


**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR
Archdiocese of San Francisco Coastal Permit, Conditional Use Permit,
and Design Review**

Recommendation: Approve with conditions
Hearing Date: May 23, 2024

Application No(s):	P4338	Owner(s):	Archdiocese of San Francisco
Agenda Item:	1	Assessor's Parcel No(s):	166-181-01
Last Date for Action:	July 25, 2024	Property Address:	10189 Shoreline Highway, Olema
		Project Planner:	Sabrina Cardoza
		Signature:	

Countywide Plan Designation:	C-VCR (Coastal, Village Commercial Residential)
Community Plan Area:	Not Applicable
Zoning District:	C-NC (Coastal, Neighborhood Commercial)
Environmental Determination:	Exempt per CEQA Guidelines section 15301, Class 1

PROJECT SUMMARY

The applicant, Mr. Eric Lentz, on behalf of the owners, Archdiocese of San Francisco, requests Coastal Permit, Conditional Use Permit, and Design Review approval to install a new, wireless communication facility disguised as an addition to an existing steeple on the grounds of the previously developed Sacred Heart Church in Olema. Improvements to the existing 61-foot tall steeple entails the removal of an existing cross and the installation of a 17-foot tall enclosure box that would be located on top of the steeple with the antennas fully concealed inside. The overall height, including the enclosure box would be 78 feet above surrounding grade. The existing steeple is located approximately 184 feet from the eastern front property line, 180 feet from the northern side property line, 150 feet from the southern side property line, and 190 feet from the western rear property line.

Additional elements of the wireless communication facility lease area would include the following: (1) an approximately 256 square-foot steel platform raised three feet above the surrounding grade on which the base station would be located; (2) four outdoor equipment cabinets; (3) a surge suppressor mounted to a new H-frame; (4) an eight-foot tall slump stone wall that would disguise the ground equipment; and (5) two proposed four-foot wooden gates. The 256 square-foot lease

area would be located within an existing parking facility on the site approximately 195 feet from the eastern front property line; over 280 feet from the northern side property line; 40 feet from the southern side property line; and 200 feet from the western rear property line.

Coastal Development Permit (CDP) approval is required under the Local Coastal Plan (LCP), Implementation Plan Section 20.32.165(A) because the project entails the installation of a new wireless facility in a coastal zone; A Conditional Use Permit (CUP) is required under the LCP, Implementation Plan Section 20.62.080.D, Table 5-3-f because the project involves the installation of a wireless facility in the C-VCR zoning district; and a Design Review is required pursuant to Policy RP 1.3 of the Telecommunications Facilities Policy Plan in order to regulate the design and placement of wireless facilities.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

- Lot Area:** Approximately 152,640 sq. ft. (3.5 ac.)
- Adjacent Land Uses:** Campground, other recreational facilities, agriculture, open area and some residential.
- Topography and Slope:** Relatively flat terrain with an average slope of four percent.
- Existing Vegetation:** Ornamental lawn, grasses, and some native or mature trees and vegetation
- Environmental Hazards:** Unnamed stream channels are located along the northwestern side and southeastern side property lines.

The property is located along and accessed from Shoreline Highway in Olema. The property is located immediately between the Olema Campgrounds to the southeast and south, and a residential property to the northwest. Immediate north of the property across Shoreline Highway is another residential property, along with open area owned by the United States government and privately owned agricultural property.

The subject property consists of an existing church building, accessory office and parsonage buildings, parking facilities, a small chapel, and ornamental outdoor areas. The project site is relatively flat and heavily disturbed with previous development.

BACKGROUND

The Planning Division received the subject application for a Coastal Permit, Use Permit and Design Review on November 16, 2023. The project was transmitted to the Department of Public Works Land Development and Radio Communications Divisions, the California Coastal Commission, the Environmental Health Services Division, and the Marin County Fire Department. All agencies provided written comments. The application was deemed incomplete on December 13, 2023 for information requested by the Planning Division, Department of Public Works, and Environmental Health Services.

The applicant submitted revised materials on February 18, 2024, which were transmitted to the Department of Public Works Land Development and Radio Communications Divisions, the California Coastal Commission, the Environmental Health Services Division, and the Marin County Fire Department. Responses received are attached to this staff report.

The application was deemed incomplete on March 13, 2024 for information requested by the Planning Division. The applicant submitted revised materials on April 16, 2024. The project was then deemed complete on April 24, 2024.

The applicant provided the following reports as part of the application materials:

- Photo simulations prepared by Advance Sim, dated October 3, 2023 which provides visual simulations of the proposed project.
- AT&T Radio Frequency Safety Survey Report Prediction, dated October 12, 2023 which evaluates human exposure to radio frequency electromagnetic fields from the proposed telecommunications facility and concludes that the project complies with requirements.
- A Radio Frequency Statement, which states the project is needed to close coverage gaps in Olema; includes FirstNet, a dedicated public safety network for first responders; and would provide both LTE and 5G capabilities.
- Noise Analysis prepared by Hammett & Edison, Inc., which concludes that the project would comply with the County's noise level limits.
- Title Report prepared by First American Title, which provides title information for the property.
- Alternative Sites Analysis which evaluates the feasibility of four other alternative sites and concludes that the subject site is best suited because of location and concealment opportunities.

KEY ISSUES

The County's discretionary authority in reviewing all applications for wireless facilities is significantly limited by State and Federal laws, specifically by the Federal Telecommunications Act of 1996 and the California Government Code § 65850.6 and § 65964.1.

The Federal Telecommunications Act limits the County's consideration of the project under these local standards in two significant ways. First, Federal law prohibits the County from either conditioning or denying the project based on concerns stemming from the environmental effects of radiofrequency (RF) emissions if the proposed facility complies with federal RF standards. Second, Federal law prohibits the County from denying the project if: (a) the facility is necessary to fill a significant service gap in the applicant's wireless network; and (b) the facility is the least intrusive means of filling the service gap. As a faux steeple tower, the proposed would be designed to the minimum functional height required to meet the coverage requirements and demands for the area. In addition, under Federal law, the County may not regulate wireless facilities in a manner that would "prohibit or have the effect of prohibiting" an entity from providing telecommunications service or personal wireless services.

Under California state law, if the County fails to act on an application within the timeframes established by the Federal Communications Commission, an applicant may seek relief through the courts to deem the application approved as proposed. The County may impose design requirements as long as those requirements are reasonable, technically feasible, and are reasonably directed to avoiding or remedying the intangible public harm.

Consideration of the project is also governed by the County's Telecommunications Facilities Policy Plan (TFPP). The TFPP was first adopted in 1990 and comprehensively updated in 1998, mainly in response to the advent and deregulation of the cellular telephone market and to reflect significant legislative changes in the 1996 Act. The TFPP promotes the goal of mitigating visual

impacts by reducing the number of new sites through co-location or clustering of multiple facilities and by various siting and design techniques. The Implementation section of the TFPP sets forth the various thresholds for the Planning Division's review of wireless facilities, including design considerations.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Archdiocese of San Francisco Coastal Permit, Conditional Use Permit and Design Review.

Attachments:

1. Recommended resolution
2. Project plans
3. Transmittal Response, Marin County Fire Department, dated January 2, 2024
4. Transmittal Response, Department of Public Works, dated March 8, 2024
5. Transmittal Response, Environmental Health Services, dated March 11, 2024
6. Transmittal Response, California Coastal Commission, dated March 12, 2024

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ARCHDIOCESE OF SAN FRANCISCO COASTAL PERMIT, CONDITIONAL USE PERMIT, AND DESIGN REVIEW 10189 SHORELINE HIGHWAY, OLEMA ASSESSOR'S PARCEL: 166-181-01

SECTION I: FINDINGS

1. WHEREAS, Mr. Eric Lentz, on behalf of the owners, Archdiocese of San Francisco, requests a Coastal Permit, Conditional Use Permit, and Design Review approval to install a new wireless communication facility disguised as an addition to an existing steeple on the grounds of the previously developed Sacred Heart Church in Olema. Improvements to the existing 61-foot tall steeple entails the removal of an existing cross and the installation of a 17-foot tall enclosure box that would be located on top of the steeple with the antennas fully concealed inside. The overall height, including the proposed enclosure box, would be 78 feet above the surrounding grade. The steeple is located approximately 184 feet from the eastern front property line, 180 feet from the northern side property line, 150 feet from the southern side property line, and 190 feet from the western rear property line.

Additional elements of the wireless communication facility lease area would include the following: (1) an approximately 256 square-foot steel platform raised three feet above the surrounding grade for which the base station would be located; (2) four outdoor equipment cabinets; (3) a surge suppressor mounted to a new H-frame; (4) an eight-foot tall slump stone wall that would disguise the ground equipment; and (5) two proposed four-foot wooden gates. The 256 square-foot lease area would be located within an existing parking facility on the site approximately 195 feet from the eastern front property line; over 280 feet from the northern side property line; 40 feet from the southern side property line; and 200 feet from the western rear property line.

Coastal Development Permit (CDP) approval is required under the Local Coastal Plan (LCP), Implementation Plan Section 20.32.165(A) because the project entails the installation of a new wireless facility in a coastal zone; A Conditional Use Permit (CUP) is required under the LCP, Implementation Plan Section 20.62.080.D, Table 5-3-f because the project involves the installation of a wireless facility in the C-VCR zoning district; and a Design Review is required under Policy RP 1.3 of the Telecommunications Facilities Policy Plan in order to regulate the design and placement of wireless facilities.

The property is located at 10189 Shoreline Highway, Olema, and is further identified as Assessor's Parcel 166-181-01.

2. WHEREAS, on May 23, 2024, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. WHEREAS, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301, Class 1 of the CEQA Guidelines

because the telecommunications facility would not result in environmental impacts. The project entails the installation of new telecommunications equipment on an existing church facility to improve the wireless coverage and capacity for both current and new customers. The new antennas would be located within an existing building and the equipment lease area and appurtenant features would be located within an existing, previously disturbed parking facility of the site. Therefore, the proposed project is exempt from CEQA, and no further environmental review is required.

Further, the applicant has submitted a report prepared by EBI Consulting, dated October 12, 2023, which evaluates human exposure to radio frequency electromagnetic fields from the proposed telecommunications facility. The report concludes that the facility will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact to the public.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals, as verified by the Biological Site Assessment (BSA) prepared by Geist Engineering, dated May 8, 2024.
- C. The project site is located within the “Coastal Corridor” pursuant to the CWP. The CWP policies regarding protection of streams and creeks include the following:

Policy BIO-4.1 requires for Coastal, Inland Rural, and Baylands Corridors:

“A development setback on each side of the top of bank that is the greater of either (a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or (b) 100 feet landward from the top of the bank. An additional setback distance may be required based on the results of a site assessment. A site assessment may be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback”.

Per the BSA, there is an unnamed intermittent stream that traverses the property. The proposed equipment lease area that would contain the base station would be located within the 100-foot SCA buffer as measured from the top of the creek bank (this area would be sited approximately 45 feet from the top of bank). While the BSA identifies the presence of riparian vegetation on the project site, consistent with the policy above the more restrictive SCA buffer of 100 feet from the top of bank applies to the proposed project. While another unnamed waterway was identified along the northwestern property line this creek appears to be ephemeral in nature without a woody riparian vegetation or special-status habitat association and is thus not subject to the SCA policies.

The SCA policies include a summary of those uses that are allowed in SCAs and the proposed use is not a listed allowable use. While the SCA policies (BIO-4.1) allow for exceptions to full compliance with the SCA policies the proposed project does not meet these exceptions as the site does not fall entirely within the SCA nor is development outside of the SCA infeasible, nor would development outside of the SCA result in greater impacts to water quality, wildlife habitat, or other sensitive biological resources than development within the SCA.

To ensure consistency with the CWP SCA policies, Special Condition III-6 has been included below which requires the relocation of the base station and all other improvements associated with the project to a location at the rear of the site outside of the SCA buffer (all project improvements must be located a minimum of 100-feet from the top of the intermittent creek bank).

“Allowable uses in SCAs in any corridor consist of the following, provided they conform to zoning and all relevant criteria and standards for SCAs: [...] Driveway, road and utility crossings, if no other location is feasible; [...]”

The project entails a utility equipment lease area that would encroach approximately 55 feet into a 100-foot buffer from the top of the bank of the unnamed stream channel. Pursuant to the BSA, the closest component of the equipment lease area would be approximately 45 feet from the boundary of the riparian habitat.

However, the equipment area is proposed to be located within an existing, previously disturbed parking facility and does not require any vegetation removal. Therefore, as verified by the BSA, the project would not directly impact or cause the removal of riparian vegetation. Additionally, the project incorporates stormwater control measures to be implemented during construction. As a result, the project would not entail any water quality-related impacts to the stream or adjacent riparian vegetation corridor as verified by the BSA.

- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during the review of the Building Permit application.

- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with the CWP public facilities and services policy (PFS-5.a–d) because it complies with the policies of the Marin County Telecommunications Facilities Policy Plan and the design of the proposed facility is compatible with other land uses, provides protection from vandalism and fire hazards, minimizes visual impacts, and minimizes potential health risks to people.

5. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 20.70.070)

- A. **Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)**

The project is consistent with the Land Use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15, and C-PA-16) and this finding because the project site is not located near a coastal bluff or beach access and would not interfere with or impact existing coastal access.

- B. **Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).**

The proposed project would occur on a previously developed site that will remain largely unchanged by the proposed project. The scope of work does not entail the removal of existing vegetation. However, as discussed in Section 4.C, an unnamed intermittent stream channel is located approximately 45 feet from the equipment lease area to the southeast. Under the Marin County Coastal Zoning Code (MCZC) by Section 20.64.050.A(1)(b), the applicant submitted a Biological Site Assessment prepared by Geist Engineering, dated May 8, 2024, which identifies the presence of riparian vegetation along the southeastern stream. Under the County’s Local Coastal Program, coastal streams and riparian vegetation are considered Environmentally Sensitive Habitat Areas (ESHAs) that are subject to several policy and regulatory requirements.

Pursuant to MCZC section 20.64.050.A(1)(c) and Marin County Local Coastal Program, Land Use Plan (LUP) Policies C-BIO-3, C-BIO-18, C-BIO-24 buffers are required from Environmentally Sensitive Habitat Areas, including coastal streams and riparian vegetation.

As discussed above a Special Condition has been included below that requires the relocation of the base station and all other project improvements to a location at the rear of

the site outside of the ESHA-coastal creek buffer (all project improvements must be located a minimum of 100-feet from the top of the intermittent creek bank)

The project is proposed to encroach 55 feet into a 100-foot buffer from the southeastern stream, as identified by the BSA, resulting in an approximate distance of 45 feet between the closest component of the equipment lease area to the edge of the riparian habitat. As verified by the BSA, the project would occur on an existing parking facility and would maintain similar existing ongoing operations on the project site. Further, the BSA identifies that the top of the stream bank consists of a berm feature approximately one foot in height or taller along the stream. As such, existing drainage patterns occur way from the stream.

The project components have been designed to be constructed within the existing parking facility where existing drainage contours drain water away from the stream feature. Further, the BSA verified that the project design would not entail direct impacts to or result in any vegetation removal. Therefore, there would be no impact on the riparian vegetative community associated with the stream.

To ensure the ESHA is protected during construction the applicant would incorporate best management practices for stormwater control measures in addition to those required by the Department of Public Works. These include timing construction to avoid the seasonal wet season (mid-June and mid-September), dust and silt controls, pre-construction surveys, worker environmental awareness training and delineating project site boundaries.

While another unnamed stream channel occurs along the northwestern property line this stream appears to be ephemeral in nature without a riparian vegetation association and thus not subject to the County's LCP ESHA policies and requirements.

As for other biological resources, per the BSA, the project site provides potential habitat to support wildlife species, including species of birds, mammals, reptiles, and amphibians. Although special status animal species, such as western pond turtle, California red-legged frog, and migratory birds and bats, have the potential to occur on-site, the BSA concluded that none of the species were identified to occur on the site. Further, the proposed project is similar to existing ongoing operation on the project site and best management practices have been incorporated into the project design to avoid impacts. These include measures for pre-construction surveys and construction timing outside of nesting or breeding seasons. Therefore, the project would not result in any significant adverse impacts on special-status plant or animal species and would not substantially reduce the number or restrict the range of rare, endangered, or threatened species of fauna.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.060 (Environmental Hazards).

The project site is located within an inland, rural area of the Coastal Zone. There are no naturally occurring dunes, shorelines, or other geological hazards in the project area or in the immediate surrounding area. Further, the project entails improvements to existing facilities and does not involve any shoreline protective devices.

- D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.**

The project involves the installation of a telecommunications facility on a previously developed institutional property that would not interfere with the surrounding agricultural uses. As the project does not involve agricultural or maricultural uses, this finding does not apply.

- E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).**

The project entails minimal grading to accommodate the equipment lease area within a previously paved parking facility. Pursuant to the Biological Site Assessment prepared by Geist Engineering, the project incorporates best management practices designed to prevent impacts to the nearby stream discussed above. These measures include construction timing to occur between mid-June and mid-September, dust and silt controls, pre-construction surveys, project site boundaries, and worker environmental awareness training.

The applicant also provided a preliminary grading and drainage plan that was reviewed by the Department of Public Works and found to be acceptable. Therefore, the project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Work.

- F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Chapter 22.66 (Community Design).**

Aesthetic resources in the vicinity of the project site include the open space, recreational and agricultural character of the surrounding landscape and the undisturbed rolling hills. In this area, views from the relatively flat stretch of Shoreline Highway immediately adjacent to the site are fairly limited to the roadside tree line and distant verdant green or golden (depending on the season) grassy hillsides. Views of surrounding agriculture, open space, and rolling hills are available from different angles.

Although existing and proposed improvements are set back more than 150 feet from Shoreline Highway, visual simulations prepared by Advance Sim, dated October 3, 2023, indicate that the proposed facility would be visible as viewed from Shoreline Highway because of the proposed height of 78 feet. However, the project is designed to utilize an existing, primary structure and incorporates a concealment box that extends the church steeple. The telecommunications equipment would be entirely concealed in a feature that

matches the colors, materials, and architectural character of the existing building. The effect of the matching components is minimally visually intrusive and instead complements the existing steeple design. The proposed appurtenant equipment lease area would not be visually prominent as it is adequately setback from Shoreline Highway and would be further screened by existing vegetation along the front property line.

The project is consistent with this finding because the project entails a development that is consistent and compatible with the character of the surrounding natural and built environment, as required by Land Use Policies C-DES-1, C-DES-2, and C-DES-3.

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).

The subject property is located in rural West Marin within the visitor and local serving village area of Olema. Outside of the modest town corridor, this area is largely undeveloped, with agricultural uses and open space surrounding the property. The project site consists of a church and its appurtenant facilities. The proposed telecommunications facility effectively utilizes existing, onsite infrastructure. The project would allow AT&T Mobility to provide communications services for the Olema area, where existing service is limited and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The project would be required to satisfy all energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during the review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The proposed project would not result in the removal or demolition of low and/or moderate-income housing and would not affect the available housing stock in the surrounding communities. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policy C-HS-1).

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

The project is located on an existing institutional lot, and existing development would continue to be served by the existing on-site water system and sewage disposal facility, as reviewed by and subject to the standards of the Environmental Health Services Division. The project does not entail any improvements that would affect water or on-site sewage disposal availability.

Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1 and C-PFS-7) because the proposed improvements do not require new or expanded water or onsite sewage disposal facilities.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

The project site is currently accessed from Shoreline Highway, and the proposed amendment would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not impact the scenic quality of State Highway 1.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of archaeological sensitivity. There are no structures on the site that are registered as historical resources. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8).

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project is consistent with LUP policies for coastal recreation and visitor-serving and local-serving facilities (C-PK-1 and C-PK-4) and this finding because the project is located entirely on the subject property and would not adversely affect existing access to existing visitor and local serving amenities. The project would result in better communications access for this area, which is surrounded by recreational opportunities, such as the Olema Campground and other visitor-serving amenities such as inns and hotels.

6. **WHEREAS**, the project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) for the following reasons:

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

1. Industrial sites
2. Commercial sites
3. Public facilities sites
4. Agricultural sites
5. Mixed-use sites
6. Open space and recreational sites
7. Residential sites

The preferred priority location for placement of a telecommunications facility is based on sites, rather than zoning districts. The site for the proposed telecommunications facility is located in West Marin in a generally rural area surrounded by a mix of agricultural, recreational, residential and visitor-serving uses. Immediately adjacent development consists of the Olema Campground and other recreational uses, agricultural properties, and a small cluster of hotel/visitor-serving and residential properties along and off of Shoreline Highway.

The Alternative Sites Analysis submitted by the applicant assessed four alternative sites and determined the subject site to be best suited to close coverage gaps in this area of Olema. The assessment of a PG&E yard and substation at 9970 Sir Francis Drake Blvd, Olema determined the ground space was limited and therefore not the most preferred candidate. The assessment of a commercial hotel at 10021 State Route 1, Olema included a proposal utilizing an existing cupola. However, the assessment determined that the location is not feasible because the landlord was not interested in a long-term lease with AT&T. The assessment of a location within the Olema Campground at 10155 State Route 1, Olema determined that the subject location was better suited because of the concealment opportunity of an existing structure rather than a new tower that would be proposed to represent a faux tree. Additionally, the landlord for the Olema Campground, which is located adjacent to the subject property, was determined to be infeasible because the landlord could not be reached. Lastly, an assessment of a location in the Point Reyes National Seashore was also determined to be less suitable than the subject location because it would require a new tower or faux tree pole rather than concealment within an existing structure.

As provided above, the proposed project would be compatible with surrounding land uses and consistent with the location standards contained in the TFPP.

- B. The facility would allow AT&T to provide communications services for the West Marin area, specifically in the rural town of Olema. The facility would also allow the carrier (AT&T) to continue to improve service gaps in this area and provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County and surrounding areas.
- C. The applicant submitted a Radio Frequency – Electromagnetic Energy report prepared by EBI Consulting, dated October 12, 2023, which concludes that the existing facility would

not result in any significant risks with respect to human exposure to radio frequency fields because the proposed facility would generate maximum ambient radio frequency levels that are below the applicable public exposure limit established by the Federal Communications Commission (FCC). Additionally, by virtue of the Federal Telecommunications Act of 1996 Section 704, no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions. As documented in the Radio Frequency—Electromagnetic Energy report submitted by the applicant, and verified by the Department of Public Works, the project will comply with all applicable Federal, State and local laws related to public health and safety.

- D. Visual and aesthetic compatibility policies VIS 1 and 2 specify that telecommunications facilities should be sited and designed to avoid or minimize adverse visual effects. The TFPP also encourages stealth design to minimize visual effects. Stealth designs vary based on the type of equipment and the context of the project within the surrounding community and environment and may range from concealing equipment behind vegetation and natural features, incorporating equipment into the design of buildings or structures, or painting the equipment so that it blends into the surroundings.

The project entails the installation of a 17-foot tall enclosure box on top of the existing church steeple with the antennas fully concealed inside. The primary visual change associated with the project is removing the stand-alone cross that sits on top of the 68-foot tall steeple. The additional 17-foot tall enclosure box would appear to be minimally visually intrusive and vertical continuation of the steeple. A cross would be added to each face of the enclosure box, which would maintain the existing symbology of the replaced standalone cross.

Though the property is located adjacent to Shoreline Highway, there are no public viewing places within the vicinity, and there are no views to or from significant coastal sights such as the Pacific Ocean or Tomales Bay.

- E. TFPP policy OI 1 requires that telecommunications facilities be constructed, maintained, and operated in a manner that does not adversely affect public safety or result in noise or traffic impacts. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With the exception of routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property. Therefore, the proposed facility would neither generate significant levels of noise nor traffic.

7. **WHEREAS**, the project is consistent with the mandatory findings for Conditional Use Permit approval (Marin County Code Section 22.48.040).

- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.**

The proposed project is located in the C-VCR (Coastal, Village Commercial Residential) zoning district. The construction and maintenance of Telecommunication facilities are conditionally permitted, subject to Conditional Use Permit approval, within this zoning

district pursuant to the Marin County Coastal Zoning Code, Table 5-3-f. Additionally, the proposed project would occur within an existing building that was developed in accordance with all applicable development standards. Further, the proposed project is consistent with the goals and policies contained in the TFPP. Therefore, the project is consistent with this finding.

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

The proposed project is consistent with this finding because the design of the telecommunications facility and appurtenant equipment would be compatible, as conditioned, with the existing surrounding and built environment and would require no alterations to undisturbed surrounding environs.

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

A wireless communication facility may be permitted via approval of a Conditional Use Permit when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the AT&T Mobility communication network, which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to the overall public safety, convenience, and welfare. The proposed amendment would not result in any significant public health risks concerning human exposure to radiofrequency radiation because the facility will operate in compliance with FCC standard.

8. **WHEREAS**, the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.42.060).

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

The Single-family or Multi-Family Residential Design Guidelines do not apply since they apply to residential development and the proposed project is a telecommunication facility on an existing institutional property. Additionally, the project is not located in a combining district; therefore, Chapter 22.14 of the development code would not apply. Further, the project has been designed such that any excavation or grading would be minimal within previously developed areas of the site, and no vegetation would be removed as part of the project.

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

The proposed project is located within an existing structure and would also entail the installation of equipment within an existing parking facility. The proposed project entails matching materials of the existing building and utilizing wooden fencing that complements the rural site surroundings to conceal appurtenant equipment.

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

Though the project entails an additional height of 17 feet to the existing 68-foot tall church steeple, the additional concealment box would maintain the narrow and vertical design of the steeple. Further, the steeple in which the new telecommunications facility is concealed is located more than 150 feet from all property lines, thus maintaining adequate setbacks from adjacent properties such that no further adverse effects to sunlight availability, light pollution, or glare would occur, nor would primary views, vistas, or privacy be eliminated.

- D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.**

The proposed project is not expected to result in any permanent impacts to the public rights-of-way, streetscapes, and pathways for circulation because the project would occur entirely within the subject site, and no offsite improvements are proposed. In addition, businesses and residents would benefit from continued telecommunication coverage, as would public safety communications.

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

The proposed project would maintain existing and adequate setbacks and be located within existing, previously disturbed areas. The project does not require any disturbance to healthy native vegetation and has been designed to maintain conditions of the existing parking lot facilities.

SECTION II: ACTION

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

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Archdiocese of San Francisco Coastal Permit, Conditional Use Permit, and Design Review subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit, Use Permit, and Design review approval authorizes the installation of a new, unmanned wireless communication facility disguised within an existing steeple on the grounds of the previously developed Sacred Heart Church site in Olema. Improvements to the existing 61-foot tall steeple entail the removal of an existing cross and the installation of a 17-foot tall enclosure box that would be located on top of the steeple with the antennas fully concealed inside. The overall height, including the enclosure box shall be 78 feet above surrounding grade. The steeple shall be located approximately 184 feet from the eastern front property line, 180 feet from the northern side property line, 150 feet from the southern side property line, and 190 feet from the western rear property line.

Additional elements of the wireless communication facility lease area shall include the following, and as further conditioned by condition 6 below: (1) an approximately 256 square-foot steel platform raised three feet above the surrounding grade for which the base station would be located; (2) four outdoor equipment cabinets; (3) a surge suppressor mounted to a new H-frame; (4) an eight-foot tall slump stone wall that would disguise the ground equipment; and (5) two proposed four-foot wooden gates.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "AT&T Site Number: CCL050702, AT&T Site Name: Sacred Heart," consisting of 18 sheets prepared by Spectrum, received in final form on April 16, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2024" with respect to all of the standard conditions of approval and the following special conditions: **8** (wetland/stream fencing), **9** (biologist letter for encroachments).
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a copy of a safety standards plan for review and approval by the Community Development Agency, Building and Safety Division. The plan shall contain safety standards to be implemented in order to protect people working in areas that are not accessible to the general public who might be exposed to EMF levels in excess of the Maximum Permitted Exposure Level. Such standards may include restricted access to telecommunications facilities, temporarily ceasing operation of the facility for work required within specified distances of antennas, and posting safety signage in compliance with FCC requirements.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. The facility must be dismantled and removed from the premises if it has been inoperative or abandoned for more than a two-year period unless the

service provider or property owner obtains an extension from the Community Development Agency.

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall relocate the base station and all other project improvements to a site located at the rear of the site and outside of the SCA and coastal stream EHSA (all project improvements shall be located a minimum of 100 feet from the top of the intermittent creek bank). The relocated project improvements shall be shown on plans submitted with the building permit application for the project. The plans shall clearly indicate the location of the intermittent creek, top of creek bank, a 100-foot wide buffer from the top of creek bank and improvements associated with the project.
7. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels that exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law. The applicant shall demonstrate compliance by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as approved by the Community Development Agency Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with other existing ambient sources.
8. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin County Code. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment that is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.

SECTION IV: VESTING

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

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in

the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than ten business days from the date of this decision.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 23rd day of May 2024.

MEGAN ALTON
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary

From: [FireSubmittals](#)
To: [Sabrina Cardoza](#)
Subject: RE: Transmittal: Archdiocese of San Francisco Coastal Permit, Conditional Use Permit, and Design Review - P4338 - 10189 Shoreline Hwy, Olema
Date: Tuesday, January 2, 2024 1:22:07 PM
Attachments: [image003.png](#)

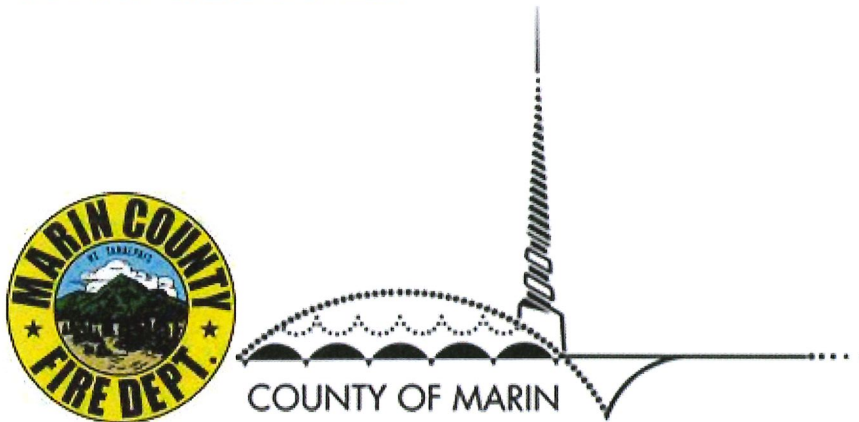
Hi Sabrina...I took a look at the plans for this project, and since there is no proposed emergency generator, we have no comments...Let me know if you have questions.

Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

Marin County Fire Department
PO Box 518/33 Castle Rock Avenue
Woodacre, CA 94973
415.473.6566 T
415.473.2969 F
415.717.1520 M
CRS Dial 711
scott.alber@marincounty.gov

Follow us on Facebook and Twitter



From: Sabrina Cardoza <Sabrina.Cardoza@MarinCounty.gov>
Sent: Thursday, November 16, 2023 2:31 PM
To: FireSubmittals <firesubmittals@marincounty.org>
Subject: Transmittal: Archdiocese of San Francisco Coastal Permit, Conditional Use Permit, and Design Review - P4338 - 10189 Shoreline Hwy, Olema

Hello,

Please find attached the transmittal for the Archdiocese of San Francisco Coastal Permit, Conditional Use Permit, and Design Review - P4338 at 10189 Shoreline Hwy, Olema (APN 166-181-01).

The application materials are available at this link:

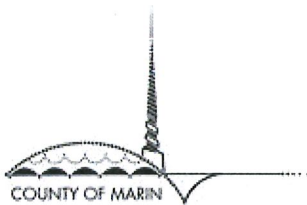
S:\Planning Applications\ArchdioceseofSF_CPCUPDR_P4338_Olema

Please note that due to federally required review timelines for telecommunications facilities, I am asking for comments back by **November 29, 2023**.

Best,
Sabrina Cardoza (she/her)

***** Please note that my email has changed to Sabrina.Cardoza@marincounty.gov *****

Senior Planner | County of Marin
Community Development Agency, Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415-473-3607 T
415-473-7880 F



PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: 3/8/24

DUE: 3/8/24

TO: Sabrina Cardoza

FROM: Maurice Armstrong

APPROVED: 

RE: Archdiocese of San Francisco
Costal & Conditional Use Permit,
and Design Review

APN: 166-181-01

ADDRESS: 10189 Shoreline Highway, Olema

TYPE OF DOCUMENT

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

ENVIRONMENTAL REV.

OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

- Traffic
- Flood Control
- Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

1. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plans:
 - a. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion. Note that 2022 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.
 - b. Per 2022 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.
 - c. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
 - d. Indicate means of restoring all disturbed areas.

Erosion & Sediment Control Plan:

2. Per Marin County Code § 24.04.625(b)(e), provide an Erosion and Sediment Control Plan (ESCP) which shall include information required in the most recent version of the MCSTOPPP ESCP Standard Template. The template can be found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual template begins on page 11 of the document.
3. **Construction Management Plan:** Provide a construction management plan, including at a minimum the following:
 - a. Provide a site plan showing areas where grading and construction will take place, soils will be stockpiled, storage area for material delivery, parking for construction workers, and temporary facilities such as portable toilets.
 - b. Dust reduction plan.
 - c. Construction phasing and the timing during any given year when the various components of construction will occur, such as grading, tree and vegetation removal, loud external noise-making work, etc.
4. **Flood Zone Requirements:**
 - a. Sheet C-1 notes the property shown falls within zone "X" however only a portion of the property falls within zone "X." The property is also within zone "AE" per FIRM# 06041C0241D. Update the FIRM note on sheet C-1 to reflect the parcel being in both flood zones.

-END-

**INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 415-473-6907**

DATE:	March 11, 2024	TYPE OF DOCUMENT
TO:	Sabrina Cardoza	x DESIGN REVIEW
FROM:	Becky Gondola, REHS	LAND DIVISION
RE:	Archdiocese of San Francisco Coastal Permit, Conditional Use permit, and Design Review	x USE PERMIT VARIANCE
AP#:	166-181-01	MASTER PLAN
ADDRESS:	10189 Shoreline Hwy, Olema P4338	COASTAL PERMIT LOT LINE ADJ. OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER	x	SEWAGE	SOLID WASTE
POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.

FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.

RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.

The application contains enough information.

2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.

N/A

3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.

The project is feasible as proposed.

4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.

N/A

From: [Velasquez, Leslie@Coastal](mailto:Velasquez,Leslie@Coastal)
To: [Sabrina Cardoza](mailto:Sabrina.Cardoza@Coastal); [Rexing, Stephanie@Coastal](mailto:Rexing,Stephanie@Coastal); [KoppmanNorton, Julia@Coastal](mailto:KoppmanNorton,Julia@Coastal)
Cc: [Ringuette, Oceane@Coastal](mailto:Ringuette,Oceane@Coastal)
Subject: Re: Transmittal: Archdiocese of San Francisco Coastal Permit, Conditional Use Permit, and Design Review - P4338 - 10189 Shoreline Hwy, Olema
Date: Tuesday, March 12, 2024 3:05:30 PM
Attachments: [image003.png](#)

Hi Sabrina,

Thank you for sharing this proposal. We have the following comments: the county should require all construction activities, such as staging and materials storage, to be located outside of buffer zones of a stream and wetland conservation areas in order to assure compliance with LCP policies C-BIO-19 and C-BIO-25. Please let me know if you have any questions.

Thank you!

Best,
Leslie
