09/08/07 |
| NO. | 3 |
| DATE | 10/07/07 |
| NO. | 4 |
| DATE | 11/07/07 |
| NO. | 5 |

| | |
|--------------|--|
| SHEET NO. | 3 |
| SHEET TITLE | ENLARGED PROJECT AREA PLAN / ANTENNA LAYOUTS |
| SHEET NUMBER | A-2 |



CABINET DETAIL

SCALE: 1/8" = 1'-0"

3 ENLARGED ANTENNA AREA PLAN AT LIGHT STANDARD

SCALE: 1/8" = 1'-0"

2

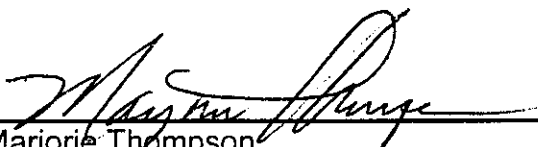
Daniel Toillion
Planner/Consultant

Project No.: 10711U

PROOF of SERVICE BY MAIL

I am a citizen of the United States and a resident of the County of Marin. I am over the age of eighteen years and not a party to the within matter; my business address is City of Novato, City Hall, 75 Rowland Way, Suite 200, Novato, California. On November 15, 2007 I mailed the attached Notice to the owners of property as shown on the latest equalized Marin County Assessor's roll for each parcel number appearing on Exhibit "A" attached which list was compiled and prepared in accordance with the Zoning Ordinance requirements for such noticing.

I certify that the foregoing is true and correct.



Marjorie Thompson

11-15-07

**CITY OF NOVATO
NOTICE OF PUBLIC HEARING
USE PERMIT
SAN MARIN PLAZA / METRO PCS
199 SAN MARIN DRIVE**

Notice is hereby given that the Zoning Administrator will hold a public hearing on November 29, 2007, at 2:00 PM in the Community Development Department Conference Room, 75 Rowland Way, Novato, California, to consider a Use Permit to allow installation of a tri-sector PCS antenna within the top of a 38-foot light pole to replace an existing pole in the parking lot of the shopping center at 199 San Marin Drive. The antenna would be mounted at about 35.5 ft above ground and provide service in all directions. The site currently has two existing light pole mounted antennas as well as a roof-mounted antenna used by Sprint PCS, T-Mobile, and Verizon respectively; APN 124-202-28.

The Environmental Coordinator has determined that this project is exempt from the California Environmental Quality Act, pursuant to Section §15303 (New Construction or Conversion of Small Structures).

Comments received on or before the hearing date will be considered by the Zoning Administrator.

The Zoning Administrator's action on this application may be appealed in writing within ten calendar days following the action, accompanied by the required filing fee.

If anyone wishes to challenge this project in court, they may be limited to raising only those issues they or anyone else raised at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at, or prior to, the hearing date.

Information on the above proposal is available at the City of Novato Community Development Department, 75 Rowland Way, Novato, CA 94945. All inquiries should be directed to Daniel Toillion, Planner I, at (415) 899-8981, weekdays from 9 a.m. to 5 p.m. at the Community Development Department. It is recommended that an appointment be made with the staff member, prior to visiting the City offices. Please note that City offices are closed every other Friday, including November 16, 2007.

Community Development Director
pn07139

File Reference: 10711U

**CITY OF NOVATO
NOTICE OF PUBLIC HEARING
USE PERMIT
SAN MARIN PLAZA / METRO PCS
199 SAN MARIN DRIVE**

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Community Development Director
pn07139

File Reference: 10711U

Application for Zoning/Planning/Subdivision Action



Type of Application – Please Check

- | | | |
|---|--|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Tentative Map (5 or more lots) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Prezoning | <input type="checkbox"/> Land Division Tentative Map (4 or fewer lots) | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Lot Line Adjustment (no new lots) | <input type="checkbox"/> Sign Review |
| <input type="checkbox"/> Master Plan | <input type="checkbox"/> Design Review | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Precise Development Plan | <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Other _____ |

Applicant Required Information

- Assessor's Parcel No(s): 124-202-28 Existing Zoning: Commercial
- Property Address: 199 SAN MARIN DRIVE
- Property Owner a) Name: SAN MARIN PARTNERS, LLC (RUSS MAYER) Phone: 707-664-1400
b) Address: 3838 W. CARSON ST # 210 TORRANCE, CA 90503
- Applicant (If Different than Owner)
a) Name: Nicde Crowley Phone: 415.336.5134
b) Address: 3145 CONARY Blvd #509 SF, CA 94118
- Name of Project (If Applicable): SAN MARIN PLAZA - Metro PCS
- Property Size: 7 ACRES
- Type of Use Proposed (Office, Residential, Etc.): Wireless telecom site
- Square Footage of Each Use or Number of Units if Residential: 48 ☐
- Purpose of Application (Brief Statement of What You Want to Accomplish):
To replace existing light standard in parking lot (Duplicate existing Sprint PCS + T-Mobile site) - Statement Attached

(Attach Separate Sheets If Needed)

10. Signature _____
 Owner Applicant (Note: If applicant signs, an authorization signed by the owner must be attached.)

Important: Please complete Agreement for Payment of Full Cost Recovery Fees for Application Processing.

Note: Information sheets describing the review process and the additional information required for a specific type of application are available at the Novato Department of Community Development, 75 Rowland Way, #200, (415) 899-8989, www.ci.novato.ca.us.

Do Not Write Below This Line

DEPARTMENTAL PROCESS INFORMATION

Application No.: X 107114 Fee Deposit: \$1,901.00
Date Received: 9.11.07 By: [Signature]
Date Accepted: " By: _____
Application Acted on By: ZA Date: 11-29-07
Action: APPROVED
Conditions of Approval or Comments: _____

clearw're®

APPLE MARKET CA-SFO0507A

155 SAN MARIN DR NOVATO CA 94945

VICINITY MAP - NTS



DRIVING DIRECTIONS

FROM: CLEARWIRE REGIONAL OFFICE
2999 OAK ROAD, SUITE 110
WALNUT CREEK, CA 94597

TO: 155 SAN MARIN DR
NOVATO, CA 94945-1209

DISTANCE: 46.89 MILES

- 1: START OUT GOING SOUTH ON OAK RD TOWARD BART ENTRANCE. 0.1 MI
- 2: TURN SLIGHT RIGHT ONTO TREAT BLVD. 0.1 MI MAP
- 3: TURN RIGHT ONTO BUSKIRK AVE. 0.2 MI MAP
- 4: MERGE ONTO I-680 N (PORTIONS TOLL). 9.8 MI MAP
- 5: MERGE ONTO I-780 W VIA THE EXIT ON THE LEFT TOWARD BENICIA/VALLEJO. 6.6 MI MAP
- 6: TAKE THE I-80 E EXIT TOWARD SACRAMENTO. 0.3 MI MAP
- 7: MERGE ONTO I-80 E VIA THE EXIT ON THE LEFT TOWARD SACRAMENTO. 2.8 MI
- 8: MERGE ONTO CA-37 W VIA EXIT 33 TOWARD NAPA. 21.5 MI MAP
- 9: MERGE ONTO US-101 N TOWARD SANTA ROSA/EUREKA. 2.8 MI MAP
- 10: TAKE THE ATHERTON AVE EXIT TOWARD SAN MARIN DR. 0.3 MI MAP
- 11: TURN LEFT ONTO ATHERTON AVE. 0.1 MI MAP
- 12: ATHERTON AVE BECOMES SAN MARIN DR. 2.3 MI MAP
- 13: 155 SAN MARIN DR IS ON THE RIGHT. 0.0 MI

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
2. 2007 CALIFORNIA BUILDING CODE
3. CITY/COUNTY ORDINANCES
4. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
5. MECHANICAL 2007 CALIFORNIA CODE
6. ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
7. 2007 CALIFORNIA PLUMBING CODE
8. 2007 CALIFORNIA ELECTRICAL CODE
9. LOCAL BUILDING CODE

BUILDING/ SITE DATA LEGEND

LATITUDE: 38° 07' 21.53" N (NAD83)
LONGITUDE: 122° 36' 11.62" W (NAD83)
ELEVATION: 123' AMSL (NGVD 29)
A.P.N.: 11244-2032-283
ZONING: PD
OCCUPANCY: TELECOMMUNICATIONS
TYPE OF CONSTRUCTION: VN
AREA OF CONST.: 49 SQ. FT.
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.
TITLE 24 REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THIS PROJECT IS EXEMPT.

PROJECT DESCRIPTION

CO-LOCATION OF A WIRELESS COMMUNICATIONS FACILITY, INCLUDING THE INSTALLATION OF (1) NEW EQUIPMENT CABINET, (1) MICROWAVE DISH ANTENNA, (1) GPS ANTENNA, (3) PANEL ANTENNAS AND (3) REMOTE RADIO UNITS (RRU'S).

SIGNATURE BLOCK

| | |
|----------------------|------|
| ZONING MANAGER | DATE |
| SITE ACQ. MANAGER | DATE |
| RF MANAGER | DATE |
| CONSTRUCTION MANAGER | DATE |
| MICROWAVE MANAGER | DATE |

PROJECT SUMMARY

PROPERTY OWNER: SAN MARIN PARTNERS
11835 OLYMPIC BLVD.
NOVATO, CA 94945

ARCHITECT: SDG ARCHITECTURE + ENGINEERING
3361 WALNUT BLVD, SUITE 120
BRENTWOOD, CA 94513
CONTACT: RALPH STRAUSS
PHONE: (925) 634-7000

APPLICANT: CLEAR WIRELESS
2999 OAK ROAD, SUITE 110
WALNUT CREEK, CA 94597
CONTACT: PATRICK HINMAN
PHONE: (415) 306-2733

LEASING MANAGER: WESTOWER
2017 OPPORTUNITY DR. #4
ROSEVILLE, CA 95678
CONTACT: PATRICK HINMAN
PHONE: (415) 306-2733

ZONING MANAGER: WESTOWER
2017 OPPORTUNITY DR. #4
ROSEVILLE, CA 95678
CONTACT: PATRICK HINMAN
PHONE: (415) 306-2733

JURISDICTION: CITY OF NOVATO
75 ROWLAND WAY #200
NOVATO, CA 94945
CONTACT: PUBLIC WORKS
PHONE: (415) 899-8246

SHEET INDEX

| | |
|----|---|
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clearw're®

5805 LAKE WASHINGTON BLVD.
NE. SUITE 300
KIRKLAND, WA 98033

PROJECT INFORMATION:

APPLE MARKET
CA-SFO0507A
155 SAN MARIN DRIVE
NOVATO, CA, 94945

CURRENT ISSUE DATE:

11/02/09

ISSUED FOR:

ZONING

BY: DATE: DESCRIPTION: REV:

| BY: | DATE: | DESCRIPTION: | REV: |
|----------|----------|--------------|------|
| | 11/02/09 | 100% ZD | 1 |
| JP / RBN | 08/21/09 | 80% ZD | 0 |
| | DATE | DESCRIPTION | REV |

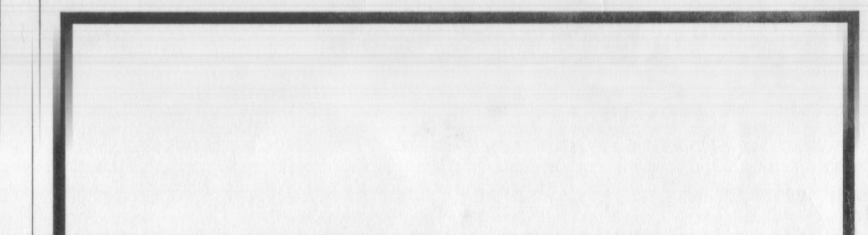
PLANS PREPARED BY:



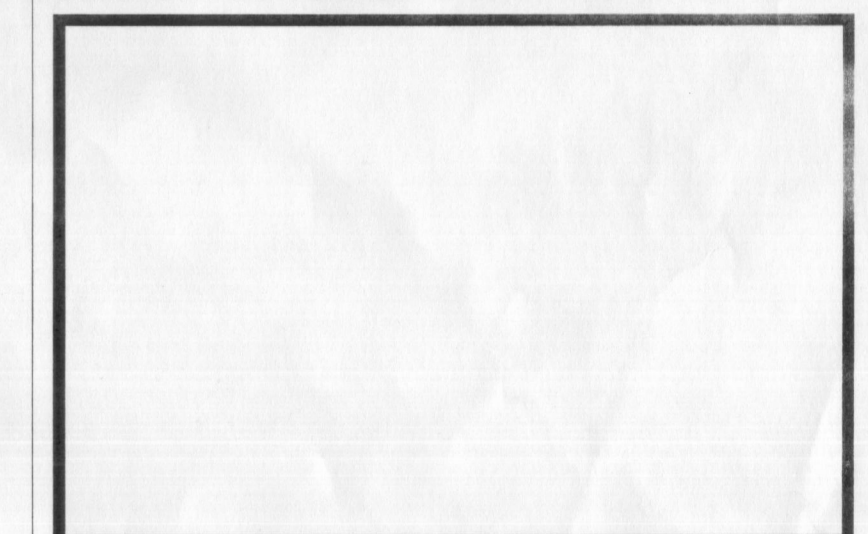
SDG Architecture + Engineering
Architects / Planners / Engineers
3361 Walnut Blvd. Ste. 120
Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:



SEAL OF APPROVAL:



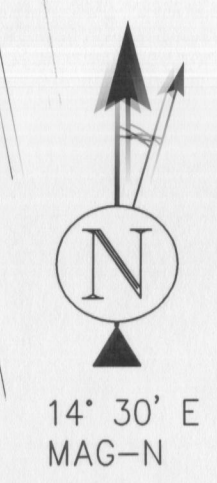
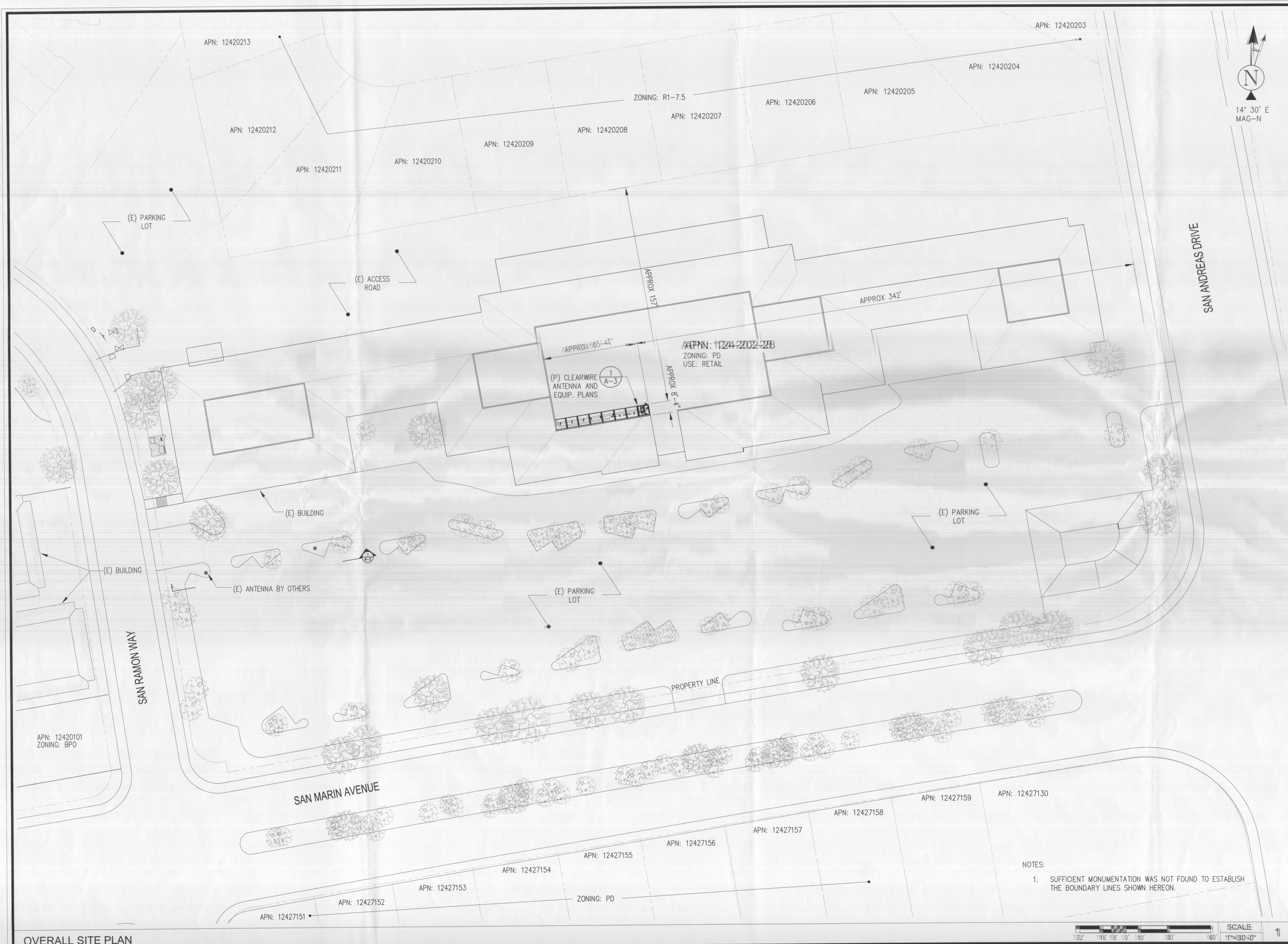
SHEET TITLE:

TITLE SHEET
AND
PROJECT INFORMATION

SHEET NUMBER: REVISION:

| | |
|-----|----------|
| T-1 | 1 |
| | 11/02/09 |

P2010-012 199 San Marin Dr.
(155)



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NE, SUITE 300
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PROJECT INFORMATION:

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155 SAN MARIN DRIVE
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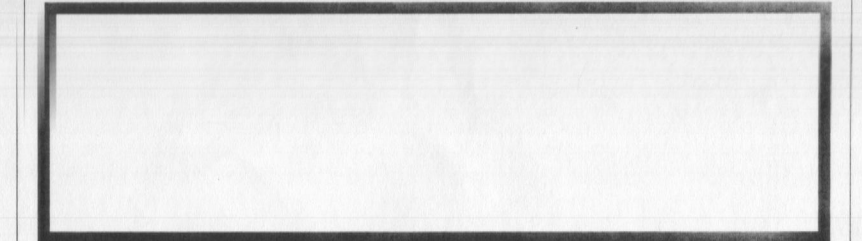
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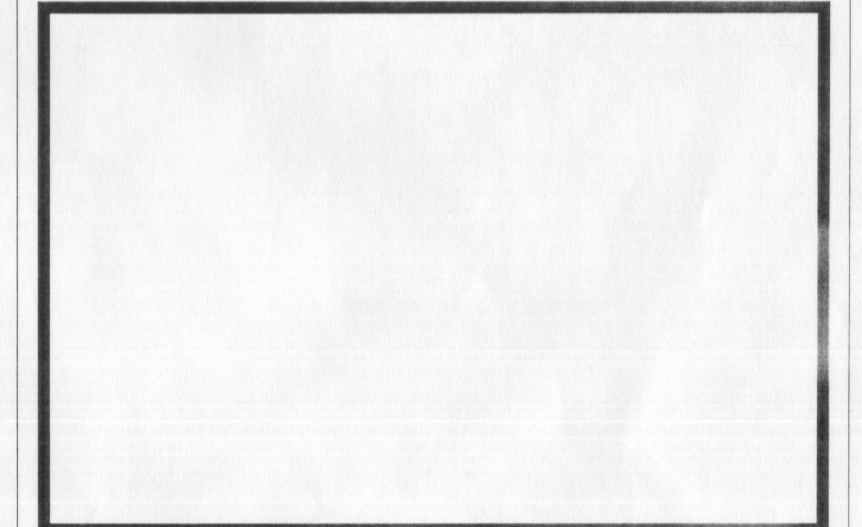
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3361 Walnut Blvd. Ste. 120
Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:



SEAL OF APPROVAL:



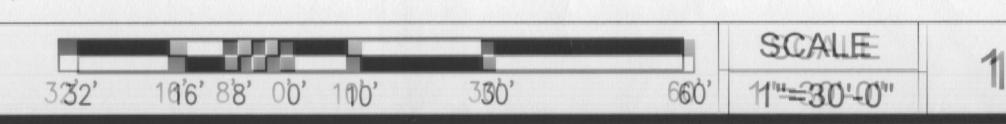
SHEET TITLE:

OVERALL SITE PLAN **2**

SHEET NUMBER: REVISION:

A-1 1
11/02/09

NOTES:
1. SUFFICIENT MONUMENTATION WAS NOT FOUND TO ESTABLISH THE BOUNDARY LINES SHOWN HEREON.



OVERALL SITE PLAN

X:\Market\Market\0507 - Apple Market\Novato\0507.dwg, 12/01/09 11:45:16 AM, 1/1/2010

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5805 LAKE WASHINGTON BLVD.
NE, SUITE 300
KIRKLAND, WA 98033

PROJECT INFORMATION:

APPLE
MARKET
CA-SFO0507A
155 SAN MARIN DRIVE
NOVATO, CA, 94945

CURRENT ISSUE DATE:

11/02/09

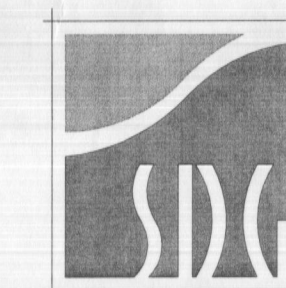
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BY: DATE: DESCRIPTION: REV:

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PLANS PREPARED BY:



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Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:

ENLARGED
SITE
PLAN

3

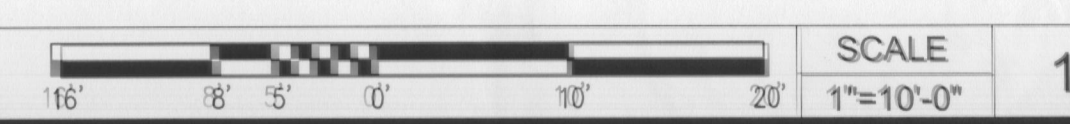
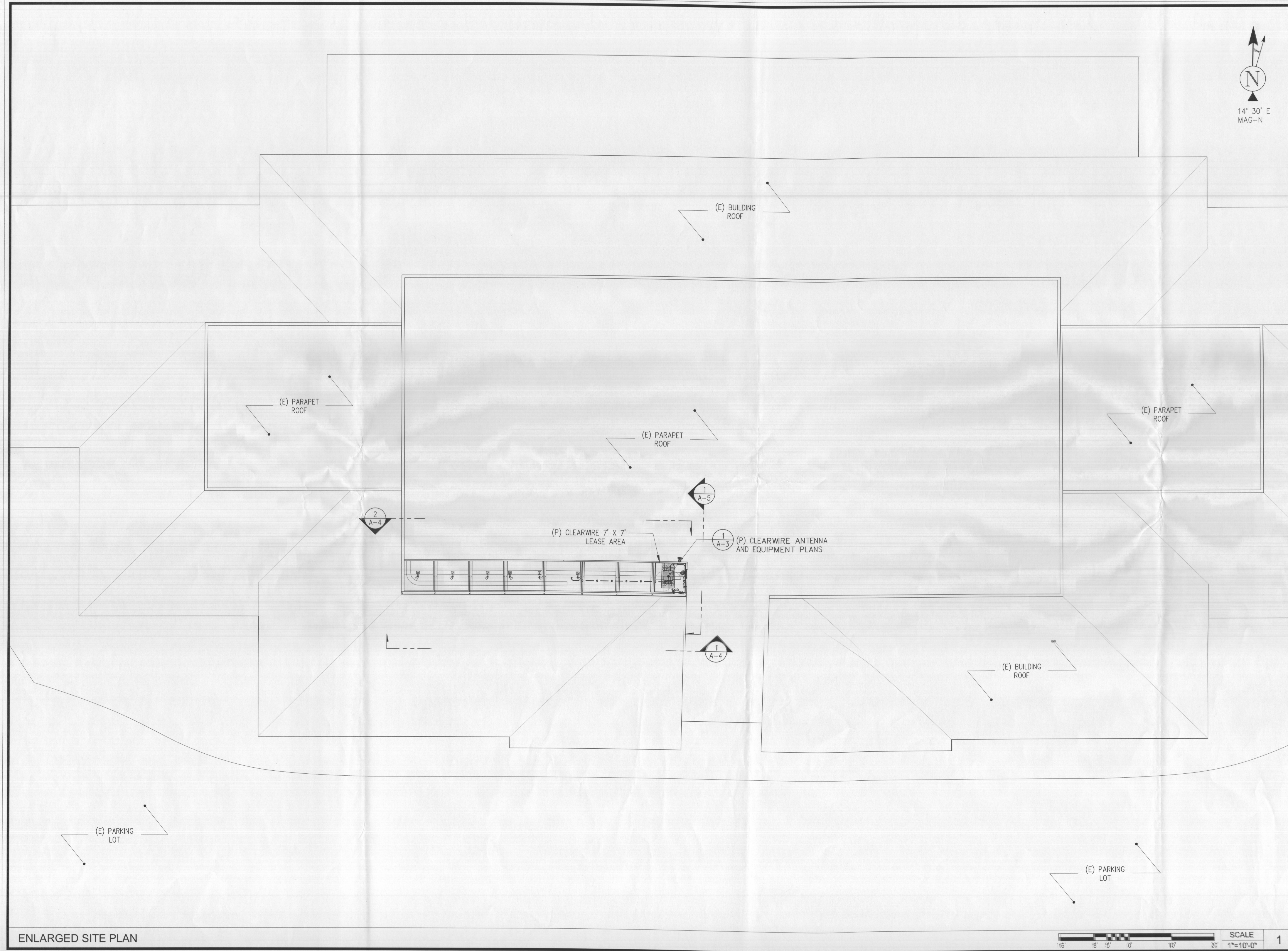
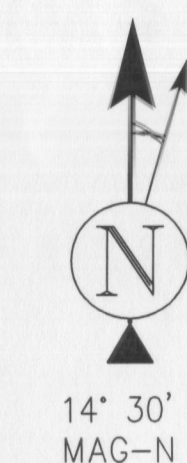
SHEET NUMBER:

A-2

REVISION:

1

11/02/09

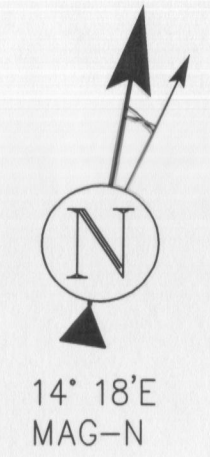
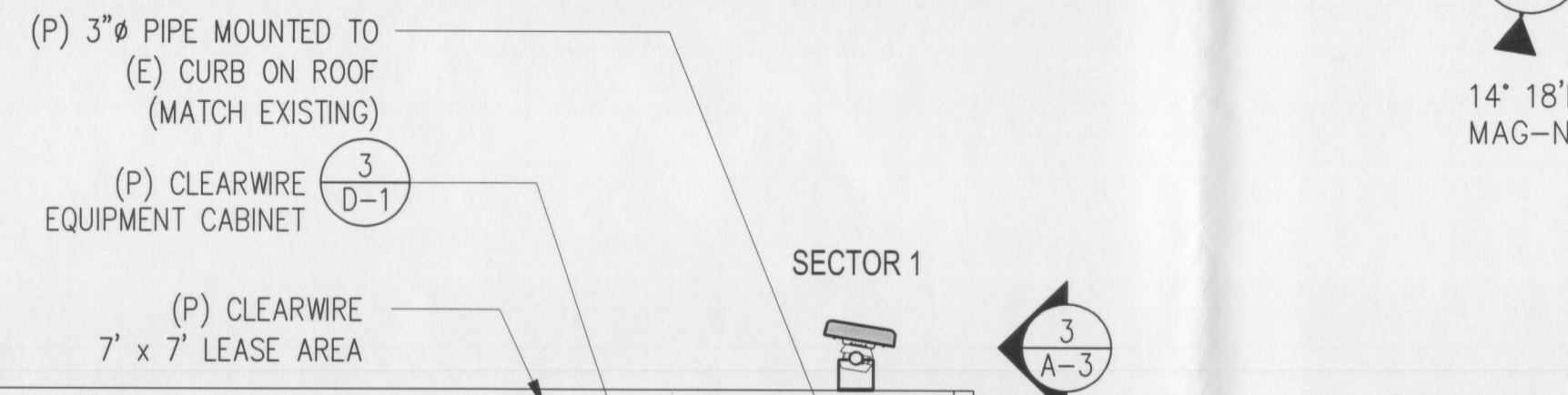
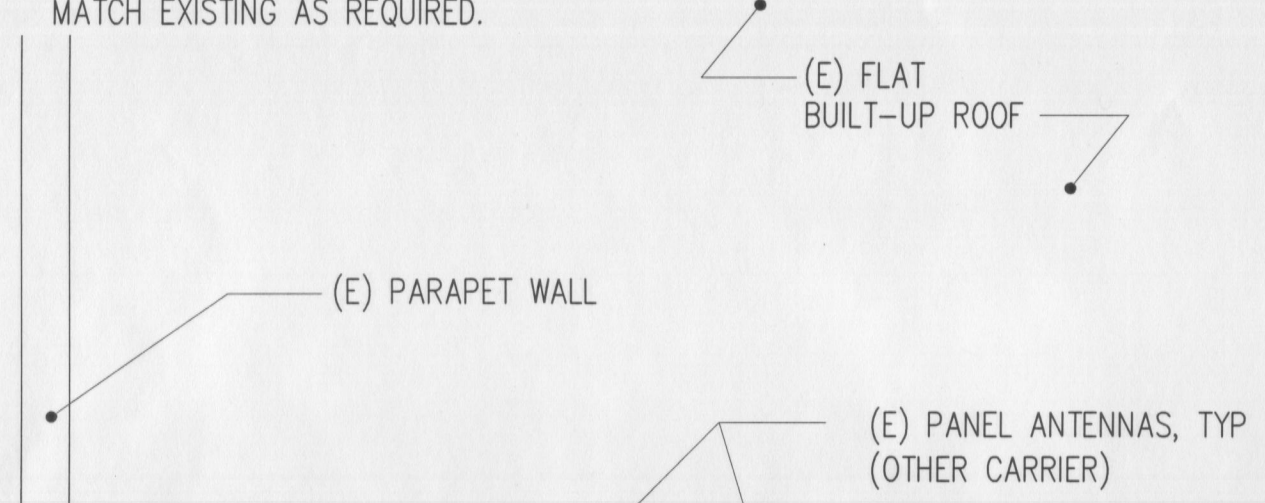


ENLARGED SITE PLAN

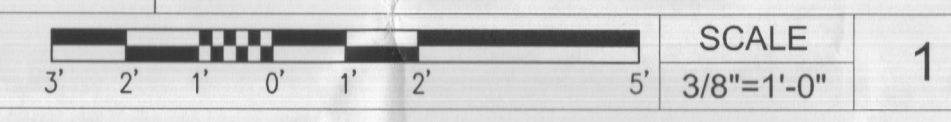
X:\Market\Market\SFO0507A - Apple Market Novato\2009\11\02\09 11:48:23 AM - Rhsan

NOTES:

1 CLEARWIRE TO REMOVE WOOD SCREEN AND FRAMING, AND REPLACE WITH PROPOSED FRP MATERIAL. PAINT AND MATCH EXISTING AS REQUIRED.



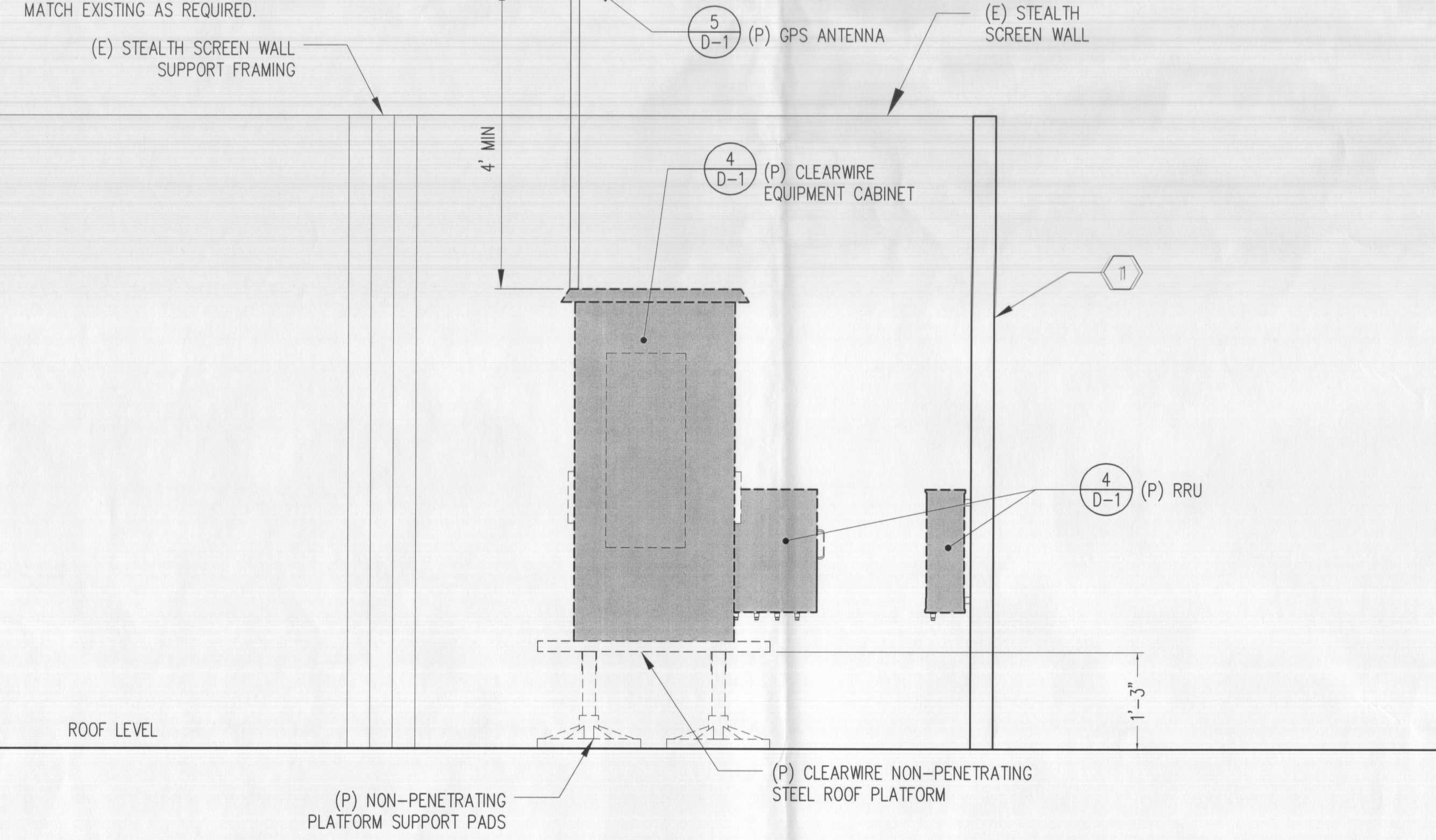
| PANEL ANTENNA AZIMUTH | | |
|-----------------------|-----------------------|-----------|
| SECTOR: | EXISTING: | PROPOSED: |
| 1 | N/A | 0° |
| 2 | N/A | 120° |
| 3 | N/A | 240° |
| DISH ANTENNA AZIMUTH | | |
| SECTOR: | EXISTING: | PROPOSED: |
| 1 | N/A | 182° |
| 2 | N/A | N/A |
| 3 | N/A </td <td>N/A</td> | N/A |



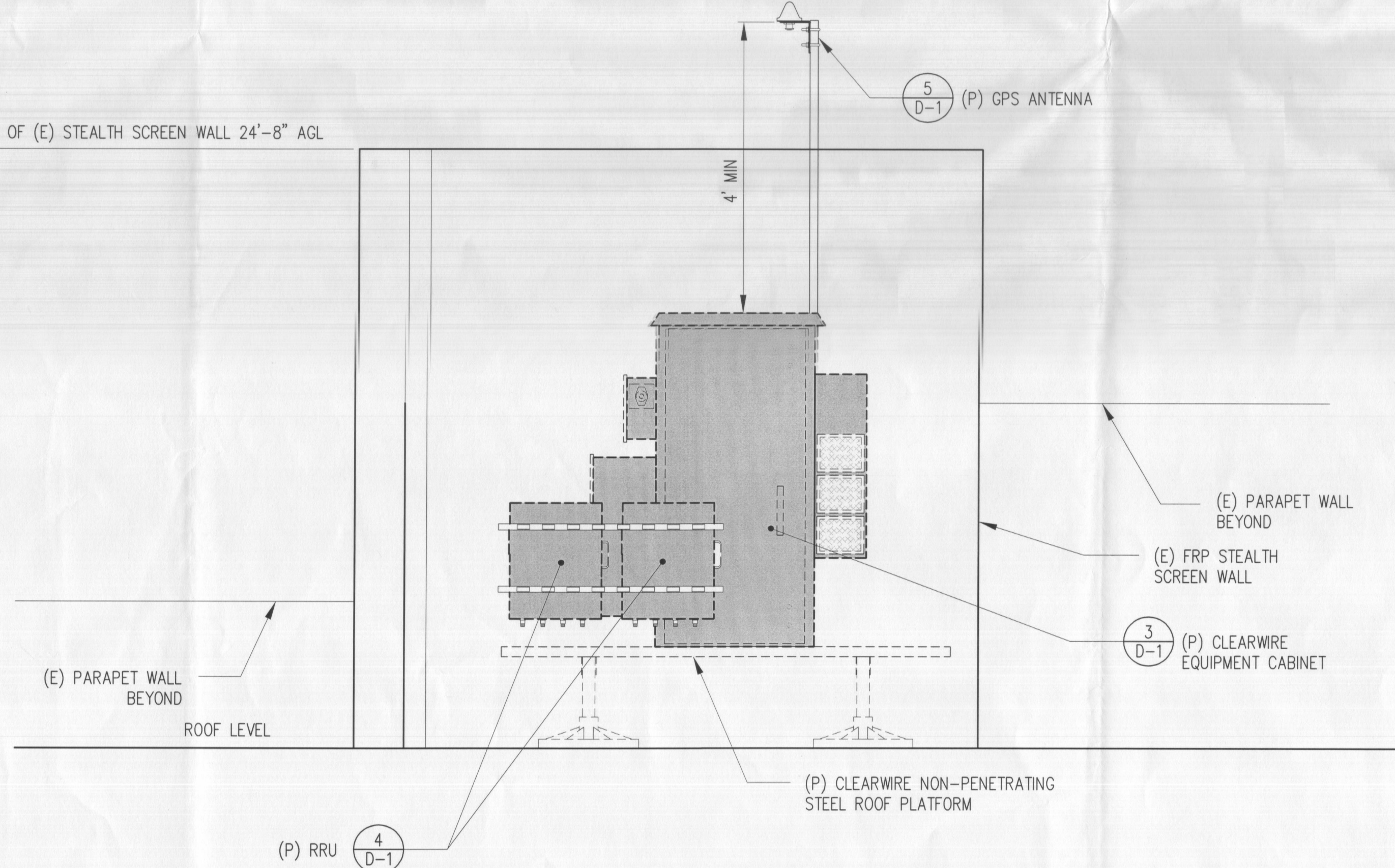
PROPOSED ANTENNA AND EQUIPMENT PLANS

NOTES:

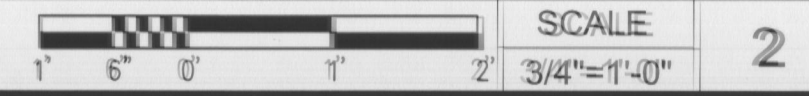
1 CLEARWIRE TO REMOVE WOOD SCREEN AND FRAMING, AND REPLACE WITH PROPOSED FRP MATERIAL. PAINT AND MATCH EXISTING AS REQUIRED.



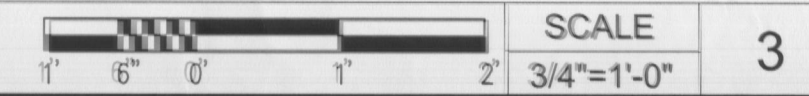
TOP OF (E) STEALTH SCREEN WALL 24'-8" AGL



PROPOSED SOUTH EQUIPMENT ELEVATION



PROPOSED EAST EQUIPMENT ELEVATION



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5805 LAKE WASHINGTON BLVD.
NE, SUITE 300
KIRKLAND, WA 98033

PROJECT INFORMATION:

APPLE MARKET
CA-SFO0507A
155 SAN MARIN DRIVE
NOVATO, CA, 94945

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11/02/09

ISSUED FOR:

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PLANS PREPARED BY:

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Architects / Planners / Engineers
3361 Walnut Blvd. Ste. 120
Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:

PROPOSED ANTENNA AND EQUIPMENT PLANS; PROPOSED EQUIPMENT ELEVATIONS

SHEET NUMBER: REVISION:

A-3 1
11/02/09

4

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PROJECT INFORMATION:

APPLE
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155 SAN MARIN DRIVE
NOVATO, CA, 94945

CURRENT ISSUE DATE:

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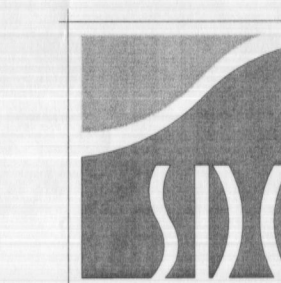
ISSUED FOR:

ZONING

BY: DATE: DESCRIPTION: REV:

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SDG NUMBER: 252.025

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:

PROPOSED NORTH
AND SOUTH
ANTENNA ELEVATIONS

SHEET NUMBER: REVISION:

A-4

1

11/02/09

(E) PANEL ANTENNAS, TYP
(OTHER CARRIER)

(E) STEALTH SCREEN WALL
SUPPORT FRAMING

(P) 3" Ø PIPE MOUNTED
TO (E) CURB ON ROOF

(E) STEALTH
SCREEN WALL

1
D-1 (P) CLEARWIRE
PANEL ANTENNA

(P) CLEARWIRE ANTENNA & DISH
RAD CENTER 22'-9" AGL

2
D-1 (P) DISH ANTENNA

ROOF LEVEL

(E) PARAPET WALL

(E) SLOPED CONCRETE
TILE ROOF

PROPOSED SOUTH ANTENNA ELEVATION

SCALE 1
3/8"=1'-0"

(P) CLEARWIRE PANEL ANTENNA
MOUNTED TO STEALTH SCREEN WALL

1
D-1

(P) CLEARWIRE PANEL ANTENNA RAD CENTER 22'-9" AGL (145' AMSL)

(E) STEALTH SCREEN WALL

(E) ACCESS PANEL WITH VENT

(E) EQUIPMENT BY OTHERS

ROOF LEVEL

(E) ACCESS DOOR

(E) PARAPET WALL

(E) SLOPED CONCRETE
TILE ROOF

PROPOSED NORTH ANTENNA ELEVATION

SCALE 2
3/8"=1'-0"

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155 SAN MARIN DRIVE
NOVATO, CA, 94945

CURRENT ISSUE DATE:

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Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:

SEAL OF APPROVAL:

SHEET TITLE:

EXISTING
SOUTH
BUILDING ELEVATION

SHEET NUMBER: REVISION:

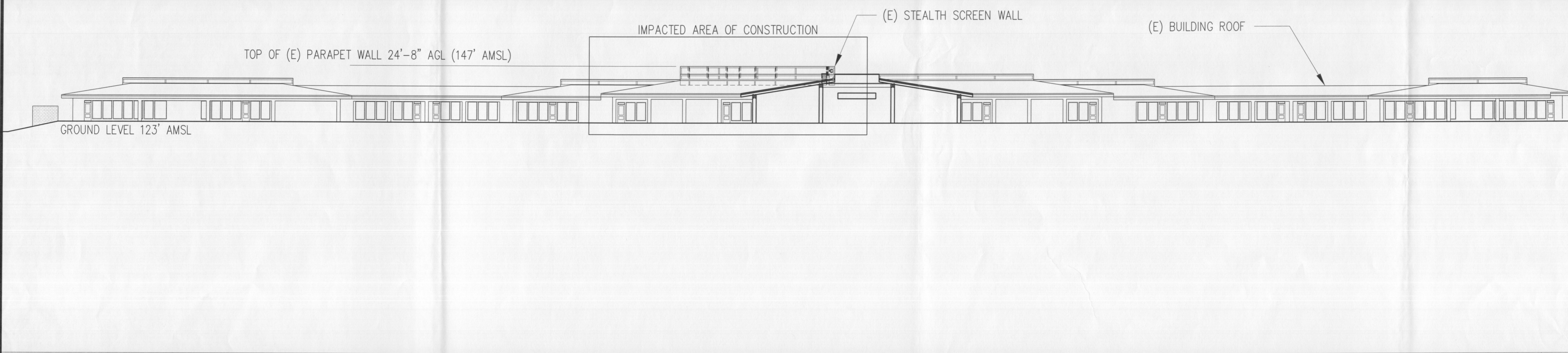
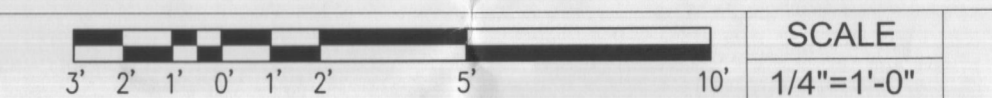
A-6

1

11/02/09



PROPOSED PARTIAL SOUTH BUILDING ELEVATION



PROPOSED SOUTH BUILDING ELEVATION

SCALE
NTS 1

X:\Users\harcn\Documents\Apple Market\Novato\27810507 Apple Market Novato 100 SD.dwg, 11/02/09 11:48:57 AM, Rmano

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5805 LAKE WASHINGTON BLVD.
NE. SUITE 300
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PROJECT INFORMATION:

APPLE
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CA-SFO0507A
155 SAN MARIN DRIVE
NOVATO, CA, 94945

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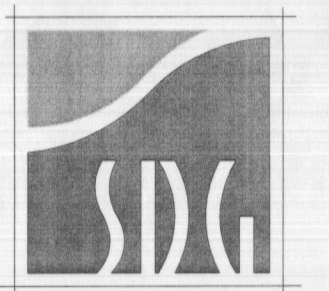
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BY: DATE: DESCRIPTION: REV:

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|----------|----------|--------------|------|
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| | DATE | DESCRIPTION | REV |

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Brentwood, CA 94513
(925) 634-7000
FAX: (925) 634-8020

SDG NUMBER: 252.025

CONSULTANT:

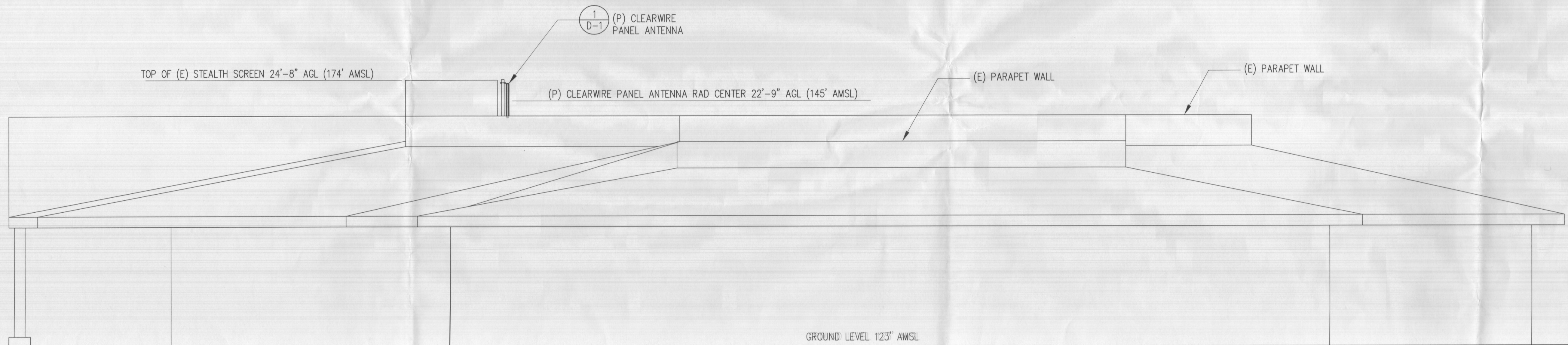
SEAL OF APPROVAL:

SHEET TITLE:

PROPOSED
EAST
BUILDING ELEVATION

SHEET NUMBER: REVISION:

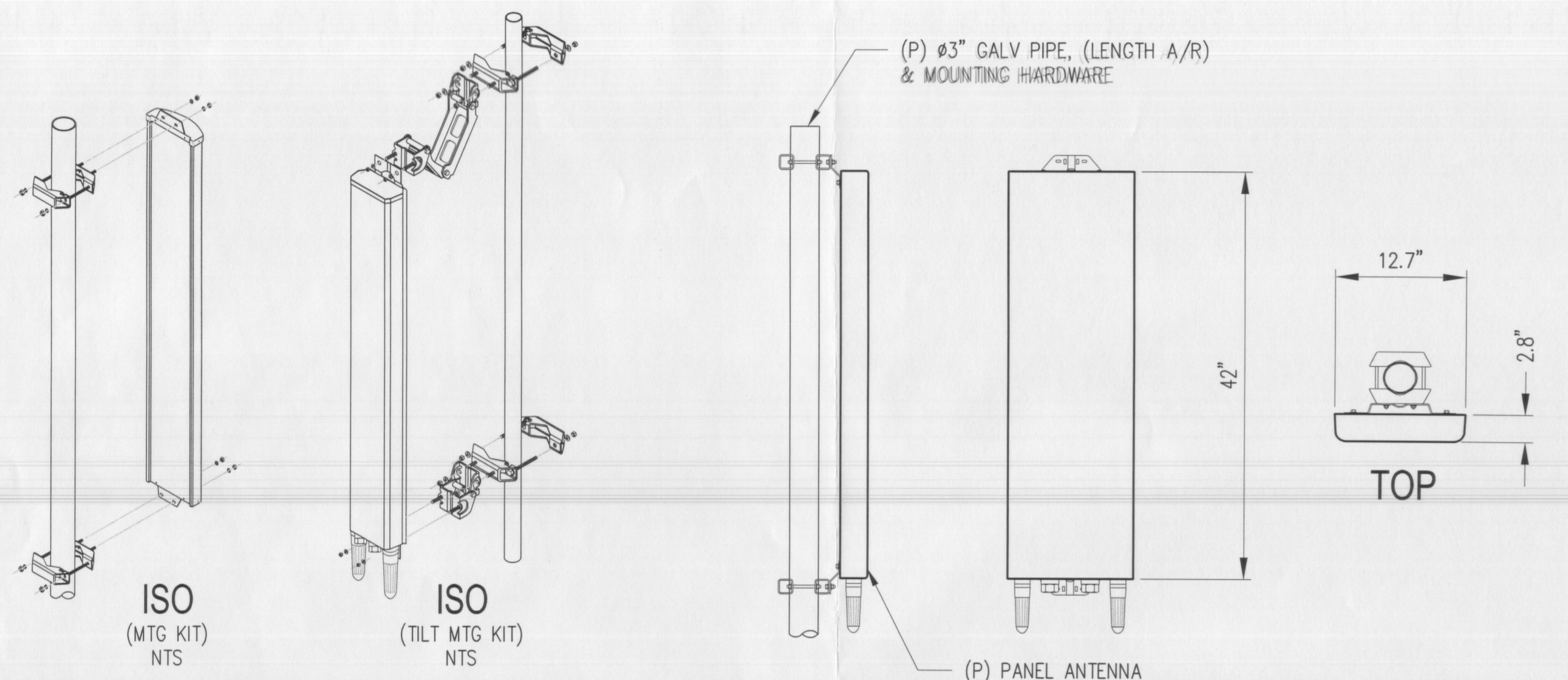
A-7 1
11/02/09



PROPOSED EAST BUILDING ELEVATION

SCALE 3/16"=1'-0" 1

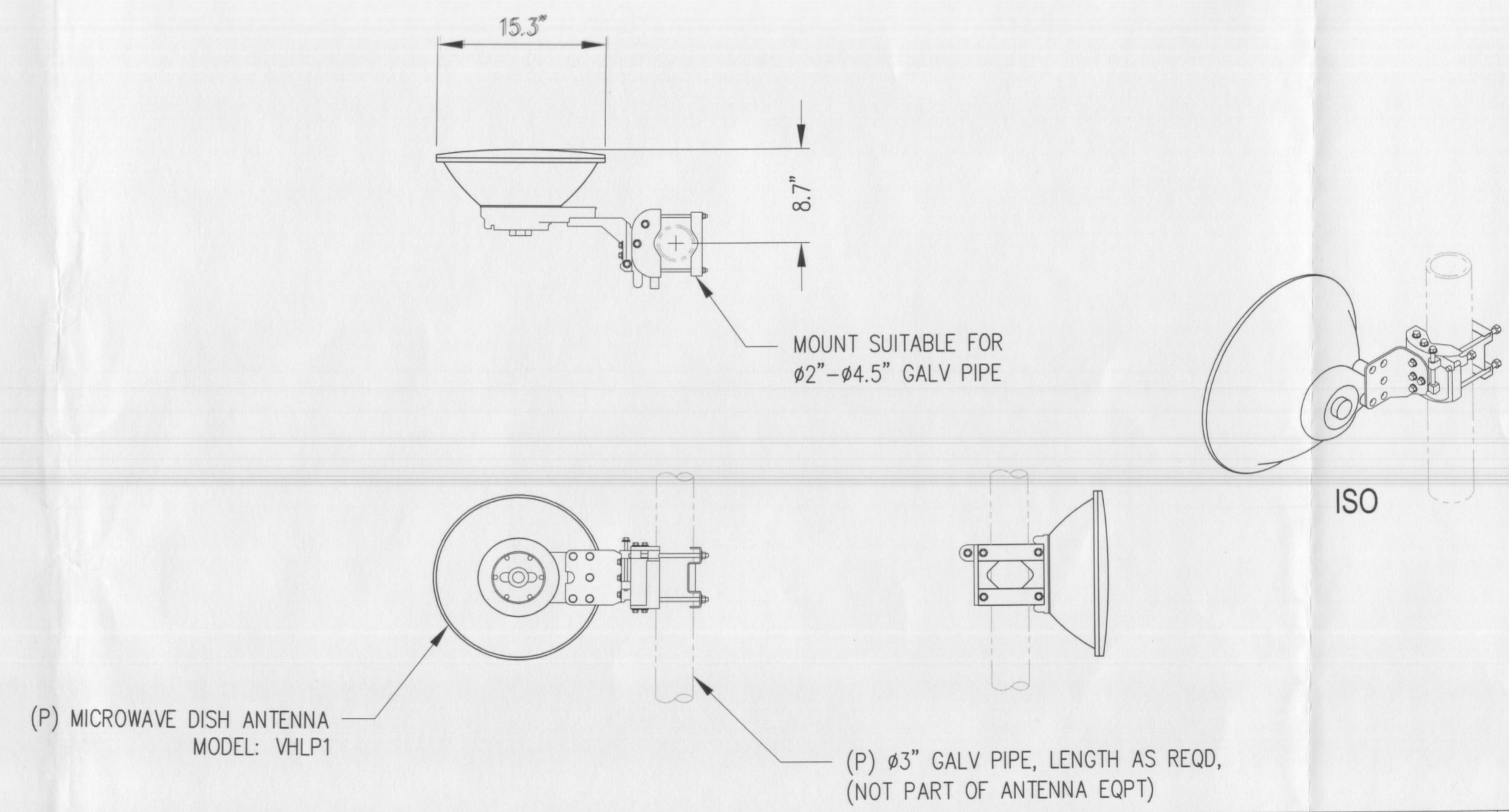
X:\Share\Market\050707 - Apple Market\Novato\20090507 Apple Market 0507.dwg, 12/28/09 11:45:40 AM, Winman



NOTES: (UNLESS OTHERWISE SPECIFIED)
1. PAINT TO MATCH AS REQUIRED.

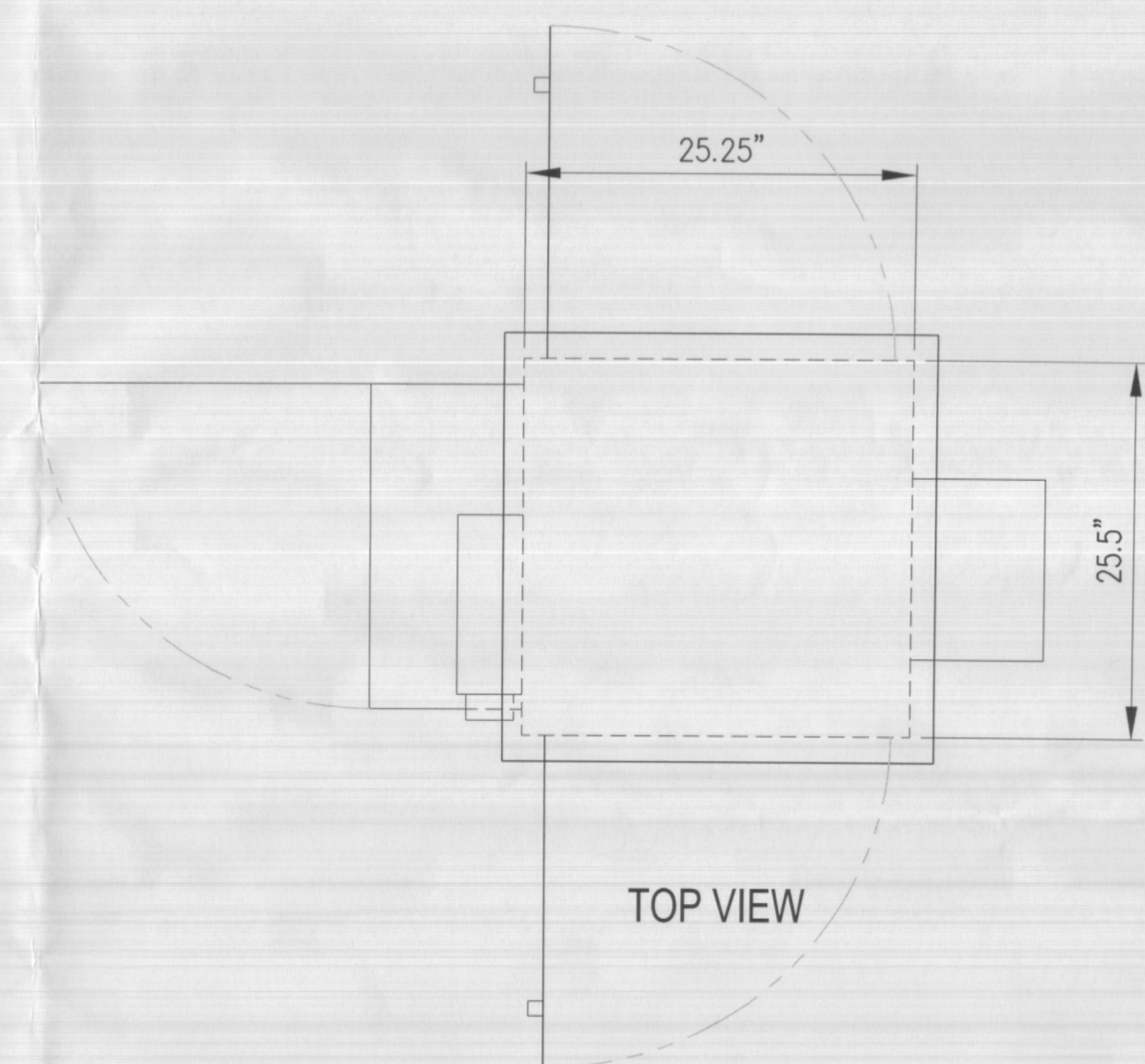
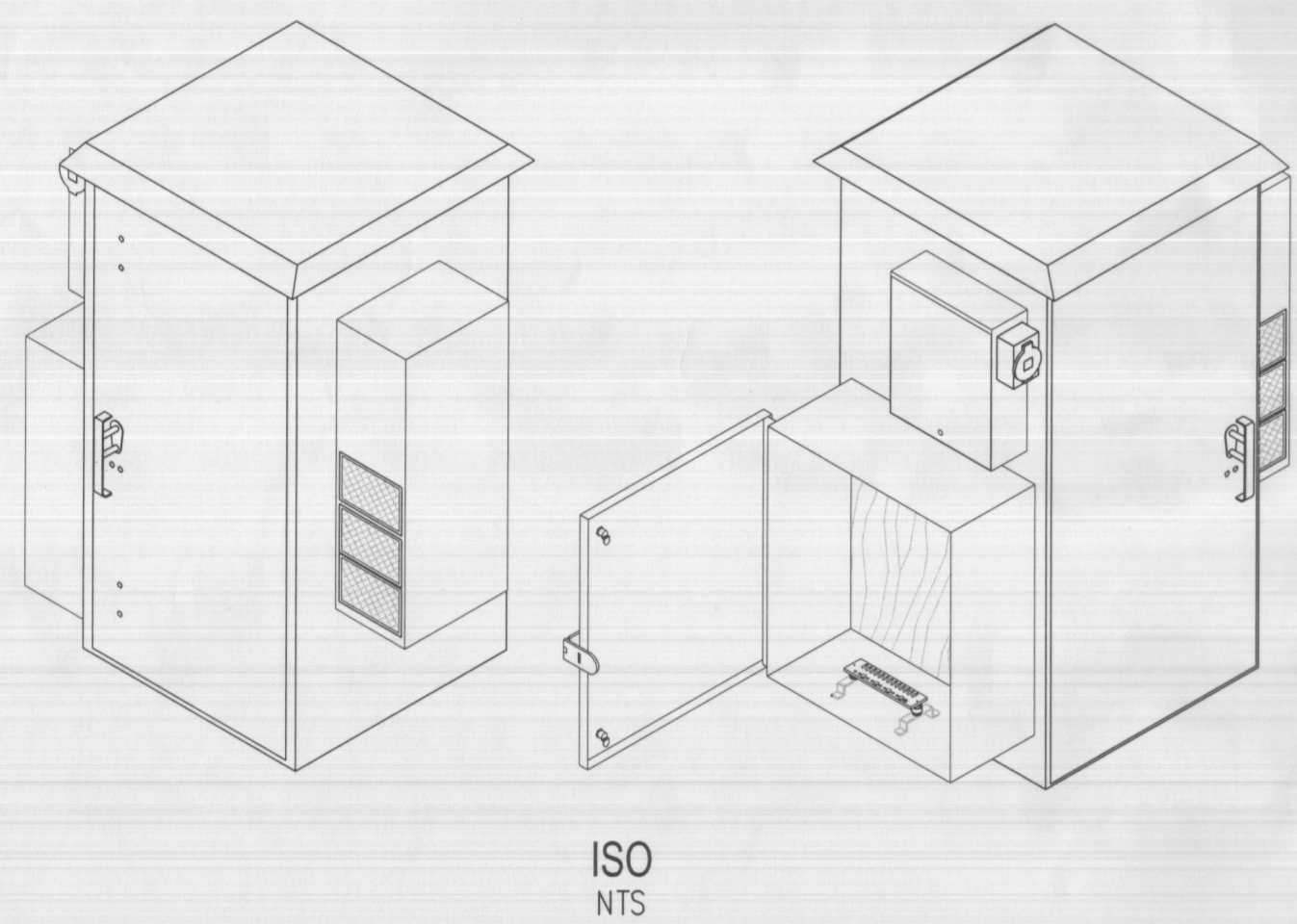
PROPOSED CLEARWIRE PANEL ANTENNA

SCALE 1"=1'-0" 1

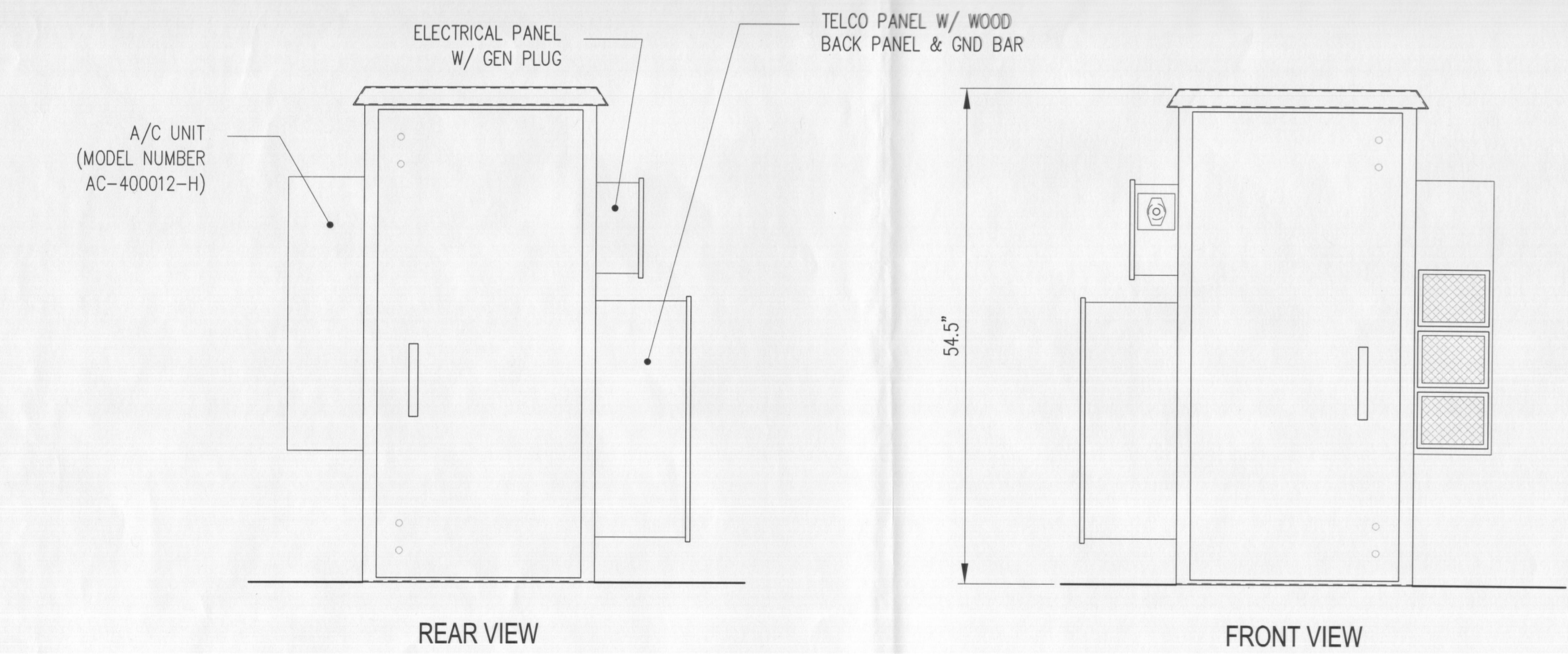


PROPOSED MICROWAVE DISH ANTENNA

SCALE 1"=1'-0" 2



NOTES: (UNLESS OTHERWISE SPECIFIED)
1. ALL UNITS ARE TO BE MOUNTED DIRECTLY BEHIND PROPOSED ANTENNA WITH MANUFACTURE SUPPLIED HARDWARE UNLESS OTHERWISE SPECIFIED BY CONSTRUCTION MANAGER.
2. ALL UNITS ARE NOT TO BE PAINTED UNLESS SPECIFIED BY CONSTRUCTION MANAGER.

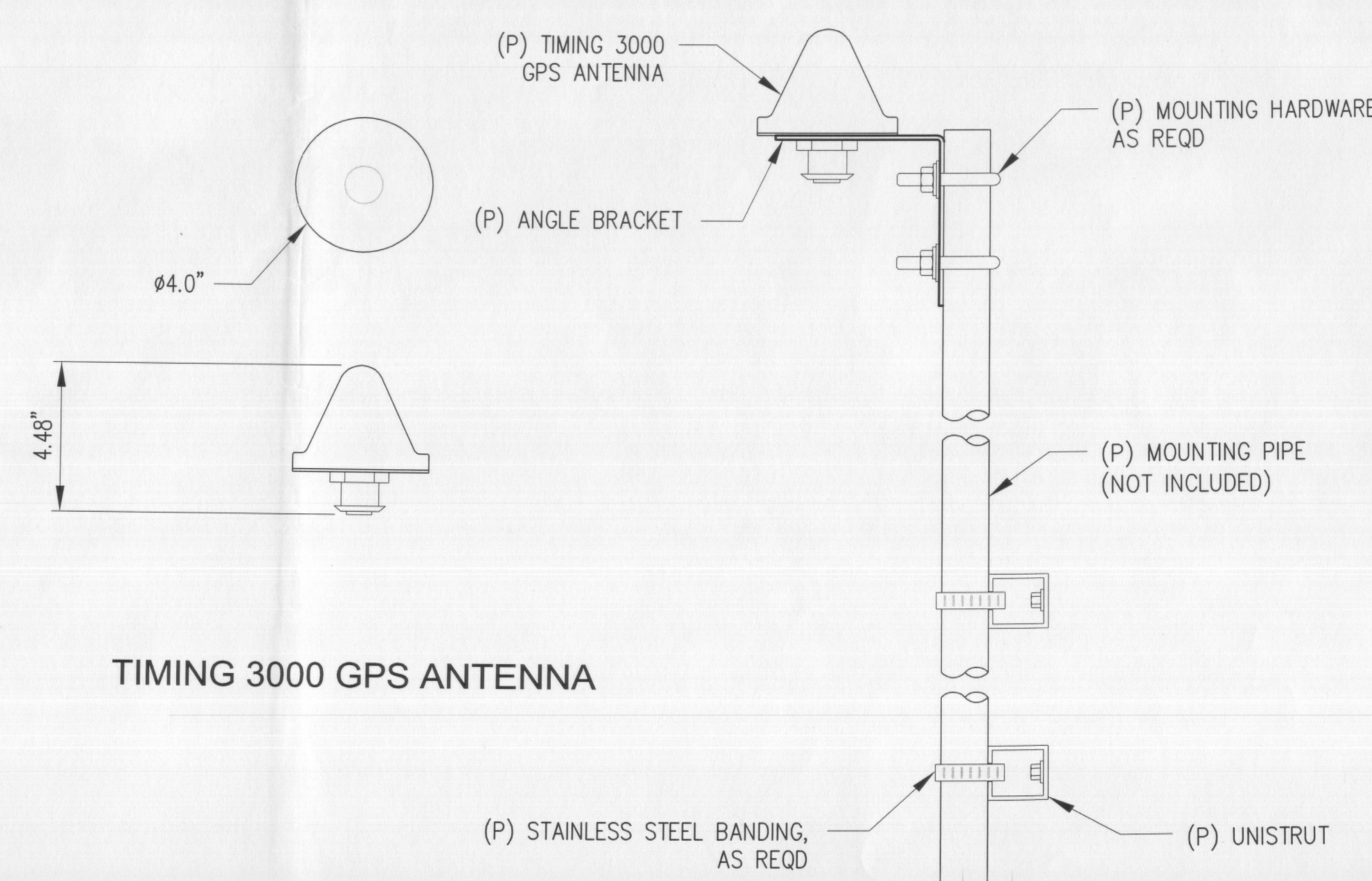


PROPOSED CLEARWIRE EQUIPMENT CABINET

SCALE 1"=1'-0" 3

PROPOSED REMOTE RADIO UNIT (RRU)

SCALE 3"=1'-0" 4



NOTES: (UNLESS OTHERWISE SPECIFIED)
1. INSTALL GPS ANTENNA IN A LOCATION WITH UN-OBSTRICTED VIEW OF THE SKY. AN UN-OBSTRICTED VIEW OF THE SOUTHERN HEMISPHERE IS BEST.
2. AVOID INSTALLING NEAR VERTICAL METAL PLANES ABOVE THE HORIZON OF THE ANTENNA.
3. THE GPS ANTENNA SHALL BE INSTALLED A MINIMUM OF 4 FEET ABOVE THE TOP OF THE UTILITY CABINET.
4. THE GPS ANTENNA SHALL BE INSTALLED A MINIMUM OF 12 FEET FROM ANY ACTIVE TRANSMITTING ANTENNAS.

PROPOSED GPS ANTENNA

SCALE 3"=1'-0" 5

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SDG NUMBER: 252.025

CONSULTANT:
SEAL OF APPROVAL:

SHEET TITLE:
PROPOSED EQUIPMENT DETAIL SHEET

SHEET NUMBER: **D-1** REVISION: **1**
11/02/09

ZONING ADMINISTRATOR MEETING
MINUTES EXCERPT
APRIL 22, 2010

**3. CLEARWIRE
P2010-012; USE PERMIT
APN 124-202-28, 199 SAN MARIN**

Consider a Use Permit to allow three antennas, one dish antenna, and one GPS antenna located at the roof level concealed behind a parapet wall.

PRESENT:

Alex Morin; Clearwire Representative

Zoning Administrator Lazure reported that he had received no written correspondence in response to the application.

The public hearing was opened (only the representative was in attendance).

The Zoning Administrator went over the recommended Conditions of Approval.

The public hearing was closed.

ACTION:

Zoning Administrator Lazure rendered a decision of approval on April 22, 2010, in accordance with the findings and action as recommended in the staff report, subject to the following conditions:

CONDITIONS OF APPROVAL

1. The Use Permit shall be valid for one year from the date of approval. The Use Permit may be extended at the request of the applicant for additional one year increments at the discretion of the Community Development Director, in compliance with the procedures

set forth in Section 19.38.180 of the Zoning Code. The applicant shall be responsible for the costs, on an hourly basis, for the City to process an extension.

2. 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.
3. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.
4. No exterior lighting shall be allowed for any part of the proposed facility, except as may be deemed necessary for security and shall be subject to the review and approval of the Community Development Director.
5. 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.
6. The Radio Frequency Radiation (RFR) generated by the approved facility, in combination with other sources of RFR, shall not expose the general public to RFR levels that exceed the allowable standards as adopted by Federal Communications Commission (FCC) and the City. Should nationally accepted research result in the establishment of substantially revised standards for human exposure to RFR and such standards are adopted by the City or otherwise determined to be applicable to the City, the applicant shall demonstrate compliance with such standards by submitting a new RFR report to the Community Development Department within 30 days of the effective date of the adoption of the revised standards. A longer period for submitting the RFR report may be granted at the discretion of the Community Development Director. The RFR report shall determine compliance with the updated standards by calculating the RFR power level of the approved facility in combination with other similar sources of RFR.
7. Within 6 months of the initiation of the operation of the approved facility, the applicant shall submit a post-construction RFR report, including the data developed, verifying that the actual levels of RFR emitted by the approved facility, operating alone, and in combination with other approved facilities, are below the FCC, threshold standards. The applicant shall be responsible for the cost of the post-construction reports to be prepared by a qualified consultant selected by the City.
8. Prior to the issuance of a building permit, the proposal shall be subject to the review and approval of the City of Novato Public Works Department. Items that may need to be addressed, include, but are not limited to:

- a. Maintenance agreements/facility maintenance requirements
- b. Shared or common use agreements
- c. Indemnification

9. This Use Permit is subject to the revocation procedures contained in Section 19.42.050.G of the Novato Municipal Code in the event that 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.
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, recordation of final maps or other entitlements.
11. Indemnity and Time Limitations

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.

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.

The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

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.

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.



ZONING ADMINISTRATOR STAFF REPORT
Use Permit

MEETING

DATE: April 22, 2010

STAFF: Rebecca Markwick, Planner I

SUBJECT: CLEAR WIRE
P2010-012; USE PERMIT
APN 124-202-28; 199 SAN MARIN (155 SAN MARIN)

75 Rowland Way #200
Novato, CA 94945-3232
(415) 899-8900
FAX (415) 899-8213
www.ci.novato.ca.us

PROJECT DESCRIPTION

The applicant has submitted a request for a Use Permit in order to allow installation of three panel antennas one dish antenna, one GPS antenna and one equipment cabinet located at the roof level, concealed by an existing parapet wall, located in San Marin Plaza.

NEED FOR ZONING ADMINISTRATOR ACTION

Novato Municipal Code Section 19.42.050/19.42.070 provides for the Zoning Administrator to hold public hearings on a Use Permit application.

BACKGROUND

Applicant: Tom Spaulding

Property Owner: San Marin Partners

Property Size: 7 acres

General Plan Designation: Neighborhood Commercial (CN)

Zoning: PD

Existing Use: Commercial

Adjacent Zoning: Business Professional Office (BPO) & Low Density Residential (R1-7.5)

ENVIRONMENTAL ASSESSMENT

The application is exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section §15303 (New Construction) Class 3; installation of small, new equipment and facilities in small structures.

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

The applicant is a telecommunication company and proposes the installation of wireless technology, which is consistent with and would implement the above 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 proposed equipment will be architecturally consistent in design with existing on-site equipment. The equipment will match the existing antennas and satellites so that the proposed equipment blends with existing equipment.

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: Section 19.38.030 of the Zoning Ordinance specifies that wireless communication facilities shall not be constructed, installed, or maintained without first obtaining a Use Permit in compliance with Section 19.42.050 (Use Permits).

Zoning Ordinance 19.38.030.A.5: The Zoning Administrator shall have the authority to approve a co-located facility when minor modifications are made to existing wireless communication facilities.

The project site is located within a PD Zoning District. The site currently has commercial development. The equipment will be co-located with the existing wireless equipment on the site.

Pursuant to Zoning Ordinance 19.38 (Wireless Communication Facilities), the current proposal would utilize the site as a co-location facility and is allowed with Use Permit approval.

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: An RFR statement prepared by Hammet and Edison, the applicant's consulting engineers, has been included with the application materials. According to the submitted document, the equipment complies with the prevailing standards for limiting public exposure to radio frequency energy. The estimated highest calculated level in publicly accessible areas is .48% of the applicable public limit.

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 commercial site and the equipment will be co-located. The closest residential use is approximately 134 feet away from the proposed equipment. The proposed antennas, microwave dishes and equipment cabinet are designed to integrate with the existing equipment that is set within a roof enclosure and will have no significant visual impact to the surrounding neighborhoods.

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: City standards and criteria for wireless communication facilities specify that the design of co-location sites should promote shared use among different carriers. To the extent feasible, antenna support and equipment structures should be designed to consolidate future planned facilities to eliminate or minimize the visual clutter resulting from multiple telecommunications structures.

The proposed antennas and satellites will be located directly on the roof and behind an enclosure which will minimize visual clutter.

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 additional landscaping to provide visual screening of the proposed wireless facility.

The proposed facility will be unmanned and does not require additional landscaping, roads, lighting or parking areas to serve its operation. Service workers doing routine maintenance will access the equipment using the existing roads and paths servicing the existing equipment.

RECOMMENDATION

The proposed co-located satellites and antennas comply with City standards and regulations, specified in Division 19.38 of the Novato Municipal Code, including: location compatibility and site design, co-location requirements, 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. In accordance with Section 19.42.050E and Division 19.38 of the Novato Municipal Code, and as stated in the above staff analysis section, the Zoning Administrator hereby makes the required Use Permit findings.
2. Approve the application subject to the conditions listed below.

CONDITIONS OF APPROVAL

1. The Use Permit shall be valid for one year from the date of approval. The Use Permit may be extended at the request of the applicant for additional one year increments at the discretion of the Community Development Director, in compliance with the procedures set forth in Section 19.38.180 of the Zoning Code. The applicant shall be responsible for the costs, on an hourly basis, for the City to process an extension.
2. 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.
3. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.
4. No exterior lighting shall be allowed for any part of the proposed facility, except as may be deemed necessary for security and shall be subject to the review and approval of the Community Development Director.

5. 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.
6. The Radio Frequency Radiation (RFR) generated by the approved facility, in combination with other sources of RFR, shall not expose the general public to RFR levels that exceed the allowable standards as adopted by Federal Communications Commission (FCC) and the City. Should nationally accepted research result in the establishment of substantially revised standards for human exposure to RFR and such standards are adopted by the City or otherwise determined to be applicable to the City, the applicant shall demonstrate compliance with such standards by submitting a new RFR report to the Community Development Department within 30 days of the effective date of the adoption of the revised standards. A longer period for submitting the RFR report may be granted at the discretion of the Community Development Director. The RFR report shall determine compliance with the updated standards by calculating the RFR power level of the approved facility in combination with other similar sources of RFR.
7. Within 6 months of the initiation of the operation of the approved facility, the applicant shall submit a post-construction RFR report, including the data developed, verifying that the actual levels of RFR emitted by the approved facility, operating alone, and in combination with other approved facilities, are below the FCC, threshold standards. The applicant shall be responsible for the cost of the post-construction reports to be prepared by a qualified consultant selected by the City.
8. Prior to the issuance of a building permit, the proposal shall be subject to the review and approval of the City of Novato Public Works Department. Items that may need to be addressed, include, but are not limited to:
 - a. Maintenance agreements/facility maintenance requirements
 - b. Shared or common use agreements
 - c. Indemnification
9. This Use Permit is subject to the revocation procedures contained in Section 19.42.050.G of the Novato Municipal Code in the event that 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.
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, recordation of final maps or other entitlements.

11. Indemnity and Time Limitations

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.

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.

The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

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.

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.

SFO0507



Application for Zoning/Planning/Subdivision Action

THE CITY OF
NOVATO
CALIFORNIA

Type of Application – Please Check

- | | | |
|---|--|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Tentative Map (5 or more lots) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Prezoning | <input type="checkbox"/> Land Division Tentative Map (4 or fewer lots) | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Lot Line Adjustment (no new lots) | <input type="checkbox"/> Sign Review |
| <input type="checkbox"/> Master Plan | <input type="checkbox"/> Design Review | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Precise Development Plan | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Other _____ |

Applicant Required Information

- Assessor's Parcel No(s): 124-202-28 Existing Zoning: PD
- Property Address: 155 San Marin Dr (199)
- Property Owner a) Name: San Marin Partners Phone: _____
b) Address: 11835 Olympic Blvd, Novato Blvd
- Applicant (If Different than Owner)
a) Name: Tom Spaulding Phone: 650 380 3140
b) Address: 1910 2nd St, Kirkland WA 98033
- Name of Project (If Applicable): Apple Market
- Property Size: _____
- Type of Use Proposed (Office, Residential, Etc.): Retail
- Square Footage of Each Use or Number of Units if Residential: _____

9. Purpose of Application (Brief Statement of What You Want to Accomplish):
Installation and operation of a wireless communication facility to be located at the roof level of 155 San Marin Dr.

(Attach Separate Sheets If Needed)

10. Signature [Signature]
 Owner Applicant (Note: If applicant signs, an authorization signed by the owner must be attached.)

Important: Please complete Agreement for Payment of Full Cost Recovery Fees for Application Processing.

Note: Information sheets describing the review process and the additional information required for a specific type of application are available at the Novato Department of Community Development, 75 Rowland Way, #200, (415) 899-8989, www.ci.novato.ca.us.

Do Not Write Below This Line

DEPARTMENTAL PROCESS INFORMATION

Application Number(s): P2010-012 (110012)

Received by: REBECCA MARRICK Date: 2/3/10 Planning Fee Deposit: \$ 2384.00

Deemed Complete by: _____ Date: _____ Plan Storage \$ 46.00

Application Acted On By: _____ Date: _____ PW/Engineering Fee No Yes: \$ _____

(Attach PW/Engineering and Planning Worksheets)

Receipt # PROJR 222 Date 2-3-10

C.R.# 3159 Initials [Signature]

Action: _____

Conditions of Approval or Comments: _____



4683 CHABOT DRIVE, SUITE 100
PLEASANTON, CA 94588

PROJECT INFORMATION:

**SAN MARIN NOVATO
SF33XC609-B**

101-199 SAN MARIN DRIVE
NOVATO, CA 94945
MARIN COUNTY

CURRENT ISSUE DATE:

06/12/00

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

| REV. | DATE | DESCRIPTION | BY |
|------|----------|----------------|-----|
| 5 | 06/12/00 | REV. ZONING | SP |
| 4 | 03/29/00 | MOVE EQUIPMENT | SP |
| 3 | 01/24/00 | REVISED ZONING | RD |
| 2 | 12/30/99 | REVISED ZONING | GLW |
| 1 | 11/16/99 | 100% ZONING | RD |
| 0 | 10/14/99 | ZONING | RD |

PLANS PREPARED BY:



3875 Hopyard Road, Suite 245
Pleasanton, CA 94588
(925) 730-1070, FAX (925) 730-3999

CONSULTANT:

DRAWN BY: CHK.: APV.:

NHP RD PFC

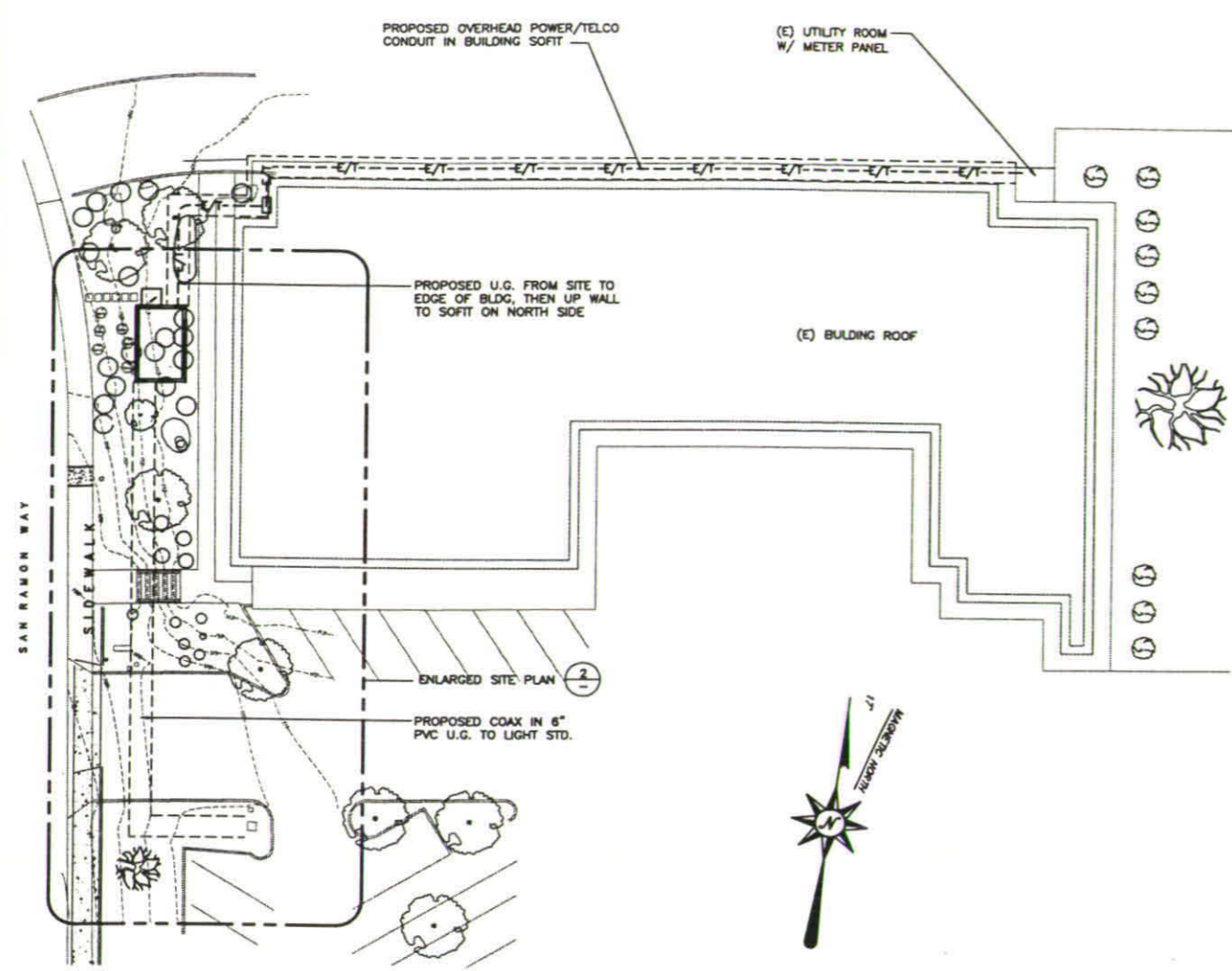
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SHEET TITLE:

SITE PLAN

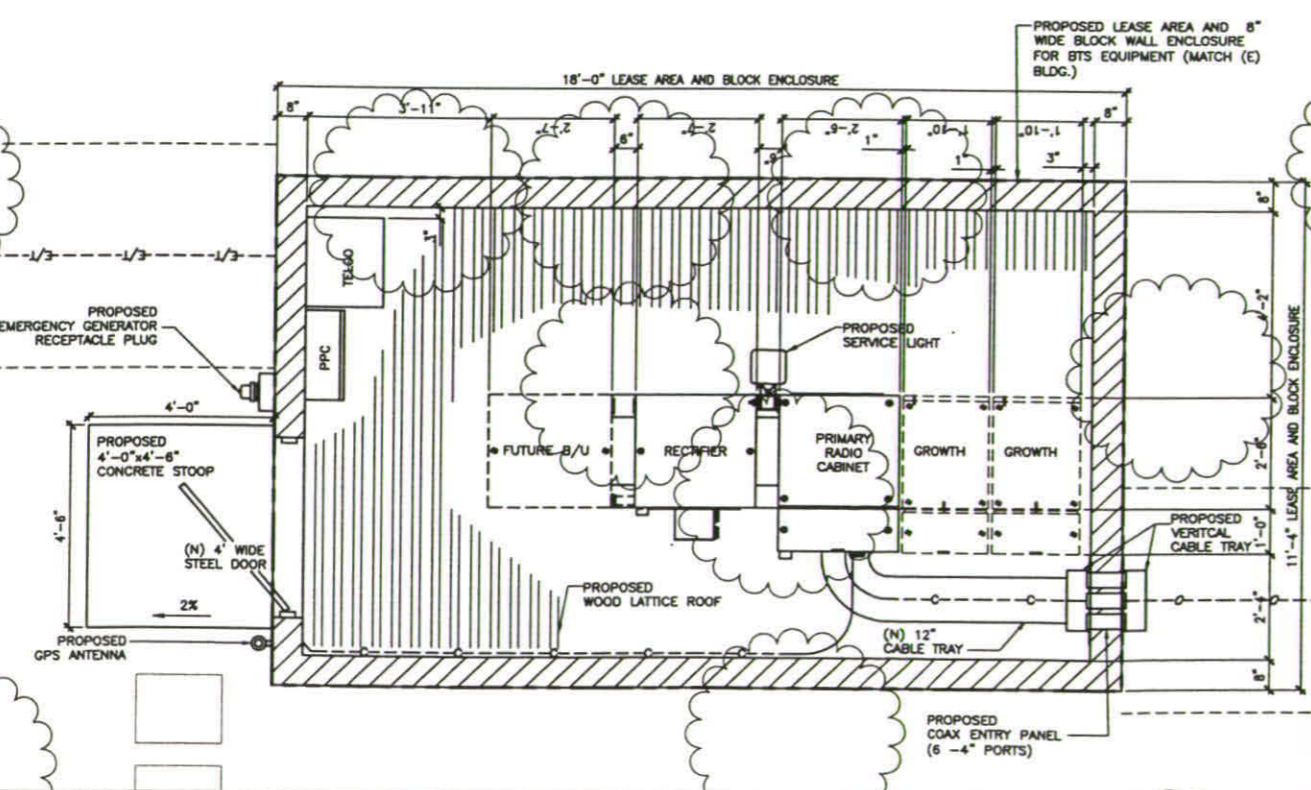
SHEET NUMBER: REVISION:

A1 **5**
PCASPRNC002



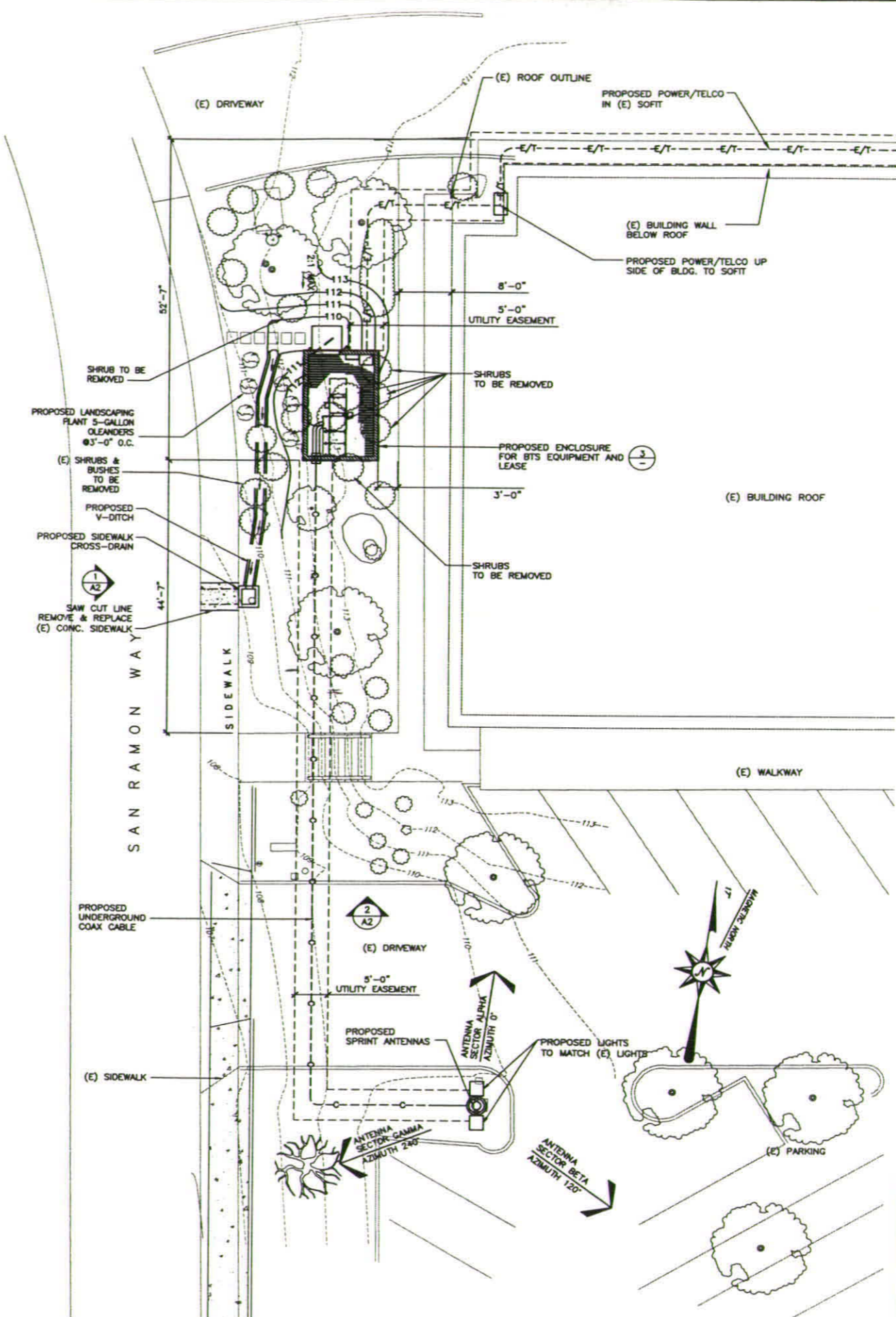
SITE PLAN

SCALE: 1"=20'-0"
0 10' 20'



ENLARGED EQUIPMENT PLAN

SCALE: 1/2"=1'
0 1' 2'



ENLARGED SITE PLAN

SCALE: 1"=10'-0"
0 5' 10' 2



4683 CHABOT DRIVE, SUITE 100
PLEASANTON, CA 94588

PROJECT INFORMATION:

**SAN MARIN NOVATO
SF33XC609-B**

101-199 SAN MARIN DRIVE
NOVATO, CA 94945
MARIN COUNTY

CURRENT ISSUE DATE:

06/12/00

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

| REV. | DATE | DESCRIPTION | BY |
|------|----------|----------------|-----|
| 6 | 06/12/00 | REV. ZONING | SP |
| 5 | 05/11/00 | REV. ZONING | SP |
| 4 | 03/29/00 | MOVE EQUIPMENT | SP |
| 3 | 01/24/00 | REVISED ZONING | RD |
| 2 | 12/30/99 | REVISED ZONING | GLW |
| 1 | 11/16/99 | 100% ZONING | RD |
| 0 | 10/14/99 | ZONING | RD |

PLANS PREPARED BY:



3875 Hopyard Road, Suite 245
Pleasanton, CA 94588
(925) 730-1070, FAX (925) 730-3999

CONSULTANT:

DRAWN BY: NHP CHK.: RD APV.: PFC

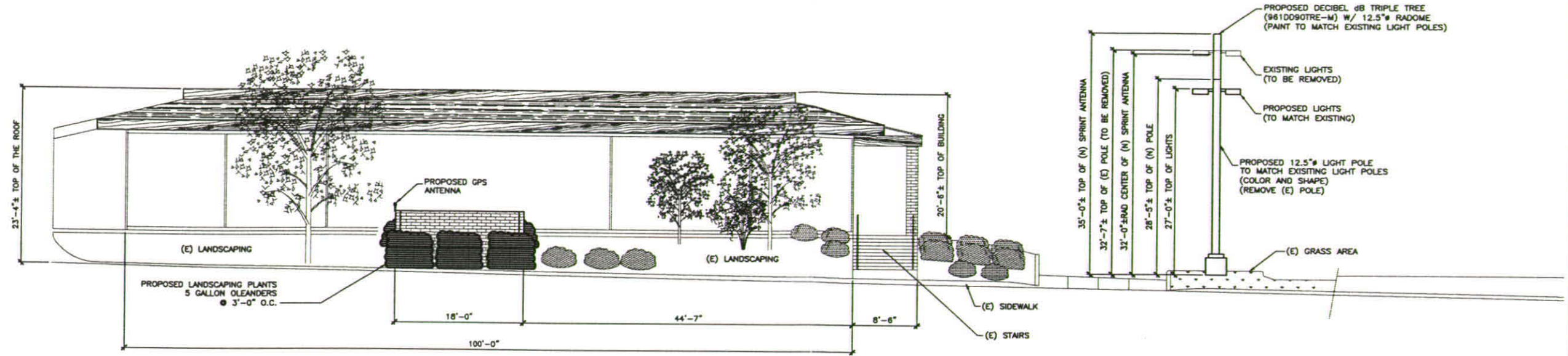
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SHEET TITLE:

ELEVATIONS

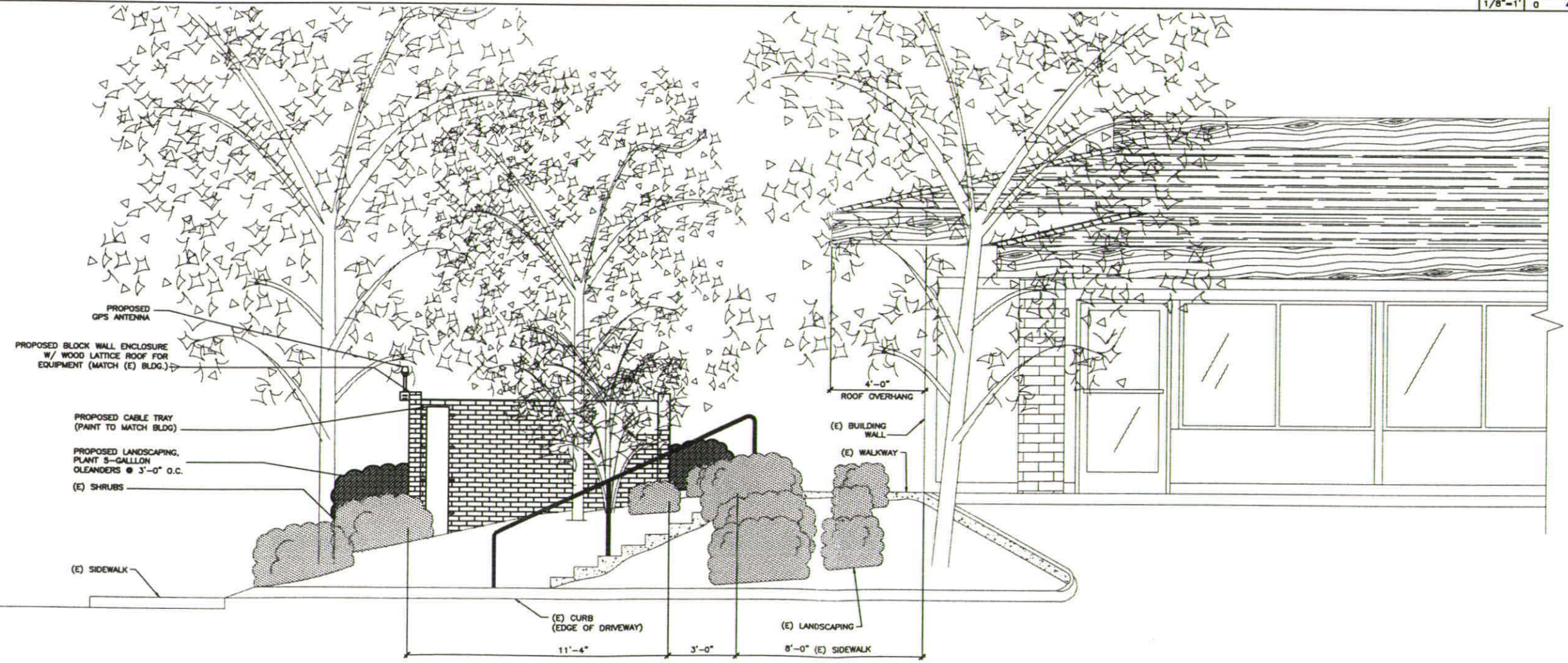
SHEET NUMBER: A2 REVISION: 6

PCASPRNC002



WEST ELEVATION

SCALE: 1/8"=1' 1



SOUTH ELEVATION

SCALE: 3/8"=1'-0" 2

MARSH

Kristy Barber

Marsh USA Inc.
2405 Grand Boulevard
Suite 1500
Kansas City, MO 64108
816 221 4422 Fax 816 556 4362
Kristy.Barber@marsh.com
www.marsh.com

May 23, 2005

Alan Lazure
City of Novato
901 Sherman Ave.
Novato, CA 94945

RE: STC Five LLC formerly Sprint Spectrum L.P.
Bond #: 103332622
Site Address: 101-199 San Marin Dr.
Sprint Site ID #: SF33XC609

12A-202-28
~~12A-203-11~~

Enclosed please find rider amending the Principal name for the captioned bond effective May 26th, 2005.

Should you have any questions related to this change, please contact Sprint Landlord Hotline at 800 357 7641.

Best Regards,

Kristy M. Barber

Kristy M. Barber
Surety Client Representative

o:\currentmonth\paige\removal bond cover letter.doc

RIDER

To be attached to and form a part of Bond Number 103332622 executed by Sprint Spectrum L.P., as Principal and by Travelers Casualty and Surety Company of America, as Surety, in favor of City of Novato, as Obligee, and effective as of 08/25/2000.

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to AMENDING THE PRINCIPAL NAME:

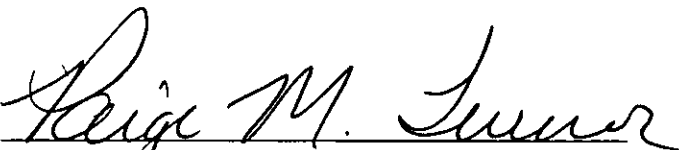
FROM: **Sprint Spectrum L.P.**

TO: **STC Five LLC**

Nothing herein contained shall vary, alter or extend any provision or condition of the bond except as herein expressly stated. This rider is effective the 26th day of May, 2005. Signed and sealed this 23rd day of May, 2005.

Travelers Casualty and Surety Company of America
Surety

By:


Paige M. Turner, Attorney-in-Fact

+

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Mickey Bickham, Lee's Summit, MO; Paige M. Turner, Odessa, Missouri; David C. Britton II, Olathe, Kansas; Keith A. Stiles, Kansas City, Missouri; Roy R. Yancey, Overland Park, Kansas, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 1st day of March 2001.

STATE OF CONNECTICUT

)SS. Hartford

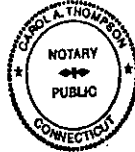
COUNTY OF HARTFORD

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY



By 
George W. Thompson
Senior Vice President

On this 1st day of March, 2001 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.






My commission expires December 31, 2002 Notary Public
Carol A. Thompson

CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 23rd day of May, 2005.



By 
Kori M. Johanson
Assistant Secretary, Bond

June 26, 2000

TO: City Council
City Manager
Community Development Director

FROM: Alan Lazure, Zoning Administrator

SUBJECT: Zoning Administrator's Hearing of June 26, 2000

Zoning Administrator Alan Lazure commenced the hearing at 2:00 p.m. and explained the purpose of the hearing and the procedures to be followed for each item. He also outlined the appeals process and advised that appeals must be filed in writing by 5 p.m. July 5, 2000.

CONTINUED ITEM:

- 1. SPRINT PERSONAL COMMUNICATIONS SERVICES (PCS) WIRELESS
TELECOMMUNICATION FACILITY (KR)
UP 00-007; USE PERMIT
DR 00-006; DESIGN REVIEW
APN 124-202-28; 101-199 SAN MARIN DRIVE**

To consider applications for a Use Permit and Design Review to allow a wireless telecommunication facility, a monopole, to be mounted on an existing light standard in the parking lot and to allow a radio equipment cabinet to be installed northwest of the existing building located at 101-199 San Marin Drive.

**Applicant Representatives Present: Robert Anderson, MSI/Sprint
Eric Jaffe, Solem & Associates
Mita Prakash, Solem & Associates
Talin Aghazarian, The Alaris Group
Bill Hammett, Hammett & Edison, Inc.**

Zoning Administrator Lazure reported that he had received written correspondence on the application.

The public hearing was opened. The Zoning Administrator went over the recommended Conditions of Approval.

Zoning Administrator Lazure made the following findings:

FINDINGS:

The proposed establishment, maintenance or conducting of the use for which a Use Permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ACTION TAKEN:

The Zoning Administrator granted the Sprint Personal Communications Services (PCS) Wireless Telecommunication Facility (101-199 San Marin Drive) Use Permit and Design Review, subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL:

1. 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.
2. Design Review approval shall expire two years from the date of approval unless a building permit has been issued and remains valid.
3. Any above-grade utility facilities, not located on the building, including splice boxes and transformers shall be painted a standard brown/gray. A color chip of the approved color may be obtained from the City Engineer.
4. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.
5. In accordance with Section 19-14 of the Novato Municipal Code, a sign permit is required prior to installation of any external advertising or signage.
6. The applicant shall cooperate with City standards and criteria to promote co-location or shared-location of similar facilities in the future.
7. The antenna and equipment cabinet shall be painted a non-reflective color to blend in with the existing building.
8. The height, a combination of the light standard and the antenna, shall not exceed 35 feet.
9. Prior to the issuance of a building permit, the applicant shall enter into a standard performance agreement with the city and post a bond, or other suitable security, in order

to guarantee the removal of any abandoned facility. The approved facility shall be dismantled and removed, and the site be returned to as near to its original condition as possible, should it become inoperative or abandoned for a period of one (1) year.

10. The approved Use Permit will remain in effect for one year term and will expire on June 26, 2001, unless the applicant submits, in writing, a request for an extension of the permit, and such a request is approved by the Community Development Director. The Community Development Director shall determine whether or not: (1) the project complies with Standards and Criteria for Wireless Telecommunications Antenna Facilities; and (2) new or modified conditions of approval are not required. The approved Use Permit may be extended for up to nine additional years provided the facilities are found to be in complete compliance with the Novato Municipal Code in effect at the time of renewal. If the Community Development Director determines that the request for an extension does not qualify for an administrative extension, a new Use Permit application may be made.
11. Warning signs shall be posted at the base of the monopole or near the antennas and the light standard, such that they would be visible to persons who need to work near them, to prevent exposures in excess of the RFR occupational limit. The warning signs shall comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information shall be provided (e.g., a telephone number) to arrange for access to restricted areas.
12. Access to the radio equipment cabinet shall be only by authorized work crews and warning signs to that effect shall be placed at the base of the antenna support structure, that are visible from any approach angle in compliance with FCC-adopted guidelines.
13. No exterior lighting shall be allowed for any part of the proposed facility, except as may be deemed necessary for security and shall be subject to the review and approval of the Community Development Director.
14. The approved facility shall comply with the noise standards set forth in Chapter V of the Novato General Plan. 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 Saturday. Routine testing and maintenance activities that do not generate noise that is perceptible by nearby sensitive receptors may occur at any time. 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.
15. The Radio Frequency Radiation (RFR) generated by the approved facility, in combination with other sources of RFR, shall not expose the general public to RFR levels that exceed the allowable standards as adopted by Federal Communications Commission (FCC) and

the City. Should nationally accepted research result in the establishment of substantially revised standards for human exposure to RFR and such standards are adopted by the City or otherwise determined to be applicable to the City, the applicant shall demonstrate compliance with such standards by submitting a new RFR report to the Community Development Department within 30 days of the effective date of the adoption of the revised standards. A longer period for submitting the RFR report may be granted at the discretion of the Community Development Director. The RFR report shall determine compliance with the updated standards by calculating the RFR power level of the approved facility in combination with other similar sources of RFR.

16. This Use Permit may be revoked by the City should the approved facility, in combination with other similar facilities, exceed the updated RFR standards unless the location, design, and/or operation of the approved facility is modified to meet the new standards. Modifications of the approved facility shall be submitted to the Community Development Department to determine if amendments to the approved permit are necessary. This condition shall not apply if the City is preempted by Federal and/or State law, rules or regulations from applying updated RFR standards after the approved facility has been constructed.
17. This Use Permit is subject to the revocation procedures contained in Sections 19-20.012a and 19-20.012b of the Novato Municipal Code in the event that 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.
18. Within 30 days, 6 months, and 1 year of the initiation of the operation of the approved facility, the applicant shall submit up to three post-construction RFR reports, including the data developed, verifying that the actual levels of RFR emitted by the approved facility, operating alone, and in combination with other approved facilities, are below the FCC, threshold standards. The applicant shall be responsible for the cost of the post-construction reports to be prepared by a qualified consultant selected by the City.
19. The following requirements shall be met to the satisfaction of the Novato Crime Division:
 - a. If an alarm unit is installed, it shall be capable of identifying the type of alarm (burglary, fire, panic) and the zone of activation. The monitoring company shall also have the names of responsible parties to be contacted so the property owners are not contacted when problems arise.
 - b. A plaque or other device listing Sprint PC Wireless and emergency contact numbers shall be visible on the equipment storage area. These plaques shall be visible to responding emergency personnel who are standing near the equipment.
20. The following requirements shall be met to the satisfaction of the City of Novato

Engineering Division:

- a. Sprint PCS Wireless shall maintain common facilities, including antennae, equipment area, and appurtenances. A proposal for maintenance of common facilities shall be submitted by the applicant and shall be subject to the review and approval of the City Attorney and City Engineer prior to issuing the building permit.
 - b. Concrete, both existing and proposed, shall be protected from damage due to tree roots. A root barrier shall be installed around the concrete pad per City standards. A detail shall be submitted with the building permit application. Planning details shall be subject to the review and approval of the City Engineer prior to and as a condition of the building permit.
 - c. Existing trees and landscaping within 20 feet of any work shall be protected. An arborist's report shall be submitted. The arborist's report shall address all trees proposed for removal and all trees whose roots may encroach into the areas of trenching and soil disturbance. The report shall be subject to the review and approval of the City Engineer prior to issuance of a building permit.
 - d. Sight distance at driveway(s) shall not be obstructed by landscaping or equipment area wall. A traffic sight distance and landscaping plan shall be submitted to the City engineering Division prior to issuance of a building permit. Plans shall demonstrate compliance and shall be subject to the review and approval of the City engineer prior to issuance of a building permit.
 - e. Trenches cut through existing pavement shall be fully repaired to City Standard Drawing No. 991 of the Uniform Standards of the County of Marin.
 - f. An encroachment permit shall be obtained for any work within the city right-of-way. Applicant shall submit a site plan showing the limits and description of all work within the city right-of-way.
 - g. A tree removal permit shall be obtained for any trees proposed to be removed. said permit shall be obtained prior to any tree removal.
21. Landscaping shall be added to further screen the radio equipment cabinet enclosure. This landscaping shall include planting a minimum of seven oleanders, self-attaching vines planted to screen the west, east and south walls with three vines on each wall, and replacing the baccharis groundcover with one-gallon cans three-feet on center to cover the area. The landscape plan shall be submitted with the building permit.
22. 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 of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (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. In the event that a claim, action or proceeding described in Article (a) above, is brought, the City shall promptly notify the applicant of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that if said Counsel is the City Attorney, his fees and costs shall be paid by the applicant.
- d. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. 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.
- f. 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.

June 22, 2000

TO: City Council
City Manager
Community Development Director

FROM: Alan Lazure, Zoning Administrator

SUBJECT: Zoning Administrator's Hearing of June 22, 2000

The applicant was notified by Zoning Administrator, Alan Lazure, that due to a noticing error this item would be continued to June 26, 2000.

CONTINUED ITEM:

- 1. SPRINT PERSONAL COMMUNICATIONS SERVICES (PCS) WIRELESS
TELECOMMUNICATION FACILITY (KR)
UP 00-007; USE PERMIT
DR 00-006; DESIGN REVIEW
APN 124-202-28; 101-199 SAN MARIN DRIVE**

To consider applications for a Use Permit and Design Review to allow a wireless telecommunication facility, a monopole, to be mounted on an existing light standard in the parking lot and to allow a radio equipment cabinet to be installed northwest of the existing building located at 101-199 San Marin Drive.

**ZONING ADMINISTRATOR PUBLIC HEARING
COMMUNITY DEVELOPMENT DIRECTOR ACTION
STAFF REPORT**



**THE CITY OF
NOVATO
CALIFORNIA**

Community Development Dept.
Planning Division
901 Sherman Avenue
Novato, CA 94945
(415) 897-4341
FAX (415) 893-7905
www.ci.novato.ca.us

MEETING

DATE: June 1, 2000

STAFF: Laura Lafler, Contract Planner
(510) 236-6810

**SUBJECT: SPRINT PERSONAL COMMUNICATIONS SERVICES (PCS)
WIRELESS TELECOMMUNICATION FACILITY
DR 00-006, DESIGN REVIEW; UP 00-007, USE PERMIT
APN 124-202-28; 101-199 SAN MARIN DRIVE**

To consider applications for a Use Permit and Design Review to allow a wireless telecommunication facility, a monopole (single pole), to be mounted on an existing light standard in the parking lot and to allow a radio equipment cabinet to be installed northwest of the existing building located at 101-199 San Marin Drive (APN 124-202-28).

ENVIRONMENTAL ASSESSMENT

The proposed personal communications services (PCS) wireless telecommunication facility is Categorically Exempt (does not have a significant effect on the environment) from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, "Class 1 consists of the...minor alteration of existing public or private structures, facilities, [etc.]" of CEQA and the City of Novato Environmental Review Guidelines. The associated radio equipment cabinet would be installed within a walled enclosure. This construction would be Categorically Exempt from the provisions of CEQA pursuant to Section 15303, "Class 3 consists of...installation of small new equipment and facilities in small structures..." of CEQA and the City of Novato Environmental Review Guidelines.

STAFF ANALYSIS

On January 14, 1997, the Novato City Council adopted Resolution No. 5-97 addressing wireless telecommunication facilities siting. The Resolution endorsed minimal submittal requirement criteria, including location and screening techniques to guide applicants, Planning staff and the Planning Commission and Design Review Committee to mitigate any undesirable locational or visual effects caused by wireless telecommunications facilities. That document, the Standards and Criteria for Wireless Communication Facilities, is included as an attachment to this staff report.

A.

Planning staff has reviewed the application submittal materials and found them to be in compliance with the Standards and Criteria for Wireless Communication Facilities. Notices were mailed to all neighboring property owners within 600 feet of the proposed project site property boundary. As of the date of this staff report there have been no letters or telephone calls.

Exec.
A.

The proposed facility is designed to minimize potential visual impacts by location (utilizes an existing light standard in the parking lot) and construction of the electronic cabinet along side of the building within a walled enclosure. Locating the antenna on an existing light fixture will minimize visual intrusion to the surrounding neighborhood, minimize disruption of the architectural design and features of the building and still allow the applicant to achieve technical goals. The existing visual character of the commercial oriented uses in the area, with a series of light fixtures in the parking lot is consistent with the appearance of the proposed facility. Existing parking would not be impacted. Some landscaping would need to be removed for construction of the electronic cabinet, along side the building near the northwest end of the parcel. As shown in the attached drawings landscaping would be replaced.

The proposed project would install an unmanned wireless telecommunication facility by installing an "AcCellerator" antenna monopole on an existing light standard in the parking lot of the subject property. The monopole would be comprised of three panel antennas, to provide service in three sectors at a height of 35 feet. In order to mitigate the visual impact, these antennas would be enclosed within a cylinder and painted to match the pole. The antenna would be 48" long, 6" wide and 3" diameter. The existing lights, now at 32 feet in height, would be removed and new lights, to match the existing lights, would be mounted at a height of 27 feet. The top of the light standard would be 2 feet above the lights, with the monopole extending another 6 feet for a total height of 35 feet, or three feet above the height of the existing light standard. The attached photosimulations provide further visual detail.

The associated radio equipment cabinet would be constructed northwest of the existing building along San Ramon Way. The equipment cabinet would be screened from view within a proposed walled enclosure, 11 feet wide by 17 feet 7 inches long, that would match the exterior finish of the existing buildings. The enclosure would have a lattice roof. The proposed project includes replacement landscaping with oleanders.

Since the antennas would be mounted on a monopole, they would be accessed only by authorized personnel. The facility would be unmanned, and would not create additional traffic in the area. Monthly visits to the site may be necessary by Sprint radio technicians for routine maintenance of the facility.

CRITERIA AND STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES

LIGHTING

The Standards and Criteria specify that wireless communication facilities should be unlit, with a few exceptions. The proposed project does not include a lighting request as no lighting is required by this unstaffed facility. The conditions of approval of this application specify that no exterior lighting would be allowed for this facility. The proposed facility would extend from an existing light standard, that currently lights this area of the parking lot. The lighting portion of the standard would be replaced at a lower height. Staff finds that the proposed facility would conform to the Standards and Criteria.

ROADS AND ACCESS WAYS

The Standards and Criteria specify that wireless communication facilities shall be served by the minimum roads and parking areas necessary. The access to the proposed facility would be by way of San Marin Drive and San Ramon Way and the driveway and parking area adjacent to the existing shopping center buildings. No additional roads or parking areas would be required to serve the proposed project. The applicant is not proposing to remove any parking spaces on the subject property. Staff finds that the proposed facility would conform to the Standards and Criteria.

VEGETATION

The Standards and Criteria specify that wireless communication facilities shall be installed in such a manner that existing vegetation will be maintained and enhanced and, where appropriate, additional landscaping shall be required to provide visual screening of the proposed facility. The proposed project antenna would be located as an extension of an existing light standard. The radio equipment cabinet would be sited on the northwest side of the building, and would require the removal of several shrubs. The proposed project includes replacement landscaping of oleanders. Staff recommends additional landscaping and has included this as a condition of approval. Staff finds that the proposed project is in conformance with the Standards and Criteria.

VISUAL COMPATIBILITY AND FACILITY SITE DESIGN

The Standards and Criteria specify that wireless communications facilities shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. The proposed project would locate the antenna on top of an ~~existing~~^{replaced} light standard and the radio equipment cabinet would be located on the northwest side of the existing building within a walled enclosure to match the existing adjacent building. The application materials for this proposed facility include visual simulations that show the appearance of the building with the monopole on top of the light standard, painted to match the light standard. No signs or other logos are proposed for this facility.

The application includes an analysis, by the applicant, that the antenna height is sufficient to meet the operation goals from a technological standpoint. Staff has reviewed the existing site conditions and finds that the proposed facility would not be visually prominent when viewed from publicly

accessible areas, including office, commercial and residential areas surrounding the proposed facility.

RADIO FREQUENCY RADIATION (RFR)

The application includes an evaluation specific to the proposed PCS base station facilities at 101-199 San Marin Drive, prepared by Hammett & Edison, Inc., Consulting Engineers, for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields dated December 3, 1999. The following summary highlights features of this technical report.

Federal Communications Commission (FCC) adopted human exposure limits for field strength and power density. Separate limits apply for occupational and public exposure conditions, with public exposure limits generally five times more restrictive. Personal wireless services are assigned short wavelength frequencies and thus the antennas require line-of-sight paths for the signals to propagate. Antennas for base station use are designed to concentrate energy toward the horizon, with little energy going toward the sky or the ground. "Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the limits without being physically very near the antennas." (December 3, 1999)

For this specific facility, the proposed project would mount three panel antennas on a new monopole, to provide service in three compass directions, called sectors, at a maximum height of 35 feet. The maximum ambient RF levels anywhere at ground level due to the proposed operation are calculated to be 0.7% of the applicable public exposure limit. The maximum ambient RF levels at ground level at the building to the north of the site due to the proposed operation are calculated to be 0.5% of the applicable public limit, with a maximum ambient RF level of 11.5% of the applicable public limit occurring on the roof of the building. Since the antennas would be mounted on a monopole, they would only be accessed by authorized personnel. The report recommends that no access within 12 feet directly in front of the Sprint antennas at a height of 30 feet above ground level should be allowed while the antennas are in operation, to prevent exposures in excess of the occupational limit. The report recommends that warning signs be posted at the base of the monopole or near the antennas, such that they would be visible to persons who need to work near them to meet FCC-adopted guidelines. This measure has been included as a condition of approval. The report concludes that the proposed base station facility would comply with the prevailing standards for limiting human exposure to radio frequency energy.

Staff finds that the proposed project complies with the visual compatibility, facility design and RFR guidelines included in the Standards and Criteria.

RECOMMENDATION

Use Permit findings per Section 19-20 the proposed establishment, maintenance or conducting of the use for which a Use Permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or

working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Planning staff recommends that the findings for Design Review approval under Section 19-17 of the Novato Municipal Code (NMC) can be made. In accordance with Section 19-17 of the NMC, the location, size, architectural features, and general appearance of the proposed work will not impair the orderly and harmonious development of the area, the present or future investment therein or the occupancy thereof.

ZONING ADMINISTRATOR USE PERMIT FINDINGS AND ACTION

1. In accordance with Section 19-20 of the Novato Municipal Code (NMC), the Zoning Administrator finds that the proposed establishment, maintenance or conducting of the use for which a Use Permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
2. Approve the 101-199 San Marin Drive, Sprint Personal Communications Services (PCS) Wireless Telecommunication Facility described in this staff report, as described in the attached letters dated February 3 and April 13, 2000, and application materials prepared by Tetra Tech revised May 11, 2000, subject to the conditions listed below.

COMMUNITY DEVELOPMENT DIRECTOR DESIGN REVIEW FINDINGS AND ACTION

1. In accordance with Section 19-17 of the Novato Municipal Code (NMC), the Community Development Director finds that the location, size, architectural features, and general appearance of the proposed work will not impair the orderly and harmonious development of the area, the present or future investment therein or the occupancy thereof. The proposed use would require minimal changes to existing structures and would not require any color or material changes to the main buildings of the shopping center.
2. Approve the 101-199 San Marin Drive, Sprint Personal Communications Services (PCS) Wireless Telecommunication Facility Design Review, as shown on the plans titled Sprint PCS San Marin Novato, revised May 11, 2000, prepared by Tetra Tech subject to the conditions listed below.

CONDITIONS OF APPROVAL

1. 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.
2. Design Review approval shall expire two years from the date of approval unless a building permit has been issued and remains valid.
 3. Any above-grade utility facilities, not located on the building, including splice boxes and transformers shall be painted a standard brown/gray. A color chip of the approved color may be obtained from the City Engineer.
 4. All utilities connecting the approved facility visible from ground level shall be placed underground or in cable trays.
 5. In accordance with Section 19-14 of the Novato Municipal Code, a sign permit is required prior to installation of any external advertising or signage.
 6. The applicant shall cooperate with City standards and criteria to promote co-location or shared-location of similar facilities in the future.
 7. The antenna and equipment cabinet shall be painted a non-reflective color to blend in with the existing building.
 8. The height, a combination of the light standard and the antenna, shall not exceed 35 feet.
 9. Prior to the issuance of a building permit, the applicant shall enter into a standard performance agreement with the city and post a bond, or other suitable security, in order to guarantee the removal of any abandoned facility. The approved facility shall be dismantled and removed, and the site be returned to as near to its original condition as possible, should it become inoperative or abandoned for a period of one (1) year.
 10. The approved Use Permit will remain in effect for one year term and will expire on June 1, 2001, unless the applicant submits, in writing, a request for an extension of the permit, and such a request is approved by the Community Development Director. The Community Development Director shall determine whether or not: (1) the project complies with Standards and Criteria for Wireless Telecommunications Antenna Facilities; and (2) new or modified conditions of approval are not required. The approved Use Permit may be extended for up to nine additional years provided the facilities are found to be in complete compliance with the Novato Municipal Code in effect at the time of renewal. If the Community Development Director determines that the request for an extension does not qualify for an administrative extension, a new Use Permit application may be made.
 11. Warning signs shall be posted at the base of the monopole or near the antennas and the light standard, such that they would be visible to persons who need to work near them, to prevent

- exposures in excess of the RFR occupational limit. The warning signs shall comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information shall be provided (e.g., a telephone number) to arrange for access to restricted areas.
12. Access to the radio equipment cabinet shall be only by authorized work crews and warning signs to that effect shall be placed at the base of the antenna support structure, that are visible from any approach angle in compliance with FCC-adopted guidelines.
 13. No exterior lighting shall be allowed for any part of the proposed facility, except as may be deemed necessary for security and shall be subject to the review and approval of the Community Development Director.
 14. The approved facility shall comply with the noise standards set forth in Chapter V of the Novato General Plan. 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 Saturday. Routine testing and maintenance activities that do not generate noise that is perceptible by nearby sensitive receptors may occur at any time. 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.
 15. The Radio Frequency Radiation (RFR) generated by the approved facility, in combination with other sources of RFR, shall not expose the general public to RFR levels that exceed the allowable standards as adopted by Federal Communications Commission (FCC) and the City. Should nationally accepted research result in the establishment of substantially revised standards for human exposure to RFR and such standards are adopted by the City or otherwise determined to be applicable to the City, the applicant shall demonstrate compliance with such standards by submitting a new RFR report to the Community Development Department within 30 days of the effective date of the adoption of the revised standards. A longer period for submitting the RFR report may be granted at the discretion of the Community Development Director. The RFR report shall determine compliance with the updated standards by calculating the RFR power level of the approved facility in combination with other similar sources of RFR.
 16. This Use Permit may be revoked by the City should the approved facility, in combination with other similar facilities, exceed the updated RFR standards unless the location, design, and/or operation of the approved facility is modified to meet the new standards. Modifications of the approved facility shall be submitted to the Community Development Department to determine if amendments to the approved permit are necessary. This condition shall not apply if the City is preempted by Federal and/or State law, rules or regulations from applying updated RFR standards after the approved facility has been constructed.
 17. This Use Permit is subject to the revocation procedures contained in Sections 19-20.012a and 19-20.012b of the Novato Municipal Code in the event that 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.

18. Within 30 days, 6 months, and 1 year of the initiation of the operation of the approved facility, the applicant shall submit up to three post-construction RFR reports, including the data developed, verifying that the actual levels of RFR emitted by the approved facility, operating alone, and in combination with other approved facilities, are below the FCC, threshold standards. The applicant shall be responsible for the cost of the post-construction reports to be prepared by a qualified consultant selected by the City.
19. The following requirements shall be met to the satisfaction of the Novato Crime Division:
 - a. If an alarm unit is installed, it shall be capable of identifying the type of alarm (burglary, fire, panic) and the zone of activation. The monitoring company shall also have the names of responsible parties to be contacted so the property owners are not contacted when problems arise.
 - b. A plaque or other device listing Sprint PC Wireless and emergency contact numbers shall be visible on the equipment storage area. These plaques shall be visible to responding emergency personnel who are standing near the equipment.
20. The following requirements shall be met to the satisfaction of the City of Novato Engineering Division:
 - a. Sprint PCS Wireless shall maintain common facilities, including antennae, equipment area, and appurtenances. A proposal for maintenance of common facilities shall be submitted by the applicant and shall be subject to the review and approval of the City Attorney and City Engineer prior to issuing the building permit.
 - b. Concrete, both existing and proposed, shall be protected from damage due to tree roots. A root barrier shall be installed around the concrete pad per City standards. A detail shall be submitted with the building permit application. Planning details shall be subject to the review and approval of the City Engineer prior to and as a condition of the building permit.
 - c. Existing trees and landscaping within 20 feet of any work shall be protected. An arborist's report shall be submitted. The arborist's report shall address all trees proposed for removal and all trees whose roots may encroach into the areas of trenching and soil disturbance. The report shall be subject to the review and approval of the City Engineer prior to issuance of a building permit.
 - d. Sight distance at driveway(s) shall not be obstructed by landscaping or equipment area wall. A traffic sight distance and landscaping plan shall be submitted to the City

engineering Division prior to issuance of a building permit. Plans shall demonstrate compliance and shall be subject to the review and approval of the City engineer prior to issuance of a building permit.

- e. Trenches cut through existing pavement shall be fully repaired to City Standard Drawing No. 991 of the Uniform Standards of the County of Marin.
 - f. An encroachment permit shall be obtained for any work within the city right-of-way. Applicant shall submit a site plan showing the limits and description of all work within the city right-of-way.
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22. 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 of or study of, or for supplementing, preparing, redrafting, revising, or amending any document (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. In the event that a claim, action or proceeding described in Article (a) above, is brought, the City shall promptly notify the applicant of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim,

action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that if said Counsel is the City Attorney, his fees and costs shall be paid by the applicant.

- d. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. 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.
- f. 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 Design Review or Use Permit applications will be taken unless an appeal to the Planning Commission is filed in writing within ten calendar days along with the required filing fee.

Design and construction of this project shall be in accordance with all City ordinances, including the Development Standards Chapter of the Municipal Code. Unless exceptions have been granted heretofore in writing, then none will be allowed by reason of Design Review approval.

Alan Lazure, Zoning Administrator
and as designee for the Community

Date

Urgent

June 20, 2000

Allen Lazure
Community Development Dept., City of Novato
901 Sherman Avenue
Novato, CA
FAX 415-893-7905

1. We oppose the application for Use Permit and Design Review to allow Sprint Personal Wireless Communication facilities at 101-199 San Marin Drive, because of possible and undetermined cumulative health hazards to us and all citizens who go there.
2. We also oppose the Wireless Communication facility planned to be installed at the Greek Orthodox Church in Ignacio for the same reason.
3. We ask the City of Novato; as Corte Madera and San Anselmo have recently done, to:
 - A. Deny all such current applications.
 - B. Declare a moratorium on all new wireless communication facilities and antennas for at least two years-until enough longterm studies can be made on their electromagnetic radiation effects on people to assure us that no health hazards will result.
4. Please stop the proliferation of wireless antennas across our city and yintage oaks until we truly know the cumulative radiation effects upon all of us. Children are especially vulnerable as we go about our daily lives.

Sincerely,



Alice Jeung and Barbara Hosmer
202 Ignacio Valley Circle



Nancy Eddy
278 Ignacio Valley Circle

2 attachments

Urgent

June 20, 2000

Allen Lazure
Community Development Dept., City of Novato
901 Sherman Avenue
Novato, CA
FAX 415-893-7905

This letter is to register our strong opposition to the Wireless Communication Facilities proposed for the Greek Orthodox Church and 101-199 ^{SARINIA DRIVE} We are concerned that these Facilities are going to be installed before the long-range health consequences and risks are known. Our sentiments are obviously well founded and the Cities of Corte Madera and San Anselmo have recently denied such proposals based on the same concerns about health risk.

These facilities are proposed to be placed very near residential areas with many children, creating a potential constant bombardment of microwaves on residents on a 24 hour basis. Again, the cumulative effects of such exposure are unknown.

Please, safeguard the health of Novato citizens by denying these projects until the unknown factors are resolved. After health damage occurs, it is too late.

Thank you for your consideration,

Kristi Chambers
Timothy Chambers


Kristi and Timothy Chambers
194 Ignacio Valley Circle
Novato

2 attachments

MEMORANDUM



THE CITY OF
NOVATO
CALIFORNIA

DATE: May 3, 2000
TO: Laura Lafler
FROM: Chris Lau, Willdan 
SUBJECT: Sprint PCS Wireless – 101-199 San Marin Drive
APN 124-202-28

900 Sherman Avenue
Novato, CA 94945
415/897-4341
FAX 415/899-1206

APPLICANT: Talin Aghazarian – Alaris Group

APPLICATION NO.: UP 00-007; DR 00-006

The Engineering Division has reviewed the submittal for merits and provides the following comments:

1. Sprint PCS Wireless shall maintain common facilities, including antennae, light standard, equipment area and appurtenances. A proposal for maintenance of common facilities shall be submitted by the applicant and shall be subject to the review and approval of the City Attorney and City Engineer prior to building permit.
2. Concrete, both existing and proposed, shall be protected from damage due to tree roots. A root barrier shall be installed around the concrete pad per City standards. A detail shall be submitted with the building permit application. Planting details shall be subject to the review and approval of the City Engineer prior to and as a condition of the building permit.
3. Existing trees and landscaping within 20 feet of any work shall be protected. An arborist's report shall be submitted. The arborist's report shall address all trees proposed for removal and all trees whose roots may encroach into the areas of trenching and soil disturbance. The report shall be subject to the review and approval of the City Engineer prior to issuance of a building permit.
4. Sight distance at driveway(s) shall not be obstructed by landscaping or equipment area wall. A traffic sight distance and landscaping plan shall be submitted to the City Engineering Division prior to issuance of a building permit. Plans shall demonstrate compliance and shall be subject to the review and approval of the City Engineer prior to issuance of a building permit.
5. Trenches cut through existing pavement and concrete infrastructure shall be fully repaired to City Standard Drawing No. 991 of the Uniform Standards of the County of Marin.
6. An encroachment permit shall be obtained for any work within the City right-of-way. Applicant shall submit a site plan showing the limits and description of all work within the City right-of-way.


7. A tree removal permit shall be obtained for any trees proposed to be removed. Said permit shall be obtained prior to any tree removal.

CC: Steve Wallace

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the County of Marin; I am over the age of eighteen years and not a party to the within matter; my business address is: City of Novato, City Hall, Sherman & DeLong, Novato, California. On 5-22 ~~19~~ 2000 I mailed the attached Notice to the owners of property as shown on the latest equalized Marin County Assessor's roll for each parcel number appearing on Exhibit "A" attached which list was compiled and prepared in accordance with the Zoning Ordinance requirements for such noticing.

I certify, that the foregoing is true and correct.



CITY OF NOVATO

**NOTICE OF PUBLIC HEARING
FILE REFERENCE: UP 00-007 AND DR 00-006
SPRINT PERSONAL COMMUNICATIONS SERVICES (PCS)
WIRELESS TELECOMMUNICATION FACILITY**

Notice is hereby given that the Zoning Administrator and Community Development Director will hold a public hearing on Thursday, June 1, 2000, at 2 p.m. in the Community Development Department Conference Room, 901 Sherman Avenue, to consider applications for a Use Permit and Design Review to allow a wireless telecommunication facility, a monopole, to be mounted on an existing light standard in the parking lot and to allow a radio equipment cabinet to be installed northwest of the existing building located at 101-199 San Marin Drive (APN 124-202-28).

Any decisions made by the Zoning Administrator and the Community Development Director are final unless appealed to the Planning Commission. Appeals must be filed in writing within ten calendar days of the decision, accompanied by the required filing fee as established by the City Council.

If anyone wishes to challenge this project in court, they may be limited to raising only those issues they or anyone else raised at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

Any questions regarding the items listed above should be directed to Laura Lafler, Contract Planner, at LSA Associates, (510) 236-6810, or the Community Development Department at (415) 897-4341, weekdays from 9 a.m. to 5 p.m., or at 901 Sherman Avenue, Novato, California 94945.

PN00.030

CITY OF NOVATO

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PN00.030



THE CITY OF
NOVATO
CALIFORNIA

900 Sherman Avenue
Novato, CA 94945
www.ci.novato.ca.us

**This is an
OFFICIAL NOTICE
from the
CITY OF NOVATO
affecting your neighborhood.**



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TYPE OF APPLICATION

check one

- Use Permit
- Variance
- Rezoning
- Design Review
- General Plan Amendment
- Master Plan
- Precise Development Plan
- Sign Review
- Tree Removal
- Prezoning
- Subdivision Tentative Map (5 or more lots)*
- Land Division Tentative Map (4 or fewer lots)*
- Lot Line Adjustment (no new lots)
- Certificate of Compliance

APPLICANT REQUIRED INFORMATION

1. Assessor's Parcel No(s) 124 202 28 Existing Zoning A-P
2. Property's Address 101-199 San Marin Drive, Novato, CA 94945
3. Property Owner a) Name San Marin Partners, Inc. Phone (310) 625-1377
b) Address 199 San Marin Drive, Novato, CA 94945
4. Applicant (if different than owner) a) Name Sprint PCS c/o Kelly Pepper Phone 925 980-3742
665 3rd Street, Suite 425, SF 94107
b) Address 3875 Hopyard Rd., Suite 245, Pleasanton, CA 94588
5. Name of Project (if applicable) SF33xc609 / San Marin Novato
6. Property size: unknown
7. Type of use proposed (office, residential, etc.) unmanned wireless telecommunications facility
8. Square footage of each use or number of units if residential: N/A
9. Purpose of application (brief statement of what you want to accomplish) Sprint PCS proposes to install an unmanned wireless telecommunications facility on the property. The proposal includes the installation of an "AcCellerator" antenna on an existing light standard in the parking lot of the subject property. Associated radio equipment cabinets will be installed near the northwest end of the parcel.
(attach separate sheets if needed)
10. Signature [Signature]
 Owner Applicant (Note: If applicant signs, an authorization signed by the owner must be attached.)

* IMPORTANT - PLEASE COMPLETE THE BACK SIDE OF THIS FORM PERTAINING TO COST BASED FEE SYSTEM AGREEMENT.

NOTE: Additional information may be needed with this application. Information sheets, describing the review process and what additional information is required for a specific type of application, are available in the Novato Department of Community Development - 415/897-4341.

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESS INFORMATION

Application No. UP 00-007 Fee Deposit \$500 + \$46 = \$546
 Date Received 2/7/00 By Paul Choussier
 Date Accepted _____ By _____
 Application acted on by ZA
 Action APPROVED Date 6/26/00

Conditions of approval or comments:

Cust # 1389