



CITY OF NAPA
MEETING MINUTES - Final
CITY COUNCIL AND PLANNING COMMISSION

955 School Street
Napa, CA 94559
www.cityofnapa.org

CITY COUNCIL

Mayor Scott Sedgley
Vice Mayor Mary Luros
Councilmember Liz Alessio
Councilmember Bernie Narvaez
Councilmember Beth Painter

PLANNING COMMISSION

Chair Gordon Huether
Vice Chair Bob Massaro
Commission Member Ricky Hurtado
Commission Member Paul Kelley
Commission Member Beverly Shotwell

Monday, March 28, 2022

5:30 PM

City Hall Council Chambers

SPECIAL JOINT MEETING - 5:30 PM

A Special Joint Meeting for the City Council of the City of Napa and the Planning Commission was called on Monday, March 28, 2022 at 5:30 p.m. to be held at City Hall Council Chambers, 955 School Street, Napa, California, for the purpose identified on the Agenda. This Special Joint Meeting was called in accordance with California Government Code Section 54956.

1. CALL TO ORDER: 5:30 P.M.

Present: 5 - Councilmember Alessio, Councilmember Narvaez, Councilmember Painter, Vice Mayor Luros, and Mayor Sedgley

Present: 5 - Commission Member Hurtado, Commission Member Kelly, Commission Member Shotwell, Vice Chair Massara, Chair Huether

1.A. Roll Call:

2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 3.A.:

- PowerPoint Presentation from City Staff.
- 94 submitted email comments.

(copies of all supplemental documents are included in Attachment 1)

3. ADMINISTRATIVE REPORTS:

3.A. [82-2022](#) Draft General Plan Update

(See supplemental documents in Attachment 1)

Senior Planner Michael Walker provided the staff report.

Mayor Sedgley called for public comment.

Joseph Keebler - spoke in regard to the greenbelt designation, suggested a modification of two lines to provide a broader zoning range.

Genji Schmeder - read comments submitted regarding the Linda Vista extension and suggested a bridge for walking and cycling only.

Cindy Deutsch - Spoke regarding the Linda Vista extension and shared opposition.

Chris Benz, member of Napa Climate NOW! - provided comments regarding Napa Climate NOW!'s submitted recommendations for action in the Climate Change and Sustainability Element. Asked Council and the Planning Commission members to be visionaries.

Bayard Fox, member of Napa Climate Now! - provided comments suggesting stronger verbiage to make commitments to address severe reduction in vehicle miles traveled in order to incentivize the community to get out of cars and to encourage walking, biking and use public transportation. Suggested paid parking and no new gas stations.

Tom Andrews - spoke in opposition of Linda Vista Road extension and also suggested solar carports in larger parking lots.

Ernie Schlobohm, President, Napa County Landmarks - shared NCL's request for the Plan to include strong goals and policies that would ensure the adoption of potential districts into local landmark districts within 10 years and also suggested a goal to work with community members and property owners during the preparation of the zoning ordinance to streamline zoning codes for preservation, repair and maintenance of historic structures, which should also include simplified development requirements.

George Yesowitch, President of the Home Owners Association of the Saratoga HOA - asked that Plan include safer residential neighborhoods and provided comments regarding traffic and speeding in the neighborhood.

Margret Smetana, member of Napa Climate Now! - provided comments regarding the need to be clear on major goals regarding climate change.

Grania Lindberg - suggested that the Plan include a policy requiring the adoption of a disposable foodware ordinance to reduce the amount of plastic waste.

Celeste Mirassou - provided comments regarding the Climate Change and Sustainability Element. Would like to see similar language in the City of Napa's Climate Element to that of the City of Richmond to set a goal to develop a Climate Action Plan.

Darlene Scott, member of Napa Climate Now! - requested that the Plan contain policies that support a ban on gasoline powered leaf blowers.

Darrell Hutton - spoke in opposition of the Linda Vista extension.

Shennan Hutton - spoke in opposition of the Linda Vista extension.

Chuck Shinnamon - provided comments regarding written communication submitted by Danielle Barreca, Patrick Band, Michelle Dahme, Howard Siegel and himself, in which they outlined broad items of applause, and issues of concerns with a focus on Climate Change and Sustainability Element. He also noted specific concerns regarding the potential number of future hotel rooms. .

Marilyn Knight-Mendelson, member of Napa Climate Now! - addressed the Climate Action and Sustainability Element; supported City staff "Climate Czar."

Linda Brown, member of Napa Climate Now! - provided comments regarding Climate Change and encouraged specific language regarding the climate crisis; need to establish strong 2030 goals and action. Urged Council and the Commission to explicitly reference not only greenhouse gas emissions but also short-lived climate pollutants.

Robert Francis, member of Slow Down Napa - provided comments regarding traffic calming measures and urged Council and the Commission to show that traffic calming was a priority.

Maureen Trippe, Co-founder of Slow Down Napa - spoke regarding a proposed traffic calming plan to be included in the General Plan; submitted Escondito's plan as an example to show intent for traffic calming.

Rob Brandon - urged Council and Commission to remove the Linda Vista

extension project from the plan, or at minimum suggested a walking, biking and emergency vehicle only bridge.

Jim Wilson, member of Napa Climate Now! - provided comments regarding gas emissions and unsafe air. Shared the importance to recognize the 2030 deadline and to make a commitment to do no further harm. Suggested a ban on new gas station permits, and potential future closure of existing stations.

Jay Jacobson - provided comments regarding the Historic and Cultural Resources Element; suggested a designated Historic Preservationist on staff, an ordinance to de incentivize property owners from abandoning buildings, and to see the Plan advocate a mode of transportation, such as a ferry, from San Francisco to Napa.

Andrew Healy, on behalf of Browns Valley Action Group - endorsed the greenbelt designation language on page 2-13 of the draft Plan, endorsed the application of the greenbelt designation to all of the parcels around Timberhill and West Brown's Valley as indicated on page 2-14, and also endorsed the remapping of two City owned parcels to open space and parks.

Christine McClure, member of Napa Climate Now! - Suggested the use of strong language in the Plan to take action on Climate Change. She shared verbiage from other General Plans as an example.

Chuck Galovic - spoke in opposition of the Linda Vista extension.

Kara Vernor, Executive Director of the Napa County Bicycle Coalition - asked for use of better language in the Plan that was more committed to action to include goals such as reduction in vehicle miles traveled, and an increase in mode share.

Jeff Prather - spoke in opposition of the Linda Vista extension.

There we no additional comments.

Mayor Sedgley brought the discussion back to Council and Commission Members.

Council and Commission Members provided brief opening comments regarding the draft General Plan.

**Mayor Sedgley called for a break at 7:09 P.M.
The meeting reconvened at 7:21 P.M.**

Mayor Sedgley opened the discussion.

City Attorney Barrett and Community Development Director Smith responded to Councilmember Narvaez who asked for clarity regarding the use of the phrasing "legally defensible document" as it applied to the Plan.

Discussion ensued regarding the format of the remainder of the meeting. Mr. Walker suggested Council and Planning Commissioners begin by providing big picture comments, at a higher level, so that Staff can begin the overall work with the Planning Commission to continue to review the draft General Plan and prepare the next set of documents.

The meeting continued with Councilmembers and Commission Members providing individual comments and considerations for the following elements of the Plan, in the following order: Land Use and Community Design, Transportation, Community Services, Parks and Recreation, and Climate Change and Sustainability.

Brief additional discussion ensued, and Councilmembers and Commission Members provided closing remarks.

4. COMMENTS BY COUNCIL, COMMISSIONERS, OR CITY MANAGER:

Vice Mayor Luros shared that the Ukraine benefit event was scheduled for Sunday April 3, 2022 at the Napa Valley Expo. Councilmember Alessio shared that the event organized still needed volunteers and asked anyone interested in helping to reach out.

5. ADJOURNMENT: 9:49 P.M.

Submitted by:

Tiffany Carranza, City Clerk

ATTACHMENT 1

**SUPPLEMENTAL REPORTS & COMMUNICATIONS
Office of the City Clerk**

**City Council of the City of Napa
and
The Planning Commission**

Special Joint Meeting

March 28, 2022

**FOR THE CITY COUNCIL OF THE CITY OF NAPA
AND
THE PLANNING COMMISSION:**

EVENING SESSION:

SUBMITTED PRIOR TO THE CITY COUNCIL AND PLANNING COMMISSION SPECIAL JOINT MEETING

3. ADMINISTRATIVE REPORTS:

3.A. Draft General Plan Update

- PowerPoint Presentation from City Staff.
- Email from Michael Walker, Senior Planner, to City Councilmembers and Planning Commissioners received on March 28, 2022.

3.A. Public Comment

- 1) Email from Samantha Smith received on March 16, 2022.
- 2) Email from Cinder Ernst received on March 25, 2022.
- 3) Email from David W. Dunlap received on March 25, 2022.
- 4) Email from Colin Petheram received on March 25, 2022.
- 5) Email from Pat Gorman received on March 25, 2022.
- 6) Email from Napa Climate Now! received on March 25, 2022.
- 7) Email (updated) from Pat Gorman received on March 25, 2022.
- 8) Email from Leilani Lucas received on March 25, 2022.
- 9) Email from Mark Schreiner received on March 26, 2022.
- 10) Email from Tricia Smith received on March 26, 2022.
- 11) Email from Keith C. Knox received on March 26, 2022.
- 12) Email from Darcy Hislop received on March 26, 2022.
- 13) Email from Jimmy Hayes received on March 26, 2022.
- 14) Email from Angela Benjamin received on March 26, 2022.
- 15) Email from Amy Martenson received on March 26, 2022.
- 16) Email from Mary Ann Souza received on March 26, 2022.
- 17) Email from Leslie Karath received on March 26, 2022.
- 18) Email from Kathy & Robert Benziger received on March 26, 2022.
- 19) Email from Jacqueline Kramer received on March 26, 2022.
- 20) Email from Patrick Kenealy received on March 26, 2022.
- 21) Email from Peter French received on March 26, 2022.
- 22) Email from Betty Anne Carlin received on March 26, 2022.
- 23) Email from Melinda Campi received on March 26, 2022.
- 24) Email from April Watkins received on March 26, 2022.
- 25) Email from Susan McWilliams received on March 26, 2022.
- 26) Email from Margan Holloway received on March 26, 2022.
- 27) Email from Eric received on March 26, 2022.
- 28) Email from Dave Sickert received on March 26, 2022.
- 29) Email from Clare Barr received on March 26, 2022.
- 30) Email from Mark Schneidman received on March 26, 2022.
- 31) Email from Suzanne Tyler received on March 26, 2022.
- 32) Email from Martin Sacks received on March 26, 2022.
- 33) Email from Kelly Brophy received on March 26, 2022.
- 34) Email from Nancy Gardner and Carl Sherrill received on March 26, 2022.

- 35) Email from Sherri Kelly received on March 26, 2022.
- 36) Email from Anonymous received on March 26, 2022.
- 37) Email from Kathy Oates received on March 26, 2022.
- 38) Email from Milt Gaines received on March 26, 2022.
- 39) Email from Jeff Weinman received on March 26, 2022.
- 40) Email from Jane Berger received on March 26, 2022.
- 41) Email from Chris Koch received on March 26, 2022.
- 42) Email from Rita Hellewell received on March 27, 2022.
- 43) Email from Tim Weir received on March 27, 2022.
- 44) Email from Geoff Wood received on March 27, 2022.
- 45) Email from Kathleen Stewart-Lightner received on March 27, 2022.
- 46) Email from Renay Conlin received on March 27, 2022.
- 47) Email from Chinnamon et al received on March 27, 2022.
- 48) Email from LC Arisman received on March 27, 2022.
- 49) Email from Bill Melberg received on March 27, 2022.
- 50) Email from Doug Armstrong received on March 27, 2022.
- 51) Email from John Wilkinson received on March 27, 2022.
- 52) Email from Lynmari Calabi received on March 27, 2022.
- 53) Email from Mark Warrington received on March 27, 2022.
- 54) Email from Lori Stelling received on March 27, 2022.
- 55) Email from Annelise Lawson received on March 27, 2022.
- 56) Email from Mike Morris received on March 27, 2022.
- 57) Email from Anne Vignaud received on March 27, 2022.
- 58) Email from Michele Barberi Hyde received on March 27, 2022.
- 59) Email from Kathy Luce received on March 27, 2022.
- 60) Email from Lori Hickman received on March 27, 2022.
- 61) Email from Paula Brutocao received on March 27, 2022.
- 62) Email from Christina Rubio received on March 27, 2022.
- 63) Email from Mike and Jessica Leland received on March 27, 2022.
- 64) Email from Dustin Rubio received on March 27, 2022.
- 65) Email from Robin Rocha received on March 27, 2022.
- 66) Email from Summer Heartt received on March 27, 2022.
- 67) Email from Sandra Graves received on March 28, 2022.
- 68) Email from Chris McClure received on March 28, 2022.
- 69) Email from Anni and Ron Danahue received on March 28, 2022.
- 70) Email from Steve Hare received on March 28, 2022.
- 71) Email from Nancy Snowden received on March 28, 2022.
- 72) Email from Kerry Aman received on March 28, 2022.
- 73) Email from Alisa Karesh and Emily Bit received on March 28, 2022.
- 74) Email from Darrell Hutton received on March 28, 2022.
- 75) Email from Brenda Perry received on March 28, 2022.
- 76) Email from Grania Lindberg received on March 28, 2022.
- 77) Email from Julie Hare received on March 28, 2022.
- 78) Email from Nancy Schulz received on March 28, 2022.
- 79) Email from Thomas Lichtenstein received on March 28, 2022.
- 80) Email from Pamela Hightower received on March 28, 2022.
- 81) Email from Jeannine Graffin received on March 28, 2022.
- 82) Email from Cheryl and Barry Marcillac received on March 28, 2022.
- 83) Email from Christopher Burton received on March 28, 2022.
- 84) Email from Nancy and Chuck Brown received on March 28, 2022.
- 85) Email from Jim Lanterman received on March 28, 2022.
- 86) Email from Molly Adams received on March 28, 2022.
- 87) Email from Linda Rose received on March 28, 2022.
- 88) Email from Mark Schlesinger received on March 28, 2022.
- 89) Email from Tom and Jeanne Andrews received on March 28, 2022.
- 90) Email from Lance Houser received on March 28, 2022.
- 91) Email from Linda Dietiker-Yolo received on March 28, 2022.
- 92) Email from Kara Vernor for Napa Bike received on March 28, 2022.
- 93) Email from Douglas Walker received on March 28, 2022.
- 94) Email from Joseph and Rosemarie Keebler received on March 28, 2022.

**SUBMITTED DURING OR AFTER THE CITY COUNCIL AND PLANNING COMMISSION SPECIAL
JOINT MEETING**

3. ADMINISTRATIVE REPORTS:

3.A. Draft General Plan Update

- 95) Email from Inna Neujahr received on March 28, 2022.
- 96) Email from Bill Peatman received on March 29, 2022.
- 97) Email from Paula French received on March 29, 2022.

**City Council and Planning Commsision Joint Special Meeting
3/28/2022
Supplemental I - 3.A.
From: City Staff**

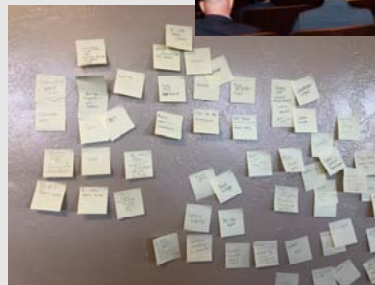


Draft General Plan Introduction

March 28, 2022

Background

- Speaker Series
- Community Engagement
- GPAC
- Workshops
- Surveys
- Newsletters
- Land Use Plan



Napa General Plan Virtual Open House

The Napa 2040 General Plan team has developed frameworks that will guide policies and strategies in the General Plan to address local opportunities and issues in the Napa community. Through a virtual open house, we invite you to learn more about these strategies and provide your perspective to ensure that your voice is heard in shaping Napa's future.



Community Input

Mandated Elements

- Land Use
- Circulation
- Conservation
- Open Space
- Safety
- Noise
- *Housing*

Additional Elements

- Historic & Cultural Resources
- Economic Development
- *Climate Change & Sustainability*
- *Public Health & Equity*



General Plan Requirements

- Seven Required Elements
- Establish long-range Vision & Policies
- Provide Basis for Projects and City Actions, Including:
 - Detailed Plans
 - Implementing Programs
 - Capital Improvements



General Plan Requirements

- Comprehensive

*Applies throughout the Planning Area;
Addresses Full Range of Issues Affecting
Physical Development*

- Internally Consistent

*Fully Integrated without Conflict; All Portions
have Legal Weight*

- Long Range

Must take a Long-Term Perspective (2040)



Long-Term Perspective

- Language You Will See:
 - *Encourage*
 - *Promote*
 - *Support*
- Language You Will Not See:
 - *Shall Implement by 202X*
 - *Construct [specific type of] Infrastructure...*
 - *Achieve [specific metric] by 202X*

City Must Remain Compliant With General Plan!



Implementation Strategies

IMPLEMENTATION RESPONSIBILITY CODES

Code	Department/Agency
City of Napa	
CC	City Council
CM	City Manager
CAO	City Attorney's Office
CCD	City Clerk Department
PC	Planning Commission
F	Finance Department/Housing Authority of the City of Napa (HACN)
HR	Human Resources
CD/PD	Community Development and Planning Departments
PW	Public Works
PR	Parks and Recreation Services
PD	Police Department
NFD	Napa Fire Department
BD	Building Division
ED	Economic Development
UD	Utilities Department (incl. Water Division and Recycling)
Regional, State, Federal, or Private Partners	
NCo	Napa County
NVTA	Napa Valley Transportation Authority
CEPA	California Environmental Protection Agency
NVUSD	Napa Valley Unified School District
LAFCO	Local Agency Formation Commission of Napa County
NapaSan	The Napa Sanitation District
NVC	Napa Valley College
CA	State of California departments

Table A-1: Implementation Program

Action Number	Implementation Mechanism	Applicable Policies	Implementation Timeline		
			Responsibility Ongoing	Yrs	Yrs
A-1	Zoning Ordinance Update				
A-1a	Land Use Regulations	LUCD: 1-1, 1-2, 6-1, 6-2, 6-4, 7-2, 7-3, 7-4, 10-1, 10-2, 10-3, 10-4, 10-5, 11-1, 12-1, 12-2, 12-3, 13-1, 13-2, 13-3, 15-1, 15-3, 16-1, 16-3, 16-6, 17-1, 17-2, 19-1, 19-3, 20-1, 21-1, 22-3, 23-9, 24-2, 25-1 CSPR: 4-1, 4-5, 17-1 NRC: 3-1, 8-1 SN: 3-3, 4-1, 6-1 PHE: 4-2, 5-1, 5-2, 5-3, 5-4, 5-5 ED: 1-2, 1-3, 3-3, 4-3, 4-4, 4-5, 5-1, 8-1, 8-2, 8-3	CD/PD, CAO, BD, PW	X	
A-1b	Development Standards	LUCD: 3-6, 4-1, 11-2, 12-4, 13-4, 14-2, 19-2, 23-5, 23-8, 24-3, 24-4, 24-5, 25-8 HCR: 1-5, 1-6 CCS: 3-2, 3-4, 6-6, 7-10, 8-3 NRC: 3-2, 10-4, 10-5, 10-6 ED: 1-4, 1-5	CD/PD, BD, PW	X	
A-1c	Historic Preservation	LUCD: 10-8, 23-6, 25-4 TE: 7-4 HCR: 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 3-2, 3-3, 3-4, 5-2, 6-1, 7-1, 9-1, 9-2, 9-3, 12-1, 13-1, 14-1, 14-2, 15-2 ED: 8-6	CD/PD, BD	X	X
A-1d	Parking Standards	LUCD: 4-1, 11-3, 12-5 TE: 6-3, 7-1, 7-2, 7-3, 7-4, 7-5 HCR: 1-8, 11-1, 11-2	CD/PD, PW, CAO	X	
A-1e	Development Review and Approval	LUCD: 18-2, 23-3, 23-4, 25-2, 25-10 TE: 1-2, 3-5, 7-5 CSPR: 1-5, 2-1	CD/PD, CC, PC	X	X



Focused Discussion

- Goals & Policies
- Vision & Guiding Principles
- Heading In The Right Direction?



This chapter outlines the City of Napa's Vision and Guiding Principles for the future development of the community. It also introduces the General Plan (or Plan) – its purpose, use, and policy structure, and how it can be amended and updated to adapt to changing circumstances.

The General Plan was developed through extensive community input, with an array of outreach tools and activities including workshops, meetings, open houses, educational forums, surveys, online interactive forums, videos, and newsletters deployed at various stages of the planning process, engaging several thousand community members. The City Council appointed a General Plan Advisory Committee (GPAC) to facilitate the assembly of comments and ideas from the general public into the General Plan Vision and Guiding Principles and key policy proposals, and the Planning Commission and the City Council provided direction at key stages. With its approval and adoption of this General Plan, the City Council affirmed and adopted this Vision and these Guiding Principles for the City.

The General Plan is comprehensive and long-range and will be used on an ongoing basis to direct the City's decision making, reflecting the City's commitment to the ideals set forth herein. It is the City's goal that all actions related to the City's physical development—from transportation and park plans to facility and specific plans, as well development regulations and fee programs—should be consistent with the General Plan.



General Plan Components

NAPA COMMUNITY GUIDING PRINCIPLES	GENERAL PLAN ELEMENT									
	Land Use and Community Design	Transportation	Community Services, Parks, and Recreation	Historic and Cultural Resources	Climate Change and Sustainability	Natural Resources Conservation	Safety and Noise	Public Health and Equity	Economic Development	Housing (separate update from GP)
1. Foster Napa as a community of connected neighborhoods, with vibrant, walkable districts, and revitalized corridors.	●	●						○		○
2. Increase travel options through enhanced walking, bicycling, and public transportation systems, and promote mobility through increased connectivity and intelligent transportation management.	○	●						○		
3. Balance local and tourist needs.	●	○	●	●	○	○	○		●	○
4. Promote housing and support a diverse array of housing types to meet the needs of all segments of the population.	●								○	●
5. Foster connections to nature and open space.			●		○	●				
6. Emphasize environmental sustainability.	○	●	○		●	●	○	●	○	
7. Achieve a healthy and safe community for all.		○	●				●	●		
8. Promote continued Downtown revitalization.	●			●			○		●	○
9. Celebrate Culture, Arts, and History.			●	●						
10. Achieve an economically diverse and resilient community.			○						●	



Planning Commission – Part 1



02
LAND USE AND COMMUNITY DESIGN ELEMENT



The General Plan Vision is enhancing the City's distinctive character, historic neighborhood picturesque setting along the River while reflecting its status as a global destination in the heart of the premier wine-producing region. The City seeks a community that is family-friendly, balanced, sustainable, and flexible to adapt to changing circumstances. It promotes compact, sustainable development in order to preserve the surrounding space and agricultural lands.

This element fuses together the latest topics of land use and design. Land uses, their location, and the form and design of development significantly impact community livability and quality of life. As a global destination at the center of commerce for Napa, the City has a surplus of jobs to its housing supply. The General Plan outlines significant new approaches to increase housing availability City-wide providing for the new growing economy.

The General Plan seeks to develop certain key corridors and areas to limit impacts to neighborhoods and historic resources. Focusing new development in areas helps create centers of density with mixes of uses that are more vibrant, walkable and



03
TRANSPORTATION ELEMENT



The Transportation Element sets goals and policies to enhance transportation options for Napa residents, workers, and visitors, and mobility through increased and efficient management of infrastructure. The element covers various modes of transport including automobile movement, walking, and public transit—with an roadway network, performance transit system, travel demand management, bicycle and pedestrian travel, emergency evacuation routes, and alternative vehicle. The Transportation Element is improving transportation options connectivity within the City and surrounding region.



06
CLIMATE CHANGE AND SUSTAINABILITY ELEMENT



The Climate Change and Sustainability (CCS) Element outlines goals and policies to combat climate change, and address adaptation and community resiliency. It reinforces the City's commitment to identify and allocate City resources to evaluate relevant scientific and societal data and lead community engagement necessary to establish City programs that will reduce carbon emissions, mitigate adverse impacts on the environment from climate change, and improve community resilience and adaptation to climate change.



Looking Forward

- Upcoming Review Opportunities
 - *April 7 Planning Commission*
 - *Community Svc, Parks & Rec; Historic Resources; Public Health & Equity*
 - *April 21 Planning Commission*
 - *Natural Resources/Conservation; Safety & Noise; Economic Development; Draft EIR*
 - *May 5 or 19 Planning Commission*
 - *Implementation Strategies (Appendix A)*
- Recommendation Hearings



Questions?



N A P A 2 0 4 0
G E N E R A L P L A N



Land Use & Community Design



The General Plan Vision calls for enhancing the City's defining attributes—its blend of small-town character, historic neighborhoods, and picturesque setting along the Napa River—while reflecting its status as a global destination in the heart of a premier wine-producing region. The Vision seeks a community that is inclusive, family-friendly, balanced, sustainable, and flexible to adapt to changing circumstances. It promotes compact and sustainable development patterns in order to preserve the surrounding open space and agricultural lands.

This element fuses together the interrelated topics of land use and community design. Land uses, their mixes and location, and the form and design of development significantly influence community livability and quality of life. As a global destination and as the center of commerce for Napa County, the City has a surplus of jobs relative to its housing supply. The General Plan outlines significant new opportunities to increase housing availability in the City while providing for the needs of the growing economy.

The General Plan seeks to channel new development into Focus Areas along certain key corridors and opportunity areas to limit impacts to existing neighborhoods and historic resources. Focusing new development within these areas helps create centers of higher densities with mixes of uses that foster a more vibrant, walkable community.

The General Plan Vision calls for enhancing the City's defining attributes—its blend of small-town character, historic neighborhoods, and picturesque setting along the Napa River—while reflecting its status as a global destination in the heart of a premier wine-producing region. The Vision seeks a community that is inclusive, family-friendly, balanced, sustainable, and flexible to adapt to changing circumstances. It promotes compact and sustainable development patterns in order to preserve the surrounding open space and agricultural lands.

This element fuses together the interrelated topics of land use and community design. Land uses, their mixes and location, and the form and design of development significantly influence community livability and quality of life. As a global destination and as the center of commerce for Napa County, the City has a surplus of jobs relative to its housing supply. The General Plan outlines significant new opportunities to increase housing availability in the City while providing for the needs of the growing economy.

The General Plan seeks to channel new development into Focus Areas along certain key corridors and opportunity areas to limit impacts to existing neighborhoods and historic resources. Focusing new development within these areas helps create centers of higher densities with mixes of uses that foster a more vibrant, walkable community.



Transportation



The Transportation Element establishes goals and policies to enhance transportation options for Napa residents, workers, and visitors, and improve mobility through increased connectivity and efficient management of existing infrastructure. The element addresses various modes of transportation—including automobile movement, biking, walking, and public transit—with topics on roadway network performance, the transit system, travel demand management, bicycle and pedestrian systems, truck travel, emergency evacuation routes, and alternative vehicle systems. The Transportation Element looks at improving transportation options and connectivity within the City and to the surrounding region.

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Community Services Parks & Recreation



Quality parks, responsive community services, and reliable utility infrastructure are integral to maintaining and strengthening the quality of life in Napa. Public parks, multi-use trails, and recreational and cultural programming provide places and occasions for neighborly interaction and healthy living. Schools, libraries, and educational programs provide spaces for learning and create opportunity for people of all ages. Public safety services like police and fire keep the community safe, and reliable public infrastructure underpins the City's daily activities and ensures that life runs smoothly. The General Plan reinforces the importance of investments in public services and facilities to provide for the community's existing and future needs.

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Historic and Cultural Resources



Napa has a rich cultural heritage, which began with inhabitation by Native Americans of the Wappo group along the Napa River over 10,000 years ago, followed by Mexican settlement beginning in the 1820s, and early American settlement circa 1846 to 1849. According to the City of Napa's Citywide Historic Context Statement, physical development progressed through the Victorian era (1860-1899), the early twentieth century (1900-1919), the Prohibition era and the Great Depression (1920-1939), World War II and the post-war era (1940-1965), and modern Napa (1965 to present). Each of these periods brought new construction trends and patterns that reflected changes in industry and the economy, demographics, politics, and other cultural themes

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Climate Change & Sustainability



06

CLIMATE
CHANGE AND
SUSTAINABILITY
ELEMENT

NAPA 2016 GENERAL PLAN



The Climate Change and Sustainability (CCS) Element outlines goals and policies to combat climate change, and address adaptation and community resiliency. It reinforces the City's commitment to identify and allocate City resources to evaluate relevant scientific and societal data and lead community engagement necessary to establish City programs that will reduce carbon emissions, mitigate adverse impacts on the environment from climate change, and improve community resilience and adaptation to climate change.

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Natural Resources Conservation



Napa Valley is endowed with a rich array of natural resources, including the Napa River and other waterways; wetlands including the vast Napa Marsh; and woodland, grassland, and chaparral that provide habitats for a wide range of plant and animal life. These resources are vital components of the City's setting and identity. Protecting these natural resources is a high priority for residents.

While the majority of the City has been developed, and many of the existing natural resources have been preserved, this General Plan outlines policies to ensure that these resources remain vibrant and sustainable.

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Safety and Noise



08

**SAFETY AND
NOISE ELEMENT**

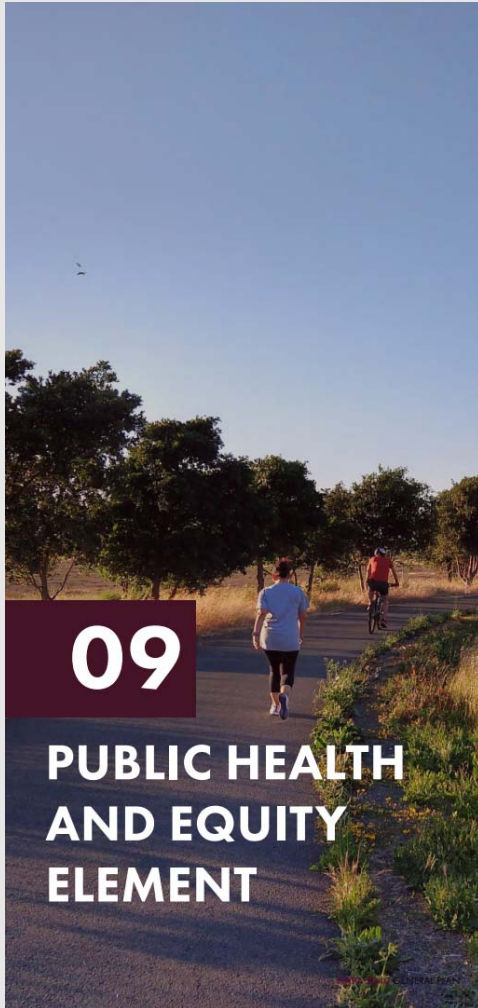


In the face of climate change and increasing risk of natural disasters and related hazards, the City needs to proactively mitigate safety hazards and be prepared for disasters in order to maintain a safe, enjoyable, and resilient community. This chapter addresses the environmental hazards that affect the Planning Area and provides goals and policies to guide the City's response to these issues.

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Public Health and Equity



The City of Napa is committed to integrating public health considerations as part of long-range planning to ensure the fair, just treatment of all people, regardless of their ability or disability, income, and backgrounds. This includes equitable access to resources and opportunities that fulfill daily essential needs and advance personal well-being, in addition to meaningful involvement in the planning and policy decisions that impact one's life. Under California law, cities and counties with disadvantaged communities that have been identified under SB 535 must address environmental justice policies in their general plans. Although Napa does not have any identified disadvantaged communities, improving public health and equity is an important priority for the City. This element is based on requirements for environmental justice, and seeks to further equitable policies throughout the City to support both a healthy livable environment and a socially responsible community.

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Economic Development



Left: Bottleneck Music Festival



The Economic Development Element presents goals and policies to support a local economy that reinforces the overall vision of the General Plan. Although not a State-mandated component of a general plan, this element plays a critical role in shaping community character through incentives, policies, and initiatives that guide economic activity and private investment.

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From: [Michael Walker](#)
To: [Michael Walker](#)
Cc: [Steve Potter](#); [Vincent Smith](#); [Tiffany Carranza](#); [Patricia Baring](#)
Subject: Tonight's Joint Meeting
Date: Monday, March 28, 2022 11:03:52 AM
Attachments: [Outlook-ljpcs01n.png](#)

Mayor & Council;
Chair & Members of the Planning Commission:
(Bcc'd to avoid potential Brown Act issues)

In preparation for tonight's discussion on the Draft General Plan, Staff would like to provide some additional direction and outline the purpose of the meeting. The Draft General Plan contains a large amount of information - from background data, analyses, and maps to policies, goals, and strategies to implement the Community's vision over the next 20 years. In order to best use the Council's (and Commission's) time efficiently, Staff is recommending that the discussions focus on the the Goals and Policies of the General Plan - evaluating whether those Goals and Policies are leading the City in the right direction and carrying out the General Plan's Vision and Guiding Principles.

Staff will present the Council and Commission with a background of the General Plan process to date, the purpose and requirements of General Plans, and most importantly, the role of the Planning Commission going forward as we refine the Draft General Plan and prepare the Final General Plan for Council consideration.

Staff will also address the robust public comments that have been received on the Draft General Plan and how those comments may be incorporated into the General Plan, Implementation Strategies, or in future documents prepared after adoption of the General Plan.

As we prepare for this evening's discussion, it is important to remember that the General Plan is required to establish a long-range vision for the City, but also remain valid, internally consistent, and legally defensible over the course of the next 20 years.

Staff looks forward to this evening's discussion and is prepared to answer any questions you may have. Should you have any questions prior to tonight's meeting, please feel free to contact me directly. Thanks,

Mike

Michael Walker, AICP *he/him*
Senior Planner – Advanced Planning
Community Development Department, City of Napa
1600 First Street, Napa, CA 94559



Phone (707) 257-9530

Email mwalker@cityofnapa.org

Website www.cityofnapa.org

Social www.facebook.com/CityOfNapa · [@CityOfNapa](https://twitter.com/CityOfNapa)

Planning Division Customer Service Update: City buildings re-opened to the public on July 6, 2021. We are open Monday through Thursday, from 8 AM to 5 PM; offices will be physically closed to the public on Fridays. Every day, including Friday, community members will still be able to access Planning staff and services by phone or by appointment.

Due to current staffing levels, we encourage you to schedule an appointment prior to coming to the office. Most appointments can be handled via TEAMS or Zoom and will be scheduled accordingly. We are receiving live phone calls Monday through Thursday and strive to return calls within 24 hours. On Friday, please leave a detailed message including the address of the property you are inquiring about and we will call you back on Monday.

We accept new project submittals and resubmittals by email and do not require hard copy plans; payments can be mailed or dropped off at our office. For Code Enforcement-related issues, call the Code Enforcement Hotline at 707-257-9646. For more information, visit: <https://www.cityofnapa.org/915/Coronavirus-COVID-19-Update>

From: [REDACTED]
Sent: Wednesday, March 16, 2022 1:38 PM
To: Clerk
Cc: [General Plan Update](#)
Subject: General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Hello, I don't think our General Plan goes far enough in climate mitigation on many fronts. We need stronger language to get to a better place to combat climate change. I would like to see us pledge to get to net zero emissions by 2030 and declare a climate emergency so that no new gas stations can be constructed.

I also support Napa Bicycle Coalition's suggestions:

- "Aim to complete at least 50% of the planned bike and pedestrian network by 2040."
- "Work to reduce Vehicle Miles Traveled by 15% by 2040."
- "Implement the City's existing transit, pedestrian, and bicycles plans to increase mode share for transit, walking, and bicycling to 20% by 2035."
- "Work towards safer streets and reduce and eliminate fatal and severe injury collisions among vehicles, pedestrians, and bicyclists by 2035 by adopting and implementing a Vision Zero Plan."

Thank you,

Samantha Smith
[REDACTED]

From: [REDACTED]
To: [Clerk](#)
Subject: 2040 general plan
Date: Friday, March 25, 2022 2:02:27 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

I appreciate the time and effort that goes into all the aspects of taking care of this great little city of Napa.

Speeding and reckless driving is really crazy here. I live on Coombs Street next to a girls softball field where there is also a school bus stop. It's a 25 mile an hour speed zone on Coombs and no one is going under 40. Often people are accelerating up to 60 mph. There is no stop sign between Pine Street and the light at Imola.

I am afraid for my pets, squirrels are killed often, kids cross at Elm and Coombs all the time and it's crazy. The A1 store at the corner of Ash and Coombs is also a place with high pedestrian traffic.

I know there are a lot of places in Napa where we need to do better about speeding and reckless driving. I wonder what it would take to enforce the traffic laws we are already have?

Thank you
Cinder Ernst
[REDACTED]

From: [REDACTED]
To: [Clerk](#)
Subject: traffic calming
Date: Friday, March 25, 2022 1:48:15 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

Sincerely,

David W Dunlap

From: [REDACTED]
To: [Clerk](#)
Subject: 2040 General Plan comments
Date: Friday, March 25, 2022 1:42:53 PM

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

Thank you for listening to residents and taking the initiative to reduce the speed limits on streets throughout the city. That is a first step towards creating a safer and cleaner environment for residents and our visitors. I look forward to seeing more progress in this area.

Regarding the 2040 General Plan I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

The downtown area has much potential that is not being realized due to the dominance of auto traffic. I applaud the closing of Main St from 2nd to 3rd during the COVID crisis but that road closure should be expanded and made permanent.

Many cities across the US and elsewhere have embraced permanent reductions in traffic circulation to enhance the experience for pedestrians and cyclists. During weekends Napa's 1st St traffic crawls along at a snail's pace, emitting pollution and spoiling the experience for others. Why not close 1st St from City Hall to Main St and encourage cafes and restaurants to expand outdoor seating ?? There are plenty of parking lots within two blocks where folks could park and walk.

I would appreciate an opportunity to meet with Councilmembers to discuss options for downtown and other residential areas. You can reach me at the email below.

Sincerely,
Colin Petheram

Colin Petheram
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Clerk](#)
Subject: Napa 2040 General Plan
Date: Friday, March 25, 2022 1:25:06 PM

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family and grow old with our loved ones.

--

Thank you
Pat Gorman
[REDACTED]



Advocating for smart climate action based on the latest climate science

March 24, 2022

Dear Mayor and City Councilmembers,

Below are recommendations from Napa Climate NOW! for the Climate Change and Sustainability Element and the Transportation Element of the Public Review Draft of the 2040 General Plan. These comments were presented to the Planning Commissioners and to City Staff for the March 17, 2022 Planning Commission meeting.

We are concerned that specific language proposed by the General Plan Advisory Committee (GPAC) as well as some of the suggested policies were not included in the Draft. We urge you to retain the language from the Draft Element Framework (4/2021) that resulted from the GPAC's process.

We recognize that our 2040 General Plan includes a Climate Change and Sustainability Element thanks to the insistence of the City Council. This Element should be as comprehensive and as specific as possible with measurable goals and targets to provide direction for immediate and continual action. It needs to provide clear and strong guidance to reduce our contribution and to increase our City's resilience to this crisis.

COMMENTS ON THE CLIMATE CHANGE AND SUSTAINABILITY ELEMENT

General Recommendations

1. Retain the stronger, more precise terms proposed by the General Plan Advisory Committee (GPAC) in the [Draft Element Framework \(4/2021\)](#) as noted in Specific Comments below.
2. Throughout the document replace "GHG emissions" with "GHG/SLCP emissions".
 - Aligns the Plan with the reduction targets of SB 1383 for the Short-Lived Climate Pollutants: black carbon (a particulate) and the GHGs methane and hydrofluorocarbons.
 - Allows incorporation of the GHG/SLCP inventory the City is supporting through the Napa County Climate Action Committee.

Additional policies recommended for inclusion: (Added text in **bold**.)

Under Goal CCS-1: Climate Change and GHG Reduction

- (From the 4/2021 Framework) Set clear goals to increase energy efficiency of City-owned buildings by implementing alternative and renewable energy solutions.

NAPA CLIMATE NOW!

A 350 Bay Area Group

Advocating for smart climate action based on the latest climate science

- Reduce emissions from Small Off-Road Engines (SOREs) by prohibiting use of gasoline-powered leaf blowers.
- CCS 1-4: Add **“Create a Climate Resiliency Manager position within the City to provide oversight of CC&S goals and policies. This position would also expand local awareness of actions that residents and businesses...”**

Under Goal CCS-2: Land Use and Mobility

- Prohibit expansion of fossil fuel gasoline service stations to avoid additional brownfield sites and support transition to Zero-Emission Vehicles (ZEVs).

Under Goal CCS-4: Solid Waste Recycling and Waste Reduction

- (From the 4/2021 Framework) Transition the heavy refuse and recycling vehicle fleet to vehicles that are 100 percent electric by 2023 (*Note: Date chosen by GPAC will have to be updated*).
- Adopt a Disposable Foodware Ordinance to eliminate non-recyclable, non-compostable takeout ware. Expand the plastic bag ban to include re-useable plastic bags.

Under Goal CCS-5: Water Use Efficiency and Conservation

- (From the 4/2021 Framework) Invest in infrastructure for potable recycled water.

Under Goal CCS-8: Green Building

- Require NZE or net-positive design for all new buildings (residential and commercial). (And include from the 4/2021 Framework) Require NZE or net-positive design for significant retrofitting of existing buildings by 2030. Encourage NZE and net-positive design for adaptive reuse projects.
- Align City regulations with [proposed BAAQMD thresholds](#) of no natural gas appliances or natural gas plumbing in both residential and non-residential development.
- Require that City-owned building projects provide training and apprenticeship opportunities targeted to local residents as specified in a Project Labor Agreement in order to develop the local skilled and trained blue collar construction workforce needed to craft high performance buildings.

Specific Recommendations

- Page 6-4, Methane Emissions Reductions: Senate Bill 1383
Include the following: This legislation also set statewide emissions reduction targets specifying a 40 percent reduction in methane, a 40 percent reduction in HFCs, and a 50 percent reduction in anthropogenic black carbon below 2013 levels by 2030.

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(from <https://ww2.arb.ca.gov/our-work/programs/slcp/about#:~:text=These%20pollutants%20include%20the%20greenhouse,climate%20change%20and%20public%20health.>)

- Page 6-9
Include the following under Solid Waste Recycling and Waste Reduction: (From the [BAAQMD 2017 Clean Air Plan](#), page 3-13) However, in the case of GHGs with a shorter atmospheric lifespan, such as black carbon and methane, a 20-year time frame provides a more realistic means to express their global warming potential. For example, ..., methane has a GWP of 34 using a 100-year time frame, but its GWP increases to 86 using a 20-year time frame.
- CCS 1-1: (Retain 4/2021 language.) Replace “Seek to achieve net zero climate pollutants...” with “**Achieve** net zero climate pollutants from public and private operations within the city by 2030.”
- CCS 1-2: (Retain 4/2021 language.) Replace “The City should lead by example...” with “**Ensure** that the City leads by example...”
- CCS 1-2: Replace “Develop plans for the reduction of fossil fuel consumption...” with “Develop plans for the **elimination** of fossil fuel consumption...” and set a deadline.
- CCS 1-2: Add “Require new or substantially renovated municipal facilities to **achieve zero net energy and ultra-low water consumption**, to incorporate cost-effective strategies for reducing...”
- CCS 1-5: Insert “develop a Climate Action Plan **for the City...**”
- CCS 2-1: (Retain 4/2021 language.) Replace “Expand programs that encourage the installation of electric vehicle charging infrastructure.” with “Expand electric vehicle charging infrastructure.”
- CCS 2-3: (Retain 4/2021 language.) Replace “Study options to transition the City’s vehicle fleet...” with “Transition the City’s vehicle fleet...”. Set a deadline of completing fleet electrification by 2027.
- CCS 3-1: (Retain 4/2021 language.) Replace “Study and incorporate green infrastructure...” with “Incorporate green infrastructure...”
- CCS 3-3: “Install a BioEnergy system...” Move this policy from Green Infrastructure to Energy Generation and Security.
- CCS-4: (Retain 4/2021 language.) Replace “divert 75 percent (or more) of waste from landfills by 2035 and maintain diversion at 75 percent of greater through 2040.” with “divert 100% of waste from landfills by 2022 (*Note: Date chosen by GPAC will have to be updated*) and maintain 100% diversion through 2040.”
- CCS-8: Change text to “Support the City’s vision of a sustainable community by promoting efforts to reduce energy demand, **reduce GHG/SLCP emissions, and conserve resources** through improved building design.”



Advocating for smart climate action based on the latest climate science

- CCS 8-1: Add “Incentivize Tier 1 and Tier 2 upgrades.”
- CCS 8-2: (Retain 4/2021 language.) Replace “Seek to incorporate net zero energy...” with “Require net zero energy...”
- CCS 8-3: (Retain 4/2021 language.) Replace “Encourage roofing design...” with “Require roofing design...”
- CCS 10-1: Correct “Napa Green Certified Land Program” to “Napa Green Certified **Vineyard** Program”.

COMMENTS ON THE TRANSPORTATION ELEMENT

General Recommendations

1. Prioritize community concerns of increasing safety for pedestrians and cyclists, reducing vehicle speed in residential areas, and employing traffic calming measures from the April 2021 Public Hearing on the [Draft Element Framework](#). As it stands the draft element is automobile-centric. The Transportation Element should be updated to reflect residents’ priorities and to deliver on the guiding principles vision of Napa as a community of “walkable districts” with “enhanced walking, bicycling, and public transportation systems”.
2. Include the language proposed by the Napa County Bicycle Coalition in their [comments](#) to the Planning Commission on March 17.

Additional Policies recommended for inclusion

Under Goal TE-3: Promote active transportation...

- Prioritize maintenance and improvement plans that remove barriers identified through the Safe Routes to Schools program to allow students to bike and walk safely to school and reduce congestion and emissions around school sites.

Under Goal TE-5: Automobile Movement

- Adopt proposed BAAQMD thresholds for Land Use Projects including targeted reductions in VMT.

Specific Recommendations

- Page 3-14: Clarify the following: “...rail right-of-way owned by the Sonoma Marin Area rail Transit in American Canyon.” Is this right of way in American Canyon a north-south route, east-west route?
- Page 3-14: Include the date of the SMART Feasibility Study for the Novato to Suisun City corridor.

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- TE 1-2: Set a target and date for completing planned bicycle and pedestrian plans, e.g. complete at least 50% of the planned bike and pedestrian network by 2035.
- TE 2-3: Add text **“Install traffic calming infrastructure during routine paving and maintenance.”**
- TE 2-4: Include as examples **“street landscaping and street trees”** and **“ADA compliance”** that were in item I in the Draft Element Framework.
- TE 6-1: Include V Commute website information (**vcommute.org**) as requested by NVTa staff.
- TE 6-4: Change text to: **“Include Travel Demand Management responsibilities under a Climate Resiliency Manager position in the City Manager’s office to provide...”**
- TE 7-5: Change text to: **“This can be accomplished through thoughtful design of parking lots/structures and site design, improved connections to nearby uses, traffic/parking management, and financial incentives such as discounted paid parking.”**
- Goal TE-10: Sustainable Transportation Choices: Set specific goals and timelines, e.g. **“Achieve a mode shift of 10% for bicycling/walking for trips less than 3 miles by 2035.”**

We are happy to provide further information about our recommendations. Please contact Chris Benz at christinabbenz@gmail.com.

Thank you for your consideration,
Napa Climate NOW! Government Accountability Issues Team
Chris Benz
Linda Brown
Lynne Baker
Jim Wilson

From: [REDACTED]
Sent: Friday, March 25, 2022 5:24 PM
To: [Clerk](#)
Subject: Napa 2040 General Plan - Bicycle Plan To and From school

Categories: Unverified Contact

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a bicycle strategy to reduce the impact of traffic on our residential streets.

The bicycle strategy must include dedicated path paths to Napa Vallejo College, Napa, Vintage, Valley Oak, Justin-Siena, New Tech, Liberty, The Oxbox High School, Silverado, Redwood Middle schools, from the Napa Valley Vine Bike path. This will allow our children to ride their bikes to and from school.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. A bicycle strategy can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones

--

Thank you
Pat Gorman
[REDACTED]

From: [REDACTED]
Sent: Friday, March 25, 2022 8:17 PM
To: [Clerk](#)
Subject: Slow down!

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

We live in Alta Heights, on the corner of East and Spring streets. The speed limit is 25, however, because East Ave is a main thoroughfare, drivers are constantly speeding sometimes in excess of 50 mph. Our has 2 parks and a school within 3 blocks distance.

We live on a corner, and there is no crosswalk for 3 blocks for my kids to cross the street. My children have been almost hit by cars flying through the crosswalks in front of the school. Something needs to be done to protect our most vulnerable and precious citizens. Please consider their safety and best interests over the big wineries and tourists, who won't be here forever. These kids are our future!

*With appreciation (or other closing),
Your Signature*

Thank you from the Slow Down Napa team!

Sincerely,
Leilani Lucas

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:59 AM
To: [Clerk](#)
Subject: Linda vista extension

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Please approve the Linda Vista extension. It would save a lot of time and gas and improve traffic on Westview, Lincoln and other roads as well as other benefits.

Sincerely,

Mark Schreiner

From: [REDACTED]
Sent: Saturday, March 26, 2022 9:33 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT.

These documents can be found on the www.StopPacasoNow.com website. Thank you

From: [REDACTED]
Sent: Saturday, March 26, 2022 11:54 AM
To: [Clerk](#)
Subject: Redwood Creek Bridge

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

The plan to extend Linda Vista to Robinson Lane across the Redwood Creek has been in the General Plan for 20 years and even earlier - it has never been implemented. I would argue this extension will never be executed and should not be in the new General Plan. Why this extension will not be implemented? • There is strong neighborhood opposition to this extension. Neighbors on both sides of Redwood Creek oppose this new road and will make their opposition known to elected officials. • The cost of building a bridge across an ecologically sensitive wildlife corridor will be immense due to: o Environmental review o Bridges cost much more than roads o The plan calls for a Class I bike trail as part of the extension, which just adds to the expense. o Special engineering will be required at the Linda Vista end to keep the bridge supports from impeding access to a major water main buried deep at the juncture of the new road with Linda Vista. This water main ruptured within the last two years and required a major excavation of a hole as deep as two SUV's. o The cost/benefit of this extension will never rise to the level that it will cost Basically, this extension will be a dead item in the new General Plan. Why this extension should not be implemented: • The result of the extension would channel even more traffic onto the already busy Linda Vista/Lone Oak/West Lincoln junction. There are already 4500 cars per day on Linda Vista and an extension would increase this by 1000 cars. This neighborhood is a residential area with schools, not a commercial area. The streets are not designed for this traffic load. The intersection where Lone Oak and West Lincoln meet is a blind curve with no shoulders or sidewalks - a very dangerous place for pedestrians or bicyclists. The City should be adding bike lanes and sidewalks to Linda Vista and West Lincoln rather than dumping more traffic in this area. • The neighborhood on the Robinson Lane side of the creek is truly a quiet residential area with no through streets. This neighborhood will be destroyed by this extension. Currently 500 cars travel this neighborhood daily, and the extension will add an additional 2500 cars in this small community. • The extension over the creek will not make it safer for pedestrians, bicyclists, children or animals. The City has said that the roads are 20 feet narrower than they would like for this type of project and there would only be a sidewalk on one side.

Keith C Knox

[REDACTED]
Napa CA 94558

From: [REDACTED]
Sent: Saturday, March 26, 2022 12:08 PM
To: [Clerk](#)
Subject: Napa 2040 General Plan Special Joint Meeting 3/28/2022

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

The Saratoga Home Owners Association (HOA) has been in existence for 6 years. The speed limit on Saratoga Drive and Capitola Drive are 25 MPH, yet speeds exceeding 50-65 MPH are common occurrences throughout the day and night. While speeding has always been a concern, recent traffic increases due to new neighbors has escalated additional concern for safety on our sidewalks, roads and neighboring side streets.

Although Napa Police infrequently write Incident Reports, there were at least 8 serious Incidents where the Police Department was dispatched to the scene. Many more accidents have occurred.

1. 881 Saratoga Drive/Capitola – 2020 - An auto turning West onto Saratoga Drive from Capitola Drive lost control around the curve, never recovering control until it jumped the curb and was brought to a halt by a large boulder on the front lawn.
2. First incident of two cars speeding in opposite directions colliding at the corner of Saratoga and Capitola.
3. Second incident of two cars speeding in opposite directions colliding at the corner of Saratoga and Capitola.
4. 810 Erin Way/Saratoga Drive – 2021 - An auto turning West onto Saratoga Drive from Capitola Drive lost control around the curve, never recovering until it jumped the curb, took out two electrical boxes and resulting in a complete side fence replacement. The entire neighborhood was without electricity for about 24 hours. A neighbor's surveillance camera showed them speeding around around Capitola/Saratoga bend before the crash. The repair person said the electrical box could have exploded and the driver and passenger could have been electrocuted.
5. 888 Erin Way/Capitola – 2020 - An auto traveling from Saratoga Drive turned north onto Capitola, went out of control and jumped the curb and took out the fire hydrant on the corner along with a four year old tree.
6. 888 Erin Way/Capitola – 2020 - An auto traveling from Saratoga Drive turned north onto North on Capitola, went out of control , jumped the curb and almost hit the house.
7. 886 Tristen Lane – 2021 – An auto traveling North on Capitola Drive lost control and went off the road, across the sidewalk, through the owner's hedge and ended near the house.
8. A car going west on Saratoga Drive rammed the wooden barricade at the end of the road so hard it took the entire barricade made of 10" x 10" beams out of the ground. The barricade was replaced but has now been removed due to construction.



Many parents are prohibiting their kids from riding bikes in this area due to frequent reckless driving behavior and consequent police pursuits. As homeowners, the ability to safely walk, bike and drive in our neighborhood should be a given, not a constant safety concern. We are concerned citizens who urge our leaders to act now to stop the speeding and bring safety to the neighborhood.

Thank You,

Darcy Hislop

From: [REDACTED]
Sent: Saturday, March 26, 2022 12:26 PM
To: [General Plan Update](#); [Michael Walker](#); [Clerk](#); [Scott Sedgley](#)
Cc: [REDACTED]
Subject: Re: Linda Vista Extension, Bridge to Robinson Lane, Request to remove from General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

James Oscar Hayes

[REDACTED]
Napa, CA 94558

28th March, 2022

Scott Sedgley, Mayor, City Council Members,
Planning Commission Members, and City Clerk
955 School Street
Napa, CA 94559

Dear Mayor Sedgley, City Council Members,
Planning Commission Members and City Clerk.

My name is Jimmy Hayes, and I am 12 years old. I have lived on Prince Court since I was born in 2009. What I love about my neighborhood is the peace and quiet. When I go out on my skateboard I ride without a care in the world. My neighborhood is home to a variety of local wildlife, such as deer, foxes, and bobcats. It is also home to many children, elderly folks, and pets. I always see people walking or riding bikes around the neighborhood because it is so safe and free of traffic.

I have spoken at three different city council meetings throughout my life, and each has been about the Linda Vista Extension bridge. Each of these times, the project has been rejected. I respectfully request its removal from the General Plan, as it is unrealistic that it will be approved anyway. Here are some reasons it should be removed from the General Plan:

- It would change the character of this neighborhood forever – 2,500 additional cars every day – Robinson is not wide enough for that much traffic, and accidents would be common.
- We do not have any sidewalks, so pedestrians would be in danger of being struck by a vehicle.
- Children and the elderly could not play or walk as freely
- The natural wildlife would be averse to a place with that amount of traffic
- The city cannot afford the bridge and the money could be better spent elsewhere, such as an easier way to cross highway 29 from Browns Valley to downtown, for bike and foot traffic.

- The fire department station has an acceptable response time without the bridge. – This was proven at my last council meeting.
- Is shaving off a minute or two really worth \$5,000,000?

An excerpt from the city plan talks about preserving neighborhood quality and character and mentions Browns Valley as an example. Please remove the Linda Vista Extension Bridge from the General Plan once and for all.

Respectfully,

Jimmy Hayes

From: [REDACTED]
Sent: Saturday, March 26, 2022 12:26 PM
To: [Clerk](#)
Subject: Slow Down Traffic on Residential Streets

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

I own a residence on Franklin Street, between Ash and Elm and witness cars accelerating between the stop signs at very unsafe speeds. There are many children who walk to Shearer Elementary school daily and are at risk when these drivers speed up to 35 - 40 MPH from stop sign to stop sign. There are cats and dogs on our block as well that have come very close to being hit as the drivers recklessly speed by on cell phones, not paying attention. I have stood in the street many evenings flagging drivers to slow down, only to be met by them increasing their speed and honking in resistance to my pleading. We have two motorcycle riders who now increase speed and rev their bike as they pass our house daily in defiance of my request to slow down and drive the speed limit. This causes stress and frustration for us and our neighbors on a regular basis.

I would ask that at a minimum a speed tracker is installed on our block to alert cars of their speed. A city police car parked for a week could find plenty of offenders to fine and show these careless speeders this isn't tolerated.

Additionally, your own city vehicles, including garbage trucks drive down Franklin at unsafe speeds regularly. This shouldn't be allowed by the city of Napa whatsoever. These city employees should respect speed limits within residential neighborhoods especially since their salaries are funded by the citizen's tax paid dollars.

Thank you for listening, and your consideration,

Angela Benjamin, [REDACTED] Napa 94559

Sr, Promotions Director, Trincherro Family Estates Winery

From: [REDACTED]
Sent: Saturday, March 26, 2022 4:38 PM
To: PlanningCommission; Clerk
Cc: [Bond Mendez](#); [David C. Jones \(Attorney\)](#); [Scott Sedgley](#); [Michael Barrett](#); [Steve Potter](#); [Michael Allen](#); [Sabrina Wolfson](#); [Rachel Carranza](#); [Liz Alessio](#)
Subject: Re: Cell tower on Justin Siena campus and future cell tower applications
Attachments: San Anselmo Telecom Ordinance.pdf

[EXTERNAL]

P.P.S.. When noting the proximity to the bleachers and the fact that RF radiation exposure is higher at the top of the bleachers, the Dish representative's response was that it was "the away side," which was supposed to comfort the commissioners!

Also, it says on pg. 17 of the RF radiation report that, "Predictive modeling indicates that cumulative RF power densities at ground level or adjacent structures as a result of the operations documented herein may exceed the FCC General Population limits." As one commissioner noted, the fact that the RF engineer who did the report was not there to answer questions about the report was problematic, and it is not clear how any recommendations in the report mitigated for that conclusion.

I recommend you listen to the hearing if you are on this chain and have not already. It is pretty shocking, and again it's not the commissioners' fault. It is the result of a lack of effective policy, which is the Council's responsibility, and legal counsel that seems to be working for the applicant and not the public. https://napacity.granicus.com/player/clip/2650?view_id=2&redirect=true

Sincerely,
Amy Martenson

On Mar 26, 2022, at 2:20 PM, Amy Martenson [REDACTED] wrote:

P.S. In the San Anselmo ordinance residential areas are not even an option for macro cell towers, indicating how inappropriate that is. Only small cell antennas are, and even in that case residential areas are listed as the least preferred locations.

On Mar 26, 2022, at 1:26 PM, Amy Martenson [REDACTED] wrote:

Dear Napa Planning Commission:
We were extremely disappointed that the Napa Planning Commission approved another cell tower on the Justin Siena campus and that the Napa City Council has failed to update its obsolete telecommunications ordinance to guide your decision making.

Listening to the Napa Planning Commission meeting, you asked excellent questions around the issue of RF radiation. Unfortunately, you did not have adequate information yourselves nor an attorney knowledgeable about telecommunications law present to know what power the City does have in regards to cell tower approvals to be able to

deal with the Dish representatives effectively, so you went along, hesitantly.

Your concerns about wireless radiation and public safety were extremely valid, as there are thousands of scientific studies demonstrating the harms of wireless radiation, among them neurological issues, including headaches, difficulty concentrating, and sleep issues, as well as cancer. However, your legal counsel falsely told you that as long as the RF radiation report indicated that the wireless radiation would be below levels deemed safe by the FCC that there was nothing you could do. That is blatantly untrue. <https://www.americansforresponsibletech.org/scientific-studies>

First of all, while cities cannot ban cell towers outright, they can regulate them, and **one of the factors they can regulate is location**. For that reason, other cities have put in place preferred locations for cell towers, making residential neighborhoods least preferred, and some cities have put in place setbacks from homes, schools, and daycares. Had that regulation been in place, this tower would have never been approved. In fact, research shows that cell towers should not be placed within 500 meters or about 1,600 feet from homes, schools, and businesses.

More significantly, **the FCC wireless radiation limit the Planning Commission relied upon was deemed “arbitrary and capricious” last August by the US Court of Appeals for the DC Circuit**, because the FCC has not reviewed that safety limit (and the relevant science that has accumulated) since 1996 (over 25 years ago). The Court ordered it to do so. Currently, the FCC radiation limit provides no assurance of safety, and no cell towers should be approved until the FCC has complied with that federal court order. You have the right to ask applicants for proof that the FCC has complied with that court order and to deny cell tower applications until it has done so. <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

Finally, there are studies showing that cell towers lower property values for homeowners as most people do not wish to live near a cell tower. Were the surrounding neighbors informed in writing about the March 3rd public hearing, so they could weigh in on a decision that will not only affect their health but their property values? Concerns about aesthetics and lower property values provide the basis for making residential neighborhoods the least preferred location and for setbacks. <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

Please see San Anselmo’s model telecommunications ordinance updated last year by telecom attorney, Tripp May. (Pgs. 7-31 are on macro towers). It addresses the issues you raised (e.g. location, on-going testing, design review), and issues you did not think to raise (notice to nearby residents, CEQA and NEPA compliance, indemnity, etc). Please use your positions to urge the City Council to update its ordinance, which would have addressed this tower and is especially important now as Dish plans to bring forward more applications.

Respectfully,
Amy Martenson
Napa Neighborhood Association for Safe Technology

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Sent: Saturday, March 26, 2022 2:20 PM
To: PlanningCommission; Clerk
Cc: [Bond Mendez](#); [David C. Jones \(Attorney\)](#); [Scott Sedgley](#); [Michael Barrett](#); [Steve Potter](#); [Michael Allen](#); [Sabrina Wolfson](#); [Rachel Carranza](#); [Liz Alessio](#)
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Respectfully,
Amy Martenson
Napa Neighborhood Association for Safe Technology

**TOWN OF SAN ANSELMO
COUNCIL POLICY**

TITLE: WIRELESS COMMUNICATIONS FACILITIES	PAGE 1 of 100	POLICY NUMBER 6-1
EFFECTIVE: April 27, 2021	REVISED: September 25, 2018, January 8, 2019, April 27, 2021	

APPROVED BY COUNCIL ACTION June 26, 2018

SPECIFIC SUBJECT: Procedures and Standards for Wireless Telecommunication Facilities including Macro Wireless Facilities (Part IV), Small Wireless Facilities (Part V), Eligible Facilities Requests (Part VI) and Emergency Standby Generators for Macro Cell Tower Sites (Part IX)

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PART I. BACKGROUND AND INTRODUCTION

This policy replaces policies and regulations for wireless facilities that were previously found in Town Municipal Code Article 28 Wireless Telecommunications Facilities and Resolution 3688.

Since the initial adoption of this Policy, the wireless telecommunications industry has expressed interest in submitting applications for the installation of “small cell” wireless telecommunications facilities in the Town's public rights-of-way. Other California cities have already received applications for small cells to be located within the public right-of-way.

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Installation of small cell and other wireless telecommunications facilities within the public right-of-way can pose a threat to the public health, safety and welfare, including disturbance to the right-of-way through the installation and maintenance of wireless facilities; traffic and pedestrian safety hazards due to the unsafe location of wireless facilities; impacts to trees where proximity conflicts may require unnecessary trimming of branches or require removal of roots due to related undergrounding of equipment or connection lines; land use conflicts and incompatibilities including excessive height or poles and towers; creation of visual and aesthetic blights and potential safety concerns arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators; and the creation of unnecessary visual and aesthetic blight by failing to utilize less intrusive alternatives or capitalizing on collocation opportunities which may negatively impact the unique quality and character of the Town.

Most of the Town is in a Wildland Urban Interface Zone. Northern California is experiencing an unprecedented increase in the number and intensity of wildfires. Power lines and electrical equipment failures are a common cause of California wildfires. Overburdened utility poles can present a hazard of collapsing and failing. As demonstrated by the 2007 Malibu Canyon fires, wireless facilities on utility poles in the public rights-of-way may present an electrical hazard and/or increase the risk of electrical fires if not properly regulated, installed and monitored. Installation of wireless facilities near trees may require adjacent trees to be significantly trimmed or removed to maintain fire safety.

The public right-of-way in the Town is a uniquely valuable public resource, closely linked with the Town's natural beauty including views of the hills and mature tree canopy. Reasonable regulation and orderly deployment of wireless telecommunications facilities in the public right-of-way is desirable; unregulated or disorderly deployment poses an ever-increasing and true threat to the health, welfare and safety of the community.

A personal residence is for most homeowners their single greatest financial asset. The property values in the Town are enhanced by views of natural hillsides, open spaces, trees and vegetation. The Town seeks to protect property values and natural aesthetics by regulating the aesthetics of wireless facilities to prevent unsightly installations and other adverse impacts, such as tree removal and/or mutilation.

The regulation of wireless installations in the public right-of-way are necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the Town, and to ensure that all wireless telecommunications facilities are installed using the least intrusive means possible. The Town recognizes its responsibilities under federal and state law and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety or welfare.

TITLE: WIRELESS COMMUNICATIONS FACILITIES	PAGE 4 of 100	POLICY NUMBER 6-1
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PART II. PURPOSE AND INTENT

The purpose of this Policy is to guide review of wireless facility requests, as set forth below.

- (A) In accordance with San Anselmo Municipal Code (“**SAMC**”) Title 10, Chapter 3, Article 28, the Town of San Anselmo intends this Town Council Policy No. 6-1 to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the Town’s territorial and jurisdictional boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the Town’s local values, which include without limitation the natural, residential and unique aesthetic character of the Town, its neighborhoods and community. The purpose of the Policy is also to protect the citizens and visitors of San Anselmo from adverse health effects associated with exposure to non-ionizing electromagnetic radiation that exceed maximum permissible exposure levels by raising public awareness and ensuring compliance with all applicable laws. This Policy is also intended to reflect and promote the community interest in public notice and an opportunity to be heard to (1) ensure that the balance between public and private interest is maintained on a case-by-case basis; (2) protect the Town’s visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure; (3) protect and preserve the Town’s environmental resources; and (4) promote access to high-quality, advanced telecommunication services for the Town’s residents, businesses and visitors.

- (B) This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC’s regulations concerning such emissions; (5) prohibit any collocation or modification that the Town may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the Town to preempt any applicable federal or California law.

- (C) This Policy is not intended to limit or prejudice any individual’s ability to seek a reasonable accommodation under the Americans with Disabilities Act, the Fair Housing Act

TITLE: WIRELESS COMMUNICATIONS FACILITIES	PAGE 5 of 100	POLICY NUMBER 6-1
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Amendments of 1988, or any other similar federal or state law due to electromagnetic sensitivity or symptoms based on exposure to radio frequency emissions.

PART III. GENERAL DEFINITIONS

The abbreviations, phrases, terms and words used in this Town Council Policy No. 6-1 will have the following meanings assigned to them or, as may be appropriate, in SAMC, Title 10, Chapter 3, Article 17 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. The definitions in this Policy shall control over conflicting definitions for the same or similar abbreviations, phrases, terms or words as may be defined in SAMC, Title 10, Chapter 3, Article 17 (Definitions), as may be amended from time to time. However, if any definition assigned to any phrase, term or word in this policy conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

- (1) **“accessory equipment”** means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.
- (2) **“antenna”** means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or OTARDs (as defined in this Policy).
- (3) **“approval authority”** means the commission, board or official responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a use permit is the Planning Commission or, on appeal, the Town Council. The approval authority for a temporary use permit is the Director or, on appeal, the Town Manager. The approval authority for a project that requires a Section 6409 approval or an emergency standby generator approval (**“ESG approval”**) (as defined in this Policy) refers to the Director or, on appeal, the Town Manager.
- (4) **“building-mounted”** means mounted to the side or façade, but not the roof, of a building or another structure such as a water tank, pump station, church steeple, freestanding sign, or similar structure.
- (5) **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- (6) **“Director”** means the Director of the Planning Department of the Town of San Anselmo, or the Director’s designee.

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- (7) **“FCC”** means the Federal Communications Commission or its duly appointed successor agency.
- (8) **“FCC shot clock”** means the time frame within which the Town generally must act on a given wireless application, as defined by the FCC and as may be amended from time-to-time.
- (9) **“macro wireless facility”** means a wireless telecommunications facility other than a small wireless facility.
- (10) **“monopole”** means a structure consisting of a single pole used to support antennas or related equipment and includes, without limitation, a monopine, monoredwood and similar freestanding structures designed or camouflaged to resemble trees or other objects.
- (11) **“OTARD”** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 *et seq.*, as may be amended, and which includes satellite television dishes not greater than one meter in diameter.
- (12) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (13) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.
- (14) **“public right-of-way or “right-of-way”** means any public street, public way, public alley or public place, laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the Town dedicated or granted for the purpose of public travel.
- (15) **“RF”** means radio frequency or electromagnetic waves.
- (16) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- (17) **“shroud” or “radome”** is a screen or enclosure that conceals antenna electronic equipment from view.
- (18) **“small wireless facility” or “small wireless facilities”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.
- (19) **“temporary wireless facilities”** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels (“COWs”), sites-on-wheels (“SOWs”), cells-on-light-trucks (“COLTs”) or other similarly portable wireless facilities not permanently affixed to site on which is located.
- (20) **“Town Manager”** means the Town Manager of the Town of San Anselmo, or the Town Manager’s designee.
- (21) **“wireless services”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

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- (22) **“wireless telecommunications facility”** means any facility constructed, installed, or operated for wireless service. “Wireless telecommunications facility” includes, but is not limited to, antennas or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development.

PART IV. MACRO WIRELESS FACILITIES

(A) APPLICABILITY

- (1) **Applicable Wireless Facilities.** This Part IV applies to all existing macro wireless facilities within the Town and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy macro wireless facilities in the Town unless exempted under Section IV(A)(2) (Exempt Wireless Facilities) or governed under Town Council Policy No. 6-1 Part VI (Eligible Facilities Requests).
- (2) **Exempt Wireless Facilities.** Notwithstanding the provisions in Section IV(A)(1) (Applicable Wireless Facilities), the provisions in this Part IV will not be applicable to: (a) wireless facilities owned and operated by the Town for public purposes; (b) antennas and related communications equipment used in connection with a duly authorized amateur station; (c) OTARD antennas; (d) wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and (e) wireless facilities or other communications equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- (3) **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be first reviewed under Town Council Policy No. 6-1 Part VI (Eligible Facilities Requests).

(B) PRIOR APPROVALS REQUIRED

- (1) **Use Permit.** A use permit and design review approval, subject to the Planning Commission’s prior review and approval in accordance with the procedures and standards in SAMC, Title 10, Chapter 3, Article 13 (Conditional Use Permit) and Article 15 (Design Review) is required for all new and substantially changed wireless facilities.
- (2) **Temporary Use Permit.** A temporary use permit, subject to the Director’s prior review and approval in accordance with the procedures and standards in Section VII (Temporary Wireless Facilities) is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to Section VII(B) (Temporary Wireless Facilities for Emergencies).

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(3) **Other Permits and Regulatory Approvals.** In addition to any use permit, temporary use permit or other permit or approval required under this Part IV, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any other ministerial permits and/or regulatory approvals issued by other departments or divisions within the Town. All applications for ministerial permits submitted in connection with a proposed wireless facility must contain a valid use permit (or temporary use permit) issued by the Town for the proposed wireless facility. Any application for any ministerial permit(s) submitted without such use permit may be denied without prejudice. Any permit or approval granted under this Part IV or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals. Furthermore, and to avoid potential confusion, an exemption from the use permit requirement under Section IV(A)(2) (Exempt Wireless Facilities) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes without limitation any ministerial permits from the Town.

(C) APPLICATION REQUIREMENTS

(1) **Application Required.** The approval authority shall not approve any request for a use permit except upon a complete and duly filed application consistent with this Section IV and any other written rules or requirements the Town or the Director may establish from time to time in any publicly-stated format.

(2) **Application Content.** All applications for a use permit must include all the content, information and materials required by the Director for the application. The Town Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Part IV. All applications shall require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. The Town Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

(a) **Application Form.** The applicant shall submit a complete, duly executed use permit application for a macro wireless facility on the then-current form prepared by the Town. The applicant shall state which FCC shot clock it asserts will apply to the proposed project and explain the basis for its assertion.

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- (b) **Application Fee.** The applicant shall submit the applicable use permit application fee for a macro wireless facility adopted by Town Council resolution. If no use permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the Town for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.
- (c) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape or hardscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number, weight and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, either as approved by the applicable utility company or in a preliminary form if an approved plans is not yet available, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (d) **Title Report and Property Owner's Authorization.** For any wireless facility proposed to be installed on any private property not owned or controlled by the Town, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept a permit in connection with the subject property.
- (e) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the wireless facility from a vantage point approximately 50 feet from the proposed support structure or location.

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- (f) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility meets each required finding for a permit as provided in Section IV(E)(1).
- (g) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the Town. The RF report must include the actual frequency and sustained and maximum power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (h) **Regulatory Authorization.** The applicant shall submit evidence of the applicant’s regulatory status under federal and California law to provide the services and construct the wireless facility proposed in the application. The applicant shall also submit copies of any other permits or approvals obtained for the wireless facility prior to the submission of the application for a permit.
- (i) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer licensed by the State of California for the proposed wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the Town’s noise regulations. The acoustic analysis must also include an analysis of the manufacturers’ specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.
- (j) **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer licensed by the State of California (or other qualified personnel acceptable to the Town) that evaluates whether the underlying support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the standards and practices required for an ANSI/TIA-222 Maintenance and Conditions Assessment (under the most current revision at the time of submittal) and any safety and construction standards required by law and the utility provider. The

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report shall contain tolerances including but not limited to guy tensions if applicable, plumb, twist, slip splices and take-up devices.

1. Wireless facilities must be designed to remain resilient during outages, earthquakes, flooding and extreme weather events. Applicants shall (1) provide a certificate from a structural engineer licensed by the State, or other appropriate licensed professional acceptable to the Director, that (i), when fully loaded with antennas, transmitters, and other equipment and camouflaging the facility is designed to withstand the forces expected during the maximum credible earthquake and maximum credible wind speeds, and (ii) components, and the all connections between various components of the facility and with necessary power and utility lines, are designed to be protected against damage by “100-year” flooding, historical maximum ambient temperature sustained over the maximum credible duration, area maximum credible high wind, maximum credible earthquake, lightning strike and power surge events; (2) provide a diagram detailing buildings and other features located in fall zones or launch distances of components in the event of facility failure due to high wind or ground movement; (3) detailed description of measures taken on a network-wide basis, including backup power coverage for a portion of regional macro facilities, to ensure that basic communication service is available in the event of a disaster or power loss; (4) detailed description of the failure or outage history of facility components or similar systems (such as during PG&E power shutoffs in October and November 2019) operated by the operator on whose behalf the application is submitted; and (5) detailed description of hazards posed by the facility in the event of failure due to flood, high wind, high heat, earthquake, outage, lightning strike or wildfire.
- (k) **Underground Service Alert Membership.** The applicant shall submit evidence that applicant is a member in good standing with the Underground Service Alert of Northern California and Nevada (“DigAlert”).
 - (l) **Environmental Impact Assessment.** The applicant shall submit an environmental impact assessment on the then-current form prepared by the Town to determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report.
 - (m) **Compliance with NEPA.** All applications shall include confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any facility proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act.
 - (n) **Hazards Assessment.** A full assessment of the hazards posed by the wireless facility in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation

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and structures at applicant’s cost. All materials in the facilities must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.

- (o) **Truth and Accuracy Statement.** Any application submitted pursuant to this Policy shall be signed by the applicant, or a person knowledgeable about the proposed facility and authorized to act on the applicant’s behalf, attesting, that under penalty of perjury, that all information, representations and disclosures in the application are true, correct and complete.
 - (p) **Exception Request.** Any application that involves a request for an exception pursuant to Part VIII of this Policy shall include a written statement in a separate document that includes all the following information: (i) whether the applicant seeks an exception pursuant to Sections VIII(2)(a), VIII(2)(b) or both; (ii) the specific provision(s) and/or requirement(s) in this Policy from which the applicant seeks an exception; (iii) the specific provision(s) of federal or state law under which the applicant seeks an exception; (iv) the standard of evidence applicable to each specific provision(s) of federal or state law under which the applicant seeks an exception; (v) a statement of the factual evidence that supports the findings for the exception requested; (vi) a statement that describes the extent of the exception required and the factual evidence to show the exception would be narrowly tailored in compliance with Section VIII(3); and (vii) any other information the applicant believes relevant to the issues raised in the exception request. Given the short timeframe in which the Town must review the application and the deployment volume anticipated by both the FCC and wireless industry, this written statement must be included with the initial submittal to afford Town staff a reasonable time to act on the application. Any request by the applicant to consider an exception after the initial submittal shall be treated as a new application.
- (3) **Procedures for a Community Meeting/Notice.** Prior to applying for a use permit, the applicant must conduct a noticed community meeting. The community meeting is intended to provide residents information about a potential application for a wireless facility and streamline the review process by providing applicants an opportunity to consider residents’ suggestions prior to a public hearing before the Planning Commission. Applicants are encouraged (but not required) to bring preliminary drawings or other materials that may assist the residents’ understanding of the project. The applicant must provide notice in accordance with SAMC Article 16 (Noticing: Public Hearings: Zoning Applications), except as modified in this subsection, to all property owners and legal occupants of parcels within 500 feet of the boundaries of the subject parcel on which the applicant intends to propose the facility or modification (or 500 feet of any proposed location within a right-of-way that is not on a parcel). The notice shall include a copy of the photo simulations, a copy of the RF compliance report, and a contact phone number that property owners may call with any questions. The outside of the mailed envelope must indicate, “Notice of a nearby cellular antenna(s) proposal.” No general circulation

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or posted notice is required. Such community meetings must be held on a weekday evening starting no later than 7:00 p.m. on a date that is not a Town holiday in a location and conducted in a manner conducive to public interaction and conversation.

- (4) **Procedures for a Duly Filed Application.** Any application for a use permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection (4).
- (a) **Pre-Submittal Conference.** Pre-submittal conferences for all proposed projects are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other Town departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that Town staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-submittal conference.
- (b) **Submittal Appointment.** All applications must be submitted to the Town at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Planning Department shall use reasonable efforts to provide the applicant with an appointment within five working days after the Planning Department receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.
- (5) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and in accordance with SAMC Section 10-3.1604 (Expiration of Applications), any application governed under this Part IV will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Department within 90 calendar days after the Planning Department deems the application incomplete in a written notice to the applicant. The Director may, in the Director’s discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good

cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

(6) **Peer and Independent Consultant Review.**

(a) **Authorization.** The Town Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection with any permit application.

(b) **Scope.** The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which includes without limitation: (i) permit application completeness and/or accuracy; (ii) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (iii) post-construction, actual compliance with applicable regulations for human exposure to RF emissions; (iv) whether and to what extent a proposed project will address a gap in the applicant's wireless services; (v) whether and to what extent the applicant's ability to provide services would be materially inhibited without the proposed facility or equivalent facility(ies) in different locations/designs with the same technologies; (vi) whether and to what extent any technically feasible and/or potentially available alternative sites or stealth techniques may exist; (vii) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the Town's discretion to review; and (viii) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with Town staff and/or the applicant.

(c) **Consultant Fees; Deposits.** In the event that the Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided to the maximum extent permitted by applicable law, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the Town a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. If the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Building Official or his or her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The Town shall not issue

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any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

(D) NOTICE

- (1) **General Notice Requirements.** Public notice in accordance with the provisions in SAMC Article 16 (Noticing: Public Hearings: Zoning Applications) except as modified in this subsection, to all property owners and legal occupants of parcels within 500 feet of the boundaries of the subject parcel on which the applicant intends to propose the facility or modification (or 500 feet of any proposed location within a right-of-way that is not on a parcel), shall be required for all use permit applications.
- (2) **Deemed-Approval Notice.** Not more than 30 days before the applicable FCC timeframe for review expires, and in addition to the public notice required in Section IV(D)(1) (General Notice Requirements), an applicant for a use permit must provide a posted notice at the project site that states the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the Town approves or denies the application or the applicant tolls the timeframe for review within the next 30 days. The posted notice must be compliant with all applicable provisions in SAMC Article 16 (Noticing: Public Hearings: Zoning Applications). The public notice required under this Section IV(D)(1) will be deemed given when the applicant delivers written notice to the Director that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this Part IV, the approval authority shall be permitted to act on an application at any time so long as the public notice required in Section IV(D)(1) (General Notice Requirements) has occurred.
- (3) **Decision Notices.** Within five days after the approval authority acts on an application for a use permit or before the FCC shot clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (a) the reasons for the decision and (b) instructions for how and when to file an appeal if the applicant so chooses.

(E) DECISIONS; LIMITED EXEMPTIONS; APPEALS

- (1) **Required Findings for Approval.** The approval authority may approve or conditionally approve an application for a use permit submitted under this Part IV when the approval authority finds all of the following:
 - (a) the proposed wireless facility complies with all required findings for use permit approval in SAMC Section 10-3.1305 (Required Findings for Use Permit), or qualifies for a limited exception pursuant to Part VIII (Special Exceptions for Federal or State Preemption); and
 - (b) the proposed wireless facility complies with all required findings for design review approval in SAMC Section 10-3.1505 (Required Findings for Design Review), or

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- qualifies for a limited exception pursuant to Part VIII (Special Exceptions for Federal or State Preemption); and
- (c) the applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable health and safety regulations, which include without limitation the Americans with Disabilities Act and all FCC rules and regulations for human exposure to RF emissions; and
 - (d) the applicant has demonstrated a good-faith effort to identify and evaluate preferred alternative locations and potentially less-intrusive alternative designs for the proposed wireless facility; and
 - (e) the applicant has provided the approval authority with a meaningful comparative analysis that shows all preferred alternative locations and less-intrusive alternative designs identified in the administrative record are either technically infeasible or unavailable.
- (2) **Conditional Approvals; Denials Without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Part IV is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application for a use permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this Part IV, the San Anselmo Municipal Code or the General Plan.
- (3) **Limited Exceptions.** In the event that an applicant requests an exception due to preemption by federal or state law, the approval authority may grant a limited exception from such requirements to the extent necessary to avoid conflict with applicable federal or state law pursuant to Part VIII (Special Exceptions for Federal or State Preemption). The applicant shall have the burden to demonstrate to the approval authority that an exception is required due to federal or state preemption.
- (4) **Appeals.** Any interested person or entity may appeal any decision by the approval authority in accordance with the standards and procedures in SAMC Section 10-1.06 (Appeals and Reviews of Planning Commission Decisions), except as modified in this Section IV(E)(4). On the next available meeting date after the appeal period lapses, or as soon as reasonably feasible thereafter, the appellate body shall hold a *de novo* public hearing to consider and act on the application in accordance with the applicable provisions in the General Plan, any applicable specific plan and all applicable provision in the San Anselmo Municipal Code. Appeals from an approval will not be permitted to the extent that the appeal is based on reasons otherwise compliant under this Part IV, including appeals based on the environmental effects from RF emissions that comply with all applicable FCC regulations.

(F) STANDARD CONDITIONS OF APPROVAL

- (1) Except as may be authorized in Section (F)(2) below, all use permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section F in addition to all other conditions adopted by the approval authority.

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- (a) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the Town to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
- (b) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in the San Anselmo Municipal Code and this policy that exist at the time the decision to renew or not renew is rendered. The approval authority may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with the San Anselmo Municipal Code, this Policy, or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance. Additional permit renewals shall be subject to the procedures in this condition.
- (c) **Strict Compliance with Approved Plans.** Any construction plans submitted to the to the Building Department shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the “**Approved Plans**”). The permittee must construct, install and operate the wireless facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director’s prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the approved plans, the Director may refer the request to the Planning Commission, or to the Town Council if the final decision was made by the Town Council, if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- (d) **GO 159A Certification.** Within 15 business days after the Town issues a permit, the permittee shall serve copies of California Public Utility Commission notification letters to Town Clerk, Director and Town Manager, as required by CPUC General Order No. 159A.
- (e) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved or deemed-approved, the permittee shall provide the Director with documentation reasonably acceptable to the director that the wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such

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documentation shall include without limitation as-built drawings and site photographs.

- (f) **Build-Out Period.** This permit will automatically expire one (1) year from the approval date (the “**build-out period**”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility or its use. The permittee may request in writing, and the Town may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for a six-month extension. If the build-out period and any extension finally expire, the permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
- (g) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (h) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). The Director may order the facility to be powered down if, based on objective evidence, the Director finds that the facility is in fact not in compliance with any Laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. No failure or omission by the Town to timely notice, prompt or enforce compliance with any applicable provision in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee’s obligation to comply in all respects with all applicable

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provisions in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation.

- (i) **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the Town to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the Town and may include, but is not limited to: (1) furnishing the Town with a written affidavit signed by an RF engineer certifying the wireless facility’s compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, sustained and maximum power output levels specified in both specific absorption rate and maximum permissible exposure and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the Town or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the Town or its designee for information and/or cooperation with respect to any of the foregoing. The Town may conduct random tests to ensure compliance with the FCC’s rules and regulations. In the event that the Town determines that permittee is not in compliance with any legal requirements or conditions, the permittee shall be responsible for all costs and expenses incurred by the Town in connection with the investigation, enforcement and/or remediation of such noncompliance.
- (j) **Affirmation of Radio Frequency Standards Compliance.** Following installation of the facility, on or before January 30th in each calendar year, the permittee acknowledges and agrees that the permittee shall submit: (1) an affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; (2) a copy of the fully completed FCC form “A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A” titled “Optional Checklist for Determination of Whether a Facility is Categorically Excluded” for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power”.
- (k) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation,

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modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Anselmo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the Town or other state or federal government agency or official with authority to declare an emergency within the Town. The Director or the Director's designee may issue a stop work order for any activities that violate this condition in whole or in part. If the Director or the Director's designee finds good cause to believe that ambient noise from a facility, including any generators approved with the facility, violates applicable provisions under the San Anselmo Municipal Code, the Director or the Director's designee, in addition to any other actions or remedies authorized by the permit, the San Anselmo Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to evaluate the facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of a wireless facility. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the Director or the Director's designee, the Director or the Director's designee may cause such repair to be completed at permittee's sole cost and expense.

- (l) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the Town's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee or at any time during an emergency. Notwithstanding the previous sentence, the Town's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the Town's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (m) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility's continued operation; (C) the

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facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (D) a toll-free telephone number to the facility's network operations center where a live person with power-down control over the facility is available 24 hours-per-day, seven days-per-week. Within 30 days after any change to the foregoing information, permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition. Within 10 business days after a written request by the Town, the permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition.

- (n) **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the Town, Town Council and Town boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "**Indemnitees**") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the Indemnitees to challenge, attack, seek to modify, set aside, void or annul the Town's approval of this permit, and (ii) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the Town becomes aware of any Claims, the Town will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the Town shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Town's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the Town to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.
- (o) **Insurance.** At all times relevant to this permit, the permittee shall obtain and maintain insurance policies as follows:
- i. **Commercial General Liability.** Insurance Services Office Form CG 00 01 covering Commercial General Liability ("CGL") on an "occurrence" basis, with limits not less than \$1,000,000 per occurrence or \$2,000,000 in the aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following: Bodily Injury and Property

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Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.

- ii. **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
- iii. **Workers’ Compensation.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
- iv. **Errors and Omissions Policy.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. “Covered Professional Services” as designed in the policy must specifically include work performed under this permit.
- v. **Umbrella Policy.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or Automobile Liability insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. Permittee shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the Town indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.

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- vi. **Endorsements.** The relevant policy(ies) shall name the Town of San Anselmo, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The permittee shall use its best efforts to provide thirty (30) calendar days' prior written notice to the Town of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the Town within 10 calendar days after the cancellation or material modification of any applicable insurance policy.
 - vii. **Certificates.** Before the Town issues any permit, the permittee shall deliver to the Director insurance certificates, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies upon a written request by the Town.
- (p) **Performance Bond.** Before the Building Department issues any permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. The Director may also consider any other pertinent information, which includes written estimates from contractors with experience in wireless facilities removal and/or site restoration. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.
- (q) **Recall to Approval Authority; Permit Revocation.** Any permit granted under this policy or deemed approved by the operation of law may be revoked in accordance with SAMC Section 10-3.1909 (Revocation of a Discretionary Permit) as further modified by the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions

with such permit(s). A permit granted under this policy or deemed approved by the operation of law may be revoked only by the Town Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this policy or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the Town may pursue, the Town may initiate revocation proceedings for failure to correct such violation(s). The Town Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the Town Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the Town Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- (r) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, the permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval, and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “records”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the Town’s regular files will control over any conflicts between such Town-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- (s) **Existing Performance Agreements.** To the extent that the permittee has an existing Performance Agreement with the Town in connection with the subject wireless facility, the standard conditions in Town Council Policy No. 6-1 Section IV(F) will control to the extent that the requirements are more stringent or advantageous to the Town. The Town Attorney shall have authority to interpret and resolve any conflicts or ambiguities between the provisions in any

Performance Agreement and the provisions in Town Council Policy No. 6-1 Section IV(F).

- (t) **Abandoned Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation the San Anselmo Municipal Code. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within said 90-day period, the Town shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the Town in connection with such removal and/or restoration activities.
- (u) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the Town. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (v) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the Town to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the Town for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the Town for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the Town shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the Town by the permittee.
- (w) **Safety Hazard Protocols.** If the Ross Valley Fire Department Fire Chief (or his or her designee) finds good cause to believe that the facility (including, without limitation, its accessory equipment, antenna and/or base station) presents a fire

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risk, electrical hazard or other immediate threat to public health and safety in violation of any applicable law, such officials may order the facility to be shut down and powered off until such time as the fire risk or electrical hazard has been mitigated. Any mitigations required shall be at the permittee’s sole cost and expense.

- (x) **Truthful and Accurate Statements.** The permittee acknowledges that the Town's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee’s behalf. In any matter before the Town in connection with the use permit or the wireless facility or other infrastructure approved under the use permit, neither the permittee nor any person authorized to act on permittee’s behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (y) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this use permit will bind and inure to the benefit of the Town and permittee and their respective successors and assigns.
- (z) **Severability of Conditions.** If any provision in these conditions or such provision’s application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (1) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (2) all other provisions in this use permit or their application to any person, entity or circumstance will not be affected; and (3) all other provisions in this use permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (aa) **Town’s Standing Reserved.** The Town’s grant or grant by operation of law of a use permit pursuant to this Policy does not waive, and shall not be construed to waive, any standing by the Town to challenge any FCC rules that interpret the Telecommunications Act, the Spectrum Act or any use permit issued pursuant to this Policy.
- (2) **Modified Conditions.** The Town Council authorizes the Director to modify, add or remove conditions to any use permit as the Director deems necessary or appropriate to: (i) protect and/or promote the public health, safety and welfare; (ii) tailor the standard conditions in subsection (1) to the particular facts and circumstances associated with the deployment; and/or (iii) memorialize any changes to the proposed deployment need for compliance with the San Anselmo Municipal Code, this Policy, generally applicable health and safety requirements and/or any other applicable laws. To the extent required by applicable FCC regulations, the Director shall take care to ensure that any different conditions applied to wireless facilities are no more burdensome than those applied to other infrastructure deployments.

(G) SITE LOCATION GUIDELINES

- (1) **Locations Outside the Public Rights-of-Way.** All applicants must, to the extent feasible, propose new wireless facilities in locations according to the following preferences, ordered from most preferred to least preferred:
- (a) Town-owned property or structures outside the public rights-of-way;
 - (b) commercial zones;
 - (c) open spaces;
 - (d) locations where the facility would protrude above any ridgelines.
- (2) **Preferred Support Structures.** In addition to the preferred locations described in Section (G)(1) (Locations Outside the Public Rights-of-Way), the Town also expresses its preference for installations on certain support structures. The approval authority will consider whether any more preferred support structures are technically feasible and potentially available. The Town's preferred support structures are as follows, ordered from most preferred to least preferred:
- (a) collocations with existing building-mounted wireless facilities, which includes above-ground water tanks;
 - (b) collocations with existing wireless facilities on electric transmission towers;
 - (c) collocations with existing freestanding wireless facilities;
 - (d) new installations on existing buildings, which includes above-ground water tanks;
 - (e) new installations on existing electric transmission towers; and
 - (f) new freestanding wireless towers.
- (3) **Additional Analysis for Discouraged Locations or Structures.** Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 500 feet from the proposed site; or (2) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record.

(H) DEVELOPMENT STANDARDS

- (1) **Generally Applicable Development Standards.** All new wireless facilities and substantial changes to existing wireless facilities not covered under Section 6409 must conform to the generally applicable development standards in this Section (H)(1).
- (a) **Stealth/Concealment.** All wireless facilities must be stealth to the maximum extent feasible with concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.
 - (b) **Overall Height.** No antenna may extend more than five feet above the support structure, plus any minimum separation between the antenna and other pole

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attachments required by applicable health and safety regulations, or the maximum height permitted for structures in the applicable zoning district (whichever is less).

- (c) **Setbacks.** Wireless facilities may not encroach into any applicable setback for structures in the subject zoning district.
- (d) **Noise.** Wireless facilities and all accessory equipment, including any proposed generators, and communications equipment must comply with all SAMC, Title 4, Chapter 7 (Loud Noises), and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment reasonably likely to exceed the applicable limit.
- (e) **Landscaping.** All wireless facilities must include landscape and/or hardscape features and a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with SAMC Section 10-3.604 (Landscape maintenance). The approval authority may require additional landscape or hardscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this Part IV. The approval authority may also require a tree protection plan to maintain existing heritage, protected or sensitive tree species. All plants proposed or required under this Part IV must be fire safe and native and/or drought-resistant.
- (f) **Site Security Measures.** Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices to prevent unauthorized access, theft or vandalism. Site security measures must be designed to enhance stealth techniques to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash-can corral rather than within a chain link fence. The approval authority may require additional stealth elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or build environment. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.
- (g) **Backup Power Sources.** The approval authority may approve permanent backup power sources and/or generators on a case-by-case basis. The Town strongly disfavors backup power sources mounted on the ground or on poles within the public rights-of-way. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators. Storage of

Class I, Class II and Class III liquids in outside above-ground tanks is prohibited in certain areas pursuant to SAMC Section 3-3.804.

- (h) **Lights.** Wireless facilities may not include exterior lights other than (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible.
- (i) **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the Town, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
- (j) **Future Collocations and Equipment.** To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
- (k) **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (l) **Parking; Access.** Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use. New parking or access improvements shall be prohibited in areas zoned Open Space.
- (m) **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which include without limitation the Americans with Disabilities Act, California Building Standards Code, General Plan and any applicable specific plan, the San Anselmo Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.
- (n) **Flood Damage Prevention.** All wireless facilities must be anchored, elevated above the Base Flood Elevation on the adopted Flood Insurance Rate Maps, or

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floodproofed to comply with the requirements for new or substantially improved structures under SAMC Title 7, Chapter 11, (Protection of Flood Hazard Areas).

- (o) **Fire Resistance.** All wireless facilities must be installed using fire-resistant materials and in a manner that does not overload any support structure.
- (2) **Freestanding Wireless Facilities.** In addition to the requirements in Section (H)(1) (Generally Applicable Development Standards), all new and substantially changed freestanding wireless facilities not covered under Section 6409 must conform to the requirements in this Section (H)(2).
 - (a) **Tower-Mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors subject to the approval authority's prior approval.
 - (b) **Ground-Mounted Equipment; Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences or other enclosures subject to the approval authority's prior approval. The approval authority may require additional stealth elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.
 - (c) **Monopoles.** The approval authority shall not approve any non-stealth, unconcealed monopoles on private property within the Town's jurisdictional limits.
- (3) **Building-Mounted Wireless Facilities.** In addition to the requirements in Section (H)(1) (Generally Applicable Development Standards), all new and substantially changed building-mounted wireless facilities not covered under Section 6409 must conform to the requirements in this Section (H)(3).
 - (a) **Preferred Stealth/Concealment Techniques.** All applicants should, to the extent feasible, propose new non-tower wireless facilities that are stealth, completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose stealth, completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.
 - (b) **Facade-Mounted Equipment.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority

may approve facade-mounted equipment in accordance with this section. All facade-mounted equipment must be stealth and concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve “pop-out” screen boxes unless the design is architecturally consistent with the original building or support structure. The approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

- (c) **Rooftop-Mounted Equipment.** All rooftop-mounted equipment must be screened from public view with stealth techniques and concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.
 - (d) **Ground-Mounted Equipment; Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, building interior equipment room, or other enclosures subject to the approval authority’s prior approval. The approval authority may require additional stealth elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.
- (4) **Administrative Design Guidelines.** The Director may develop and from time-to-time amend design guidelines, consistent with the generally applicable development standards and any facility-specific development standards, to clarify the aesthetic goals and standards in this Part IV for Town staff, applicants and the public. In the event that a conflict arises between the development standards adopted under Sections IV(H) and the design guidelines adopted under this Section IV(H)(4), the development standards adopted under Sections IV(H) shall control.

(I) AMORTIZATION OF NONCONFORMING WIRELESS FACILITIES

Any non-conforming wireless facilities in existence at the time this Part IV becomes effective must be brought into conformance with this Part IV in accordance with the amortization schedule in this Section IV(J). As used in this section, the “fair market value” will be the construction costs listed on the building permit application for the subject wireless facility and the “minimum years” allowed will be measured from the date on which this Part IV becomes effective.

Fair Market Value on Effective Date	Minimum Years Allowed
Less than \$50,000.	5
\$50,000 to \$500,000.	10
Greater than \$500,000.	15

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The Director may grant a written extension to a date certain when the wireless facility owner shows (1) a good faith effort to cure non-conformance; (2) the application of this section would violate applicable laws; or (3) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this section.

Nothing in this section is intended to limit any permit term to less than 10 years. In the event that the amortization required in this section would reduce the permit term to less than 10 years for any permit granted on or after January 1, 2007, then the minimum years allowed will be automatically extended by the difference between 10 years and the number of years since the Town granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

PART V. SMALL WIRELESS FACILITIES

(A) APPLICABILITY

- (1) **Applicable Wireless Facilities.** This Part V applies to all existing small wireless facilities within the Town and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy small wireless facilities in the Town, whether located or proposed to be located on private property or in the public right-of-way, unless exempted under Section V(A)(2) (Exempt Wireless Facilities) or governed under Town Council Policy No. 6-1 Part VI (Eligible Facilities Requests).
- (2) **Exempt Wireless Facilities.** Notwithstanding the provisions in Section V(A)(1) (Applicable Wireless Facilities), the provisions in this Part V will not be applicable to: (a) wireless facilities owned and operated by the Town for public purposes; (b) antennas and related communications equipment used in connection with a duly authorized amateur station; (c) OTARD antennas; (d) wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and (e) wireless facilities or other communications equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- (3) **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be first reviewed under Town Council Policy No. 6-1 Part VI (Eligible Facilities Requests).

(B) PRIOR APPROVALS REQUIRED

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- (1) **Use Permit.** A use permit and design review approval, subject to the Planning Commission’s prior review and approval in accordance with the procedures and standards in SAMC, Title 10, Chapter 3, Article 13 (Conditional Use Permit) and Article 15 (Design Review) is required for all new and substantially changed small wireless facilities.
- (2) **Temporary Use Permit.** A temporary use permit, subject to the Director’s prior review and approval in accordance with the procedures and standards in Section VII(A) (Temporary Wireless Facilities) is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to Section VII(B) (Temporary Wireless Facilities for Emergencies).
- (3) **Other Permits and Regulatory Approvals.** In addition to any use permit, temporary use permit or other permit or approval required under this Part V, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any other ministerial permits and/or regulatory approvals issued by other departments or divisions within the Town. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid use permit (or temporary use permit) issued by the Town for the proposed small wireless facility. Any application for any ministerial permit(s) submitted without such use permit may be denied without prejudice. Any permit or approval granted under this Part V or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals. Furthermore, and to avoid potential confusion, an exemption from the use permit requirement under Section V(A)(2) (Exempt Wireless Facilities) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes without limitation any ministerial permits from the Town.

(C) APPLICATION REQUIREMENTS

- (1) **Application Required.** The approval authority shall not approve any request for a use permit except upon a complete and duly filed application consistent with this Section V(C) and any other written rules or requirements the Town or the Director may establish from time to time in any publicly-stated format.
- (2) **Application Content.** All applications for a use permit must include all the content, information and materials required by the Director for the application. The Town Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Part V. All applications shall require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. The Town Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for

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appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

- (a) **Application Form.** The applicant shall submit a complete, duly executed use permit application for a small wireless facility on the then-current form prepared by the Town. The applicant shall state which FCC shot clock it asserts will apply to the proposed project and explain the basis for its assertion.
- (b) **Application Fee.** The applicant shall submit the applicable use permit application fee for a small wireless facility adopted by Town Council resolution. Batched applications must include the applicable use permit application fee for each small wireless facility in the batch. If no use permit application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the Town for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.
- (c) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape or hardscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number, weight and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, either as approved by the applicable utility company or in a preliminary form if an approved plans is not yet available, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (d) **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 50 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii)

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all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping or hardscaping features. Site surveys that are more than a year old require an updated survey certification.

- (e) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small wireless facility from a vantage point approximately 50 feet from the proposed support structure or location.
- (f) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a “small wireless facility” as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the Town to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a “structure” as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a permit as provided in Section V(E)(1).
- (g) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the Town. The RF report must include the actual frequency and sustained and maximum power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (h) **Regulatory Authorization.** The applicant shall submit evidence of the applicant’s regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application. The applicant shall also submit copies of any other permits or approvals obtained for the small

wireless facility prior to the submission of the application for a permit, including but not limited to any Marin General Services Authority pole licenses.

- (i) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer licensed by the State of California for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the Town's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.
- (j) **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer licensed by the State of California (or other qualified personnel acceptable to the Town) that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the standards and practices required for an ANSI/TIA-222 Maintenance and Conditions Assessment (under the most current revision at the time of submittal) and any safety and construction standards required by law and the utility provider. The report shall contain tolerances including but not limited to guy tensions if applicable, plumb, twist, slip splices and take-up devices.
1. Wireless facilities must be designed to remain resilient during outages, earthquakes, flooding and extreme weather events. Applicants shall (1) provide a certificate from a structural engineer licensed by the State, or other appropriate licensed professional acceptable to the Director, that (i), when fully loaded with antennas, transmitters, and other equipment and camouflaging the facility is designed to withstand the forces expected during the maximum credible earthquake and maximum credible wind speeds, and (ii) components, and the all connections between various components of the facility and with necessary power and utility lines, are designed to be protected against damage by "100-year" flooding, historical maximum ambient temperature sustained over the maximum credible duration, area maximum credible high wind, maximum credible earthquake, lightning strike and power surge events; (2) provide a diagram detailing buildings and other features located in fall zones or launch distances of components in the event of facility failure due to high wind or ground movement; (3) detailed description of measures taken on a network-wide basis, including backup power coverage for a portion of regional macro facilities, to ensure that basic communication service is

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available in the event of a disaster or power loss; (4) detailed description of the failure or outage history of facility components or similar systems (such as during PG&E power shutoffs in October and November 2019) operated by the operator on whose behalf the application is submitted; and (5) detailed description of hazards posed by the facility in the event of failure due to flood, high wind, high heat, earthquake, outage, lightning strike or wildfire.

- (k) **Underground Service Alert Membership.** The applicant shall submit evidence that applicant is a member in good standing with the Underground Service Alert of Northern California and Nevada (“DigAlert”).
- (l) **Environmental Impact Assessment.** The applicant shall submit an environmental impact assessment on the then-current form prepared by the Town to determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report.
- (m) **Compliance with NEPA.** All applications shall include confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any facility proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act.
- (n) **Hazards Assessment.** A full assessment of the hazards posed by the wireless facility in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation and structures at applicant’s cost. All materials in the facilities must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.
- (o) **Truth and Accuracy Statement.** Any application submitted pursuant to this Policy shall be signed by the applicant, or a person knowledgeable about the proposed facility and authorized to act on the applicant’s behalf, attesting, that under penalty of perjury, that all information, representations and disclosures in the application are true, correct and complete.
- (p) **Exception Request.** Any application that involves a request for an exception pursuant to Part VIII of this Policy shall include a written statement in a separate document that includes all the following information: (i) whether the applicant seeks an exception pursuant to Sections VIII(2)(a), VIII(2)(b) or both; (ii) the specific provision(s) and/or requirement(s) in this Policy from which the applicant seeks an exception; (iii) the specific provision(s) of federal or state law under which the applicant seeks an exception; (iv) the standard of evidence applicable to each specific provision(s) of federal or state law under which the applicant seeks an exception; (v) a statement of the factual evidence that supports the findings for the exception requested; (vi) a statement that describes the extent of the exception required and the factual evidence to show the exception would be

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narrowly tailored in compliance with Section VIII(3); and (vii) any other information the applicant believes relevant to the issues raised in the exception request. Given the short timeframe in which the Town must review the application and the deployment volume anticipated by both the FCC and wireless industry, this written statement must be included with the initial submittal to afford Town staff a reasonable time to act on the application. Any request by the applicant to consider an exception after the initial submittal shall be treated as a new application.

- (3) **Procedures for a Community Meeting/Notice.** Prior to applying for a use permit for a small wireless facility, the applicant is strongly encouraged to conduct a noticed community meeting. The community meeting is intended to provide residents information about a potential application for a small wireless facility and streamline the review process by providing applicants an opportunity to consider residents’ suggestions prior to a public hearing before the Planning Commission. Applicants are encouraged (but not required) to bring preliminary drawings or other materials that may assist the residents’ understanding of the project. If the applicant chooses to voluntarily conduct such a community meeting, the applicant should provide notice in accordance with SAMC Article 16 (Noticing: Public Hearings: Zoning Applications), except as modified in this subsection, to all property owners and legal occupants of parcels within 500 feet of the boundaries of the subject parcel on which the applicant intends to propose the facility or modification (or 500 feet of any proposed location within a right-of-way that is not on a parcel). The notice should include a copy of the photo simulations, a copy of the RF compliance report, and a contact phone number that property owners may call with any questions. The outside of the mailed envelope should indicate, “Notice of a nearby cellular antenna(s) proposal.” No general circulation or posted notice is required. Such community meetings must be held on a weekday evening starting no later than 7:00 p.m. on a date that is not a Town holiday in a location and conducted in a manner conducive to public interaction and conversation.
- (4) **Procedures for a Duly Filed Application.** Any application for a use permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection (4).
 - (a) **Pre-Submittal Conference.** Pre-submittal conferences for all proposed projects are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other Town departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that Town staff may provide informal feedback and guidance about whether such applications or other

materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-submittal conference.

- (b) **Submittal Appointment.** All applications must be submitted to the Town at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Planning Department shall use reasonable efforts to provide the applicant with an appointment within five working days after the Planning Department receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.
- (5) **On-Site Inspection.** A physical inspection by Town staff or the Town's designee may be required for any application that involves: (i) a new small wireless facility on a new or replacement structure; (ii) any modification to an existing small wireless facility if no physical inspection has occurred in the last 12-month period; (iii) any request for an exception pursuant to Part VIII of this Policy. This paragraph does not limit the Town's ability to conduct inspections at the Director's discretion.
- (6) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and in accordance with SAMC Section 10-3.1604 (Expiration of Applications), any application governed under this Part V will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Department within 90 calendar days after the Planning Department deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.
- (7) **Batched Applications.** Applicants may submit up to five individual applications for a permit in a "batch" to be reviewed together at the same time; provided, however, that (a) all small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type; and (b) each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch.
- (8) **Peer and Independent Consultant Review.**
- (a) **Authorization.** The Town Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection with any permit application.

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- (b) **Scope.** The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which includes without limitation: (i) permit application completeness and/or accuracy; (ii) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (iii) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (iv) whether and to what extent a proposed project will address a gap in the applicant’s wireless services; (v) whether and to what extent the applicant’s ability to provide services would be materially inhibited without the proposed facility or equivalent facility(ies) in different locations/designs with the same technologies; (vi) whether and to what extent any technically feasible and/or potentially available alternative sites or stealth techniques may exist; (vii) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the Town’s discretion to review; and (viii) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with Town staff and/or the applicant.
- (c) **Consultant Fees; Deposits.** In the event that the Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided to the maximum extent permitted by applicable law, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the Town a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant’s services. If the deposit exceeds the total costs for consultant’s services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Building Official or his or her designee. In the event that the reasonable costs for the independent consultant’s services exceed the deposit, the Director shall invoice the applicant for the balance. The Town shall not issue any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

(D) NOTICE

- (1) **General Notice Requirements.** Public notice in accordance with the provisions in SAMC Article 16 (Noticing: Public Hearings: Zoning Applications) except as modified in this subsection, to all property owners and legal occupants of parcels within 500 feet of the

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boundaries of the subject parcel on which the applicant intends to propose the facility or modification (or 500 feet of any proposed location within a right-of-way that is not on a parcel), shall be required for all use permit applications for small wireless facilities.

- (2) **Decision Notices.** Within five days after the approval authority acts on an application for a use permit or before the FCC shot clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (a) the reasons for the decision and (b) instructions for how and when to file an appeal if the applicant so chooses.

(E) DECISIONS; LIMITED EXEMPTIONS; APPEALS

- (1) **Required Findings for Approval.** The approval authority may approve or conditionally approve an application for a use permit submitted under this Part V when the approval authority finds all of the following:
- (a) the proposed small wireless facility complies with all required findings for use permit approval in SAMC Section 10-3.1305 (Required Findings for Use Permit), or qualifies for a limited exception pursuant to Part VIII (Special Exceptions for Federal or State Preemption); and
 - (b) the proposed small wireless facility complies with all required findings for design review approval in SAMC Section 10-3.1506 (Required Findings for Design Review), or qualifies for a limited exception pursuant to Part VIII (Special Exceptions for Federal or State Preemption); and
 - (c) the applicant has demonstrated that its proposed small wireless facility will be in compliance with all applicable health and safety regulations, which include without limitation the Americans with Disabilities Act and all FCC rules and regulations for human exposure to RF emissions; and
 - (d) the applicant has shown that it can obtain any wireline communications and electrical service connections necessary to operate the small wireless facility and the project plans show the proposed route for all such connections between their source and the small wireless facility; and
 - (e) the applicant has demonstrated a good-faith effort to identify and evaluate preferred alternative locations and potentially less-intrusive alternative designs for the proposed small wireless facility; and
 - (f) the applicant has provided the approval authority with a meaningful comparative analysis that shows all preferred alternative locations and less-intrusive alternative designs identified in the administrative record are either technically infeasible or unavailable.
- (2) **Conditional Approvals; Denials Without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Part V is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application for a use permit as may be necessary or appropriate to protect and promote the public health, safety and

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welfare, and to advance the goals or policies in this Part V, the San Anselmo Municipal Code or the General Plan.

- (3) **Limited Exceptions.** In the event that an applicant requests an exception due to preemption by federal or state law, the approval authority may grant a limited exception from such requirements to the extent necessary to avoid conflict with applicable federal or state law pursuant to Part VIII (Special Exceptions for Federal or State Preemption). The applicant shall have the burden to demonstrate to the approval authority that an exception is required due to federal or state preemption.
- (4) **Appeals.** Any interested person or entity may appeal any decision by the approval authority to the Town Council. Appeals from an approval will not be permitted to the extent that the appeal is based on reasons otherwise compliant under this Part V, including appeals based on the environmental effects from RF emissions that comply with all applicable FCC regulations. An appeal notice must be filed within seven calendar days after the date on the approval authority's decision notice. The notice must contain a short and plain statement about the basis for the appeal, which may be supplemented after the notice period has expired but before the appeal hearing. The Town Council shall hear appeals *de novo* and issue the applicant and any person entitled to notice a written decision within five calendar days after the appeal hearing. If the Town Council denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision. The Town Council's decision shall be final and not subject to any further appeals or petitions for reconsideration.

(F) STANDARD CONDITIONS OF APPROVAL

- (1) Except as may be authorized in Section (H)(2) below, all use permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section H in addition to all other conditions adopted by the approval authority.
 - (a) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the Town to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this small wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
 - (b) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the small wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in the San Anselmo Municipal Code and this policy that exist at the time the decision to renew or not renew is rendered. The approval authority may modify or amend the conditions on a case-by-case basis

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as may be necessary or appropriate to ensure compliance with the San Anselmo Municipal Code, this Policy, or other applicable law. Upon renewal, this permit will automatically expire 10 years and one day from its issuance. Additional permit renewals shall be subject to the procedures in this condition.

- (c) **Strict Compliance with Approved Plans.** Any construction plans submitted to the to the Building Department shall incorporate the permit, together with all conditions of approval and the photo simulations associated with the permit (collectively, the “**Approved Plans**”). The permittee must construct, install and operate the small wireless facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the small wireless facility, must be submitted in a written request subject to the Director’s prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the approved plans, the Director may refer the request to the Planning Commission, or to the Town Council if the final decision was made by the Town Council, if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- (d) **GO 159A Certification.** Within 15 business days after the Town issues a permit, the permittee shall serve copies of California Public Utility Commission notification letters to Town Clerk, Director and Town Manager, as required by CPUC General Order No. 159A.
- (e) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the Director with documentation reasonably acceptable to the director that the small wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
- (f) **Build-Out Period.** This permit will automatically expire one (1) year from the approval date (the “**build-out period**”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the small wireless facility or its use. The permittee may request in writing, and the Town may grant in writing, one six-month extension if the permittee submits substantial and reliable written evidence demonstrating justifiable cause for a six-month extension. If the build-out period and any extension finally expire, the permit shall be automatically void but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
- (g) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences,

hardscape and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the small wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

- (h) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). The Director may order the facility to be powered down if, based on objective evidence, the Director finds that the facility is in fact not in compliance with any Laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. No failure or omission by the Town to timely notice, prompt or enforce compliance with any applicable provision in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee’s obligation to comply in all respects with all applicable provisions in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation.
- (i) **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the Town to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the Town and may include, but is not limited to: (1) furnishing the Town with a written affidavit signed by an RF engineer certifying the wireless facility’s compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, sustained and maximum power output levels specified in both specific absorption rate and maximum permissible exposure and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the Town or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the Town or its designee for information and/or cooperation with

respect to any of the foregoing. The Town may conduct random tests to ensure compliance with the FCC's rules and regulations. In the event that the Town determines that permittee is not in compliance with any legal requirements or conditions, the permittee shall be responsible for all costs and expenses incurred by the Town in connection with the investigation, enforcement and/or remediation of such noncompliance.

- (j) **Affirmation of Radio Frequency Standards Compliance.** Following installation of the facility, on or before January 30th in each calendar year, the permittee acknowledges and agrees that the permittee shall submit: (1) an affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; (2) a copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".
- (k) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Anselmo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the Town or other state or federal government agency or official with authority to declare an emergency within the Town. The Director or the Director's designee may issue a stop work order for any activities that violate this condition in whole or in part. If the Director or the Director's designee finds good cause to believe that ambient noise from a facility, including any generators approved with the facility, violates applicable provisions under the San Anselmo Municipal Code, the Director or the Director's designee, in addition to any other actions or remedies authorized by the permit, the San Anselmo Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to evaluate the facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any

activities performed in connection with the installation or maintenance of a small wireless facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the Director or the Director's designee, the Director or the Director's designee may cause such repair to be completed at permittee's sole cost and expense.

- (l) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the Town's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee or at any time during an emergency. Notwithstanding the previous sentence, the Town's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the Town's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (m) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility's continued operation; (C) the facility's site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (D) a toll-free telephone number to the facility's network operations center where a live person with power-down control over the facility is available 24 hours-per-day, seven days-per-week. Within 30 days after any change to the foregoing information, permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition. Within 10 business days after a written request by the Town, the permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition.
- (n) **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the Town, Town Council and Town boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "Indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all

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claims, demands, law suits, writs and other actions or proceedings (“Claims”) brought against the Indemnitees to challenge, attack, seek to modify, set aside, void or annul the Town’s approval of this permit, and (ii) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee’s or its agents’, directors’, officers’, employees’, contractors’, subcontractors’, licensees’, or customers’ acts or omissions in connection with this permit or the small wireless facility. In the event the Town becomes aware of any Claims, the Town will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the Town shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Town’s defense, and the property owner and/or permittee (as applicable) shall promptly reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense. The permittee expressly acknowledges and agrees that the permittee’s indemnification obligations under this condition are a material consideration that motivates the Town to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

- (o) **Insurance.** At all times relevant to this permit, the permittee shall obtain and maintain insurance policies as follows:
 - i. **Commercial General Liability.** Insurance Services Office Form CG 00 01 covering Commercial General Liability (“CGL”) on an “occurrence” basis, with limits not less than \$1,000,000 per occurrence or \$2,000,000 in the aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.
 - ii. **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
 - iii. **Workers’ Compensation.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer

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to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

- iv. **Errors and Omissions Policy.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee's profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. "Covered Professional Services" as designed in the policy must specifically include work performed under this permit.
- v. **Umbrella Policy.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or Automobile Liability insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be "pay on behalf," with defense costs payable in addition to policy limits. Permittee shall provide a "follow form" endorsement or schedule of underlying coverage satisfactory to the Town indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.
- vi. **Endorsements.** The relevant policy(ies) shall name the Town of San Anselmo, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The permittee shall use its best efforts to provide thirty (30) calendar days' prior written notice to the Town of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the Town within 10 calendar days after the cancellation or material modification of any applicable insurance policy.
- vii. **Certificates.** Before the Town issues any permit, the permittee shall deliver to the Director insurance certificates, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies upon a written request by the Town.
- (p) **Performance Bond.** Before the Building Department issues any permits required to commence construction in connection with this permit, the permittee shall post

a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. The Director may also consider any other pertinent information, which includes written estimates from contractors with experience in wireless facilities removal and/or site restoration. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject small wireless facility in accordance with this condition.

- (q) **Recall to Approval Authority; Permit Revocation.** Any permit granted under this policy or deemed approved by the operation of law may be revoked in accordance with SAMC Section 10-3.1909 (Revocation of a Discretionary Permit) as further modified by the provisions and procedures in this condition. The Director may initiate revocation proceedings when the Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). A permit granted under this policy or deemed approved by the operation of law may be revoked only by the Town Council after a duly notice public hearing. Before any public hearing to revoke a permit granted under this policy or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the Town may pursue, the Town may initiate revocation proceedings for failure to correct such violation(s). The Town Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the Town Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the Town Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- (r) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, the permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval, and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “records”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the Town’s regular files will control over any conflicts between such Town-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- (s) **Existing Performance Agreements.** To the extent that the permittee has an existing Performance Agreement with the Town in connection with the subject small wireless facility, the standard conditions in Town Council Policy No. 6-1 Section V(F) will control to the extent that the requirements are more stringent or advantageous to the Town. The Town Attorney shall have authority to interpret and resolve any conflicts or ambiguities between the provisions in any Performance Agreement and the provisions in Town Council Policy No. 6-1 Section V(F).
- (t) **Abandoned Facilities.** The small wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation the San Anselmo Municipal Code. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within said 90-day period, the Town shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the Town in connection with such removal and/or restoration activities.

- (u) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the Town. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (v) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the small wireless facility will cause the Town to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the Town for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the small wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the Town for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the Town shall have the right to withhold any permits or other approvals in connection with the small wireless facility until and unless any outstanding costs have been reimbursed to the Town by the permittee.
- (w) **Future Undergrounding Programs.** Notwithstanding any term remaining on any use permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the Town's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- (x) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any

encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

- (y) **Rearrangement and Relocation.** The permittee acknowledges that the Town, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the Town or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the Town (collectively, "Town work"). The Town reserves the rights to do any and all Town work without any admission on its part that the Town would not have such rights without the express reservation in this use permit. If the Director determines that any Town work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Director's notice, the Town may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The Town may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Director determines that Town work is immediately necessary to protect public health or safety. The permittee shall reimburse the Town for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs. Except as may be expressly permitted otherwise, nothing in a use permit issued pursuant to this Policy will be construed to require the Town or authorize the permittee to change any street grade, width or location, or add, remove or otherwise change any improvements owned by the Town or any other public agency located in, on, under or along the site area or any portion of the public rights-of-way, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications, for the permittee's or any third party's convenience or necessity.
- (z) **Safety Hazard Protocols.** If the Ross Valley Fire Department Fire Chief (or his or her designee) finds good cause to believe that the facility (including, without limitation, its accessory equipment, antenna and/or base station) presents a fire risk, electrical hazard or other immediate threat to public health and safety in violation of any applicable law, such officials may order the facility to be shut down and powered off until such time as the fire risk or electrical hazard has been mitigated. Any mitigations required shall be at the permittee's sole cost and expense.

- (aa) **Truthful and Accurate Statements.** The permittee acknowledges that the Town's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the Town in connection with the use permit or the small wireless facility or other infrastructure approved under the use permit, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (bb) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this use permit will bind and inure to the benefit of the Town and permittee and their respective successors and assigns.
- (cc) **Severability of Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (1) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (2) all other provisions in this use permit or their application to any person, entity or circumstance will not be affected; and (3) all other provisions in this use permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (dd) **Town's Standing Reserved.** The Town's grant or grant by operation of law of a use permit pursuant to this Policy does not waive, and shall not be construed to waive, any standing by the Town to challenge any FCC rules that interpret the Telecommunications Act, the Spectrum Act or any use permit issued pursuant to this Policy.
- (B) **Modified Conditions.** The Town Council authorizes the Director to modify, add or remove conditions to any use permit as the Director deems necessary or appropriate to: (i) protect and/or promote the public health, safety and welfare; (ii) tailor the standard conditions in subsection (1) to the particular facts and circumstances associated with the deployment; and/or (iii) memorialize any changes to the proposed deployment need for compliance with the San Anselmo Municipal Code, this Policy, generally applicable health and safety requirements and/or any other applicable laws. To the extent required by applicable FCC regulations, the Director shall take care to ensure that any different conditions applied to small wireless facilities are no more burdensome than those applied to other infrastructure deployments.
- (G) SITE LOCATION GUIDELINES**
- (1) **Locations Within the Public Rights-of-Way.** The Town prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
- (a) locations within commercial districts on or along arterial roads;
- (b) locations within commercial districts on or along collector roads;

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- (c) locations within commercial districts on or along local roads;
 - (d) locations within professional districts on or along arterial roads;
 - (e) locations within professional districts on or along collector roads;
 - (f) locations within professional districts on or along local roads;
 - (g) any location within 500 feet from an existing/proposed small wireless facility;
 - (h) any location within a High Fire Hazard Severity Zone;
 - (i) any location within a Very High Fire Hazard Severity Zone;
 - (j) any location within an open space district or private open space area;
 - (k) locations within residential districts on or along arterial roads;
 - (l) locations within residential districts on or along collector roads;
 - (m) any location in any district within 500 feet from any structure approved for a residential use;
 - (n) any location within 500 feet from a daycare facility, tutoring center or school;
- (2) **Preferred Support Structures.** In addition to the preferred locations described in Section V(G)(1) (Locations within the Public Rights-of-Way), the Town also expresses its preference for installations on certain support structures. The approval authority will consider whether any more preferred support structures are technically feasible and potentially available. The Town’s preferred support structures are as follows, ordered from most preferred to least preferred:
- (a) collocations on existing streetlighting poles;
 - (b) collocations on existing utility poles; and
 - (c) new installations on new, nonreplacement poles.
- (3) **Additional Location Standards.** In addition to all other standards in this Section V(G), small wireless facilities and all associated antennas, accessory equipment or improvements shall:
- (a) be placed as close as possible to alignment with the property line that divides two parcels abutting the public rights-of-way;
 - (b) not be placed directly in front of any ground-level door;
 - (c) not be placed directly in front of any first- or second-story window;
 - (d) on arterials, be placed as close to mid-block as technically feasible and consistent with the other location requirements in this Policy;
 - (e) not be placed within any clear zone at any intersections;
 - (f) not be placed within any visibility triangle area that crosses a front property line and blocks visibility above 42 inches from grade level;
 - (g) not be placed in any location that obstructs view lines for traveling vehicles, bicycles and pedestrian;
 - (h) not be placed in any location that obstructs views of any traffic signs or signals;
 - (i) not be placed in any location that obstructs illumination patterns for existing streetlights; and
 - (j) for new, nonreplacement poles, be placed at least 50 feet from any streetlight, utility pole or other similar support structure.
- (4) **Additional Analysis for Discouraged Locations or Structures.** Applications that involve lesser-preferred locations or structures may be approved so long as the applicant

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demonstrates that either (1) no more preferred locations or structures exist within 500 feet from the proposed site; or (2) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record.

(H) DEVELOPMENT STANDARDS

(1) **Generally Applicable Development Standards.** All new small wireless facilities and substantial changes to existing small wireless facilities not covered under Section 6409 must conform to the generally applicable development standards in this Section V(H)(1).

(a) **Stealth/Concealment.** All small wireless facilities must be stealth to the maximum extent feasible with concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity.

(b) **Overall Height.** No small wireless facility may extend more than five feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations, or the maximum height permitted for structures in the applicable zoning district (whichever is less).

(c) **Noise.** Small wireless facilities and all accessory equipment and communications equipment must comply with all SAMC, Title 4, Chapter 7 (Loud Noises), and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment reasonably likely to exceed the applicable limit.

(d) **Landscaping.** All small wireless facilities must include landscape and/or hardscape features and a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with SAMC Section 10-3.604 (Landscape maintenance). The approval authority may require additional landscape or hardscape features to screen the small wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this Part V. The approval authority may also require a tree protection plan to maintain existing heritage, protected or sensitive tree species. All plants proposed or required under this Part V must be fire safe and native and/or drought-resistant.

(e) **Site Security Measures.** Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices to prevent unauthorized access, theft or vandalism. Site security measures must be

designed to enhance stealth techniques to the maximum extent possible. The approval authority may require additional stealth elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or build environment. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.

- (f) **Backup Power Sources.** The approval authority may approve permanent backup power sources and/or generators on a case-by-case basis. The Town strongly disfavors backup power sources mounted on the ground or on poles within the public rights-of-way. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators. Storage of Class I, Class II and Class III liquids in outside above-ground tanks is prohibited in certain areas pursuant to SAMC Section 3-3.804.
- (g) **Lights.** Small wireless facilities may not include exterior lights other than (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible.
- (h) **Signage; Advertisements.** All small wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the Town, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
- (i) **Future Collocations and Equipment.** To the extent feasible and aesthetically desirable, all new small wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed small wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
- (j) **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated small wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (k) **Parking.** Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any adjacent public parking spaces on the public rights-of-way.

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- (l) **Compliance with Laws.** All small wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which include without limitation the Americans with Disabilities Act, California Building Standards Code, General Plan and any applicable specific plan, the San Anselmo Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.
- (m) **Fire Resistance.** All small wireless facilities must be installed using fire-resistant materials and in a manner that does not overload any support structure.

(I) RIGHT-OF-WAY SMALL WIRELESS FACILITIES STANDARDS

- (1) **Right-of-Way Wireless Facilities.** In addition to the requirements in Section V(H)(1) (Generally Applicable Development Standards), all new and substantially changed right-of-way small wireless facilities not covered under Section 6409 must conform to the requirements in this Section V(I)(1).
 - (a) **Stealth/Concealment.** All small wireless facilities in the right-of-way must be stealth to the maximum extent feasible with concealment elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, small wireless facilities in the rights-of-way may not unreasonably subject the public use, for any purpose including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoyance, hindrance, impediment or obstruction.
 - (b) **Support Structures.** All small wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible and aesthetically desirable. Existing above-ground structures may be replaced with hardened support structures so long as the replacement structure is substantially similar to the existing structure to be replaced. The approval authority shall not approve any new, non-replacement support structures unless: (a) the applicant demonstrates that above-ground support structures near the project site either do not exist or are not potentially available to the applicant; or (b) the approval authority specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives in this Part V than installations on existing structures near the project site.
 - (c) **Accessory Equipment.**
 - i. **Undergrounded Equipment.** To conceal the equipment to the maximum degree feasible, applicants must install all equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the approval authority finds that the above-ground equipment would unreasonably interfere with (a) the

- public's ability to use the right-of-way for travel; or (b) a specific viewshed or other visual resource seen from within the public rights-of-way. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement.
- ii. **Pole-Mounted Equipment.** All pole-mounted equipment must be installed at least 18 feet above ground level unless technically infeasible as supported by clear and convincing evidence in the written record. All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All cables, wires and other connectors must be routed through conduits within pole whenever possible, and all external conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.
- iii. **Ground-Mounted Equipment.** To the extent that the equipment cannot be placed underground as required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The approval authority may condition approval on new or enhanced landscaping or hardscaping to conceal ground-mounted equipment.
- iv. **Volume.** All above-ground accessory equipment associated with a small wireless facility in the public right-of-way shall not cumulatively exceed: (i) nine cubic feet in volume if installed in a residential district; or (ii) 17 cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other stealth or concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.
- (d) **Antennas.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome unless technically infeasible, in which case the Town may approve an alternate concealment. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure. Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.
- (e) **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the Town's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be

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located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole. The approval authority may reject an installation on a streetlight if the Town would have to maintain additional infrastructure or incur different or additional costs.

- (f) **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.
- (g) **New, Nonreplacement Poles.** Applicants that propose to install small wireless facilities on a new, non-replacement pole must install a new streetlight substantially similar to the Town’s standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome. The approval authority may reject an installation on a streetlight if the Town would have to maintain additional infrastructure or incur different or additional costs unless the applicant agrees to maintain any additional infrastructure and pay for any different or additional costs.
- (h) **Encroachments Over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner’s express written consent.
- (i) **Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve;

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- (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.
- (j) **Spools and Coils Prohibited.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (k) **Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced and small wireless facilities shall not be installed (in whole or in part) within any street tree drip line. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site, at least 36-inch box size and a species approve by the Director of Public Works, for the duration of the permit term.
- (2) **Administrative Design Guidelines.** The Director may develop and from time-to-time amend design guidelines, consistent with the generally applicable development standards and any facility-specific development standards, to clarify the aesthetic goals and standards in this Part V for Town staff, applicants and the public. In the event that a conflict arises between the development standards adopted under Sections V(H)-I(I) and the design guidelines adopted under this Section V(I)(2), the development standards adopted under Sections V(H)-(I) shall control.

PART VI. ELIGIBLE FACILITIES REQUESTS

(A) PURPOSE AND INTENT

- (1) **Background.** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) (“**Section 6409**”), generally requires that State and local governments “may not deny, and shall approve” requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communication Commission (“**FCC**”) regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential “deemed granted” remedy when the State or local government fails to approve or deny the request within 60 days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only “personal wireless service facilities” (e.g., cellular telephone towers and equipment), Section 6409(a) applies to all “wireless” facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).
- (2) **Findings.** The Town Council finds that the overlap between wireless deployments covered under Section 6409 and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for

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confusion that harms the public interest in both efficient wireless facilities deployment and carefully planned community development in accordance with local values. The Town Council further finds that a separate permit application and review process specifically designed for compliance with Section 6409 contained in a policy devoted to Section 6409 will mitigate such potential confusion, streamline local review and preserve the Town’s land-use authority to maximum extent possible.

- (3) **Intent.** In accordance with San Anselmo Municipal Code (“**SAMC**”) Title 10, Chapter 3, Article 28, the Town intends this Town Council Policy No. 6-1 Part VI (“**Part VI**”) to establish reasonable and uniform standards and procedures in a manner that protects and promotes the public health, safety and welfare, consistent with and subject to federal and California law, for wireless facilities collocations and modifications pursuant to Section 6409 and related FCC regulations codified in 47 C.F.R. §§ 1.6100 *et seq.* The intent of this Part VI is also to protect the citizens and visitors of San Anselmo from adverse health effects associated with exposure to non-ionizing electromagnetic radiation that exceed maximum permissible exposure levels by raising public awareness and ensuring compliance with all applicable laws. This Part VI is not intended to, nor shall it be interpreted or applied to: (a) prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services; (b) prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (c) unreasonably discriminate among providers of functionally equivalent services; (d) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC’s regulations concerning such emissions; (e) prohibit any collocation or modification that the Town may not deny under federal or California state law; (f) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (g) otherwise authorize the Town to preempt any applicable federal or California state law.

(B) DEFINITIONS

The abbreviations, phrases, terms and words used in this Part VI will have the meanings assigned to them in this Section VI(B) or, as may be appropriate, in Part III or SAMC, Title 10, Chapter 3, Article 17 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this Part VI conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

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- (1) **“base station”** means the same as defined by the FCC in 47 C.F.R. § 1.6100 (b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).
- (2) **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site.
- (3) **“eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
- (4) **“eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which defines that term as any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.
- (5) **“existing”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

- (6) **“site”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.
- (7) **“substantial change”** or **“substantially change”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.
- (a) For towers outside the public rights-of-way, a substantial change occurs when:
- i. the proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet (whichever is greater); or
 - ii. the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
 - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - iv. the proposed collocation or modification involves excavation or deployment outside the current boundaries of the leased or owned property surrounding the wireless tower by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- (b) For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
- i. the proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
 - ii. the proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
 - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or

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- v. the proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- (c) In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - i. the proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Director; or
 - ii. the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- (2) **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (*i.e.*, a bare, non-stealth, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.
- (3) **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(C) APPLICABILITY

This Part VI applies to all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409. However, the applicant may voluntarily elect to seek a use permit under Town Council Policy No. 6-1 Part IV (Macro Wireless Facilities) or Part V (Small Wireless Facilities).

(D) PRIOR APPROVALS REQUIRED

- (1) **Section 6409 Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require an amendment to the underlying use permit

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for the tower or base station (each amendment a “Section 6409 approval”) subject to the Director’s approval, conditional approval or denial without prejudice pursuant to the standards and procedures contained in this Part VI.

- (2) **Other Permits and Regulatory Approvals.** No collocation or modification approved pursuant to this Part VI may occur unless the applicant also obtains all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any other ministerial permits and/or regulatory approvals issued by other departments or divisions within the Town. All applications for ministerial permits submitted in connection with a proposed Section 6409 approval must contain a valid Section 6409 approval issued by the Town for the proposed wireless facility. Any application for any ministerial permit(s) submitted without such Section 6409 approval may be denied without prejudice. Furthermore, any Section 6409 approval granted under this Part VI shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

(E) APPLICATION REQUIREMENTS

- (1) **Application Required.** The Director shall not approve any request for a collocation or modification submitted for approval pursuant to Section 6409 except upon a complete and duly filed application consistent with this Section VI(E) and any other written rules or requirements the Town or the Director may establish from time to time in any publicly-stated format.
- (2) **Application Content.** All applications for a Section 6409 approval must include all the content, information and materials required by the Director for the application. The Town Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing requests for Section 6409 approvals. All applications shall require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. The Town Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- (a) **Application Form.** The applicant shall submit a complete, duly executed application for a Section 6409 approval on the then-current form prepared by the Town. The applicant shall state which FCC shot clock it asserts will apply to the proposed project and explain the basis for its assertion.
- (b) **Application Fee.** The applicant shall submit the applicable Section 6409 approval application fee adopted by Town Council resolution. If no Section 6409 approval

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application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the Town for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.

- (c) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape or hardscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number, weight and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, either as approved by the applicable utility company or in a preliminary form if an approved plans is not yet available, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (d) **Title Report and Property Owner's Authorization.** For any wireless facility proposed to be installed on any private property not owned or controlled by the Town, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept a permit in connection with the subject property.
- (e) **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 50 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street

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furniture; and (viii) existing trees, planters and other landscaping or hardscaping features. Site surveys that are more than a year old require an updated survey certification.

- (f) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the wireless facility from a vantage point approximately 50 feet from the proposed support structure or location.
- (g) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility meets each required finding for a permit as provided in Section IV(E)(1).
- (h) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the Town. The RF report must include the actual frequency and sustained and maximum power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (i) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the wireless facility proposed in the application. The applicant shall also submit copies of any other permits or approvals obtained for the wireless facility prior to the submission of the application for a permit, including but not limited to any Marin General Services Authority pole licenses.
- (j) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer licensed by the State of California for the proposed wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the Town's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.

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- (k) **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer licensed by the State of California (or other qualified personnel acceptable to the Town) that evaluates whether the underlying pole or support structure has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the standards and practices required for an ANSI/TIA-222 Maintenance and Conditions Assessment (under the most current revision at the time of submittal) and any safety and construction standards required by law and the utility provider. The report shall contain tolerances including but not limited to guy tensions if applicable, plumb, twist, slip splices and take-up devices.
1. Wireless facilities must be designed to remain resilient during outages, earthquakes, flooding and extreme weather events. Applicants shall (1) provide a certificate from a structural engineer licensed by the State, or other appropriate licensed professional acceptable to the Director, that (i), when fully loaded with antennas, transmitters, and other equipment and camouflaging the facility is designed to withstand the forces expected during the maximum credible earthquake and maximum credible wind speeds, and (ii) components, and the all connections between various components of the facility and with necessary power and utility lines, are designed to be protected against damage by “100-year” flooding, historical maximum ambient temperature sustained over the maximum credible duration, area maximum credible high wind, maximum credible earthquake, lightning strike and power surge events; (2) provide a diagram detailing buildings and other features located in fall zones or launch distances of components in the event of facility failure due to high wind or ground movement; (3) detailed description of measures taken on a network-wide basis, including backup power coverage for a portion of regional macro facilities, to ensure that basic communication service is available in the event of a disaster or power loss; (4) detailed description of the failure or outage history of facility components or similar systems (such as during PG&E power shutoffs in October and November 2019) operated by the operator on whose behalf the application is submitted; and (5) detailed description of hazards posed by the facility in the event of failure due to flood, high wind, high heat, earthquake, outage, lightning strike or wildfire.
- (l) **Underground Service Alert Membership.** The applicant shall submit evidence that applicant is a member in good standing with the Underground Service Alert of Northern California and Nevada (“DigAlert”).
- (m) **Environmental Impact Assessment.** The applicant shall submit an environmental impact assessment on the then-current form prepared by the Town to determine whether the proposed project is categorically exempt under Article 19 of the CEQA

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- Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report.
- (n) **Compliance with NEPA.** All applications shall include confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any facility proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act.
 - (o) **Hazards Assessment.** A full assessment of the hazards posed by the wireless facility in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation and structures at applicant's cost. All materials in the facilities must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.
 - (p) **Truth and Accuracy Statement.** Any application submitted pursuant to this Policy shall be signed by the applicant, or a person knowledgeable about the proposed facility and authorized to act on the applicant's behalf, attesting, that under penalty of perjury, that all information, representations and disclosures in the application are true, correct and complete.
- (3) **Procedures for a Duly Filed Application.** Any application for a Section 6409 approval will not be considered duly filed unless submitted in accordance with the procedures in this Subsection (3).
- (a) **Pre-Submittal Conference.** Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Director for all proposed collocations or modifications to any stealth, concealed or camouflaged wireless tower or base station. Pre-submittal conferences for all other proposed collocations or modifications are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, including whether the project qualifies for approval pursuant to Section 6409 or not; any latent issues in connection with the existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other Town departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that Town staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Director receives a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-submittal conference.

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- (b) **Submittal Appointment.** All applications must be submitted to the Town at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Planning Department shall use reasonable efforts to provide the applicant with an appointment within five working days after the Planning Department receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.
- (4) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and in accordance with SAMC Section 10-3.1604 (Expiration of Applications), any application governed under this Part VI will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Department within 90 calendar days after the Planning Department deems the application incomplete in a written notice to the applicant. The Director may, in the Director’s discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant’s reasonable control.
- (5) **Peer and Independent Consultant Review.**
 - (a) **Authorization.** The Town Council authorizes the Director to, in the Director’s discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any request for a Section 6409 approval.
 - (b) **Scope.** The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which includes without limitation: (i) permit application completeness and/or accuracy; (ii) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (iii) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (iv) whether and to what extent a proposed project qualifies for approval under applicable standards and regulations; (v) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the Town’s discretion to review; and (vi) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with Town staff and/or the applicant.
 - (c) **Consultant Fees; Deposits.** In the event that the Director elects to retain an independent consultant in connection with any permit application, the applicant

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shall be responsible for the reasonable costs in connection with the services provided to the maximum extent permitted by applicable law, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the Town a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. If the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Building Official or his or her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The Town shall not issue any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

(F) DECISIONS; APPEALS

- (1) **Administrative Review.** The Director shall administratively review a complete and duly filed application for a Section 6409 approval, and may act on such application without prior notice or a public hearing.
- (2) **Decision Notices.** Within five days after the Director acts on an application for a Section 6409 approval or before the FCC shot clock expires (whichever occurs first), the Director shall send a written notice to the applicant. In the event that the Director denies the application, the written notice to the applicant must contain (a) the reasons for the decision; (b) a statement that denial will be without prejudice; and (c) instructions for how and when to file an appeal if the applicant so chooses.
- (3) **Required Findings for Approval.** The Director may approve or conditionally approve an application for a Section 6409 approval when the Director finds that the proposed project:
 - (a) involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
 - (b) does not substantially change the physical dimensions of the existing wireless tower or base station.
- (4) **Criteria for Denial Without Prejudice.** Notwithstanding any other provision in this Part VI, and consistent with all applicable federal laws and regulations, the Director may deny without prejudice any application for a Section 6409 approval when the Director finds that the proposed project:
 - (a) does not meet the findings required in Section VI(F)(3) (Required Findings for Approval);
 - (b) involves the replacement of the entire support structure; or
 - (c) violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.

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- (5) **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this Part VI is intended to limit the Director’s authority to conditionally approve an application for a Section 6409 approval to protect and promote the public health, safety and welfare.
- (6) **Appeals.** Any applicant may appeal the Director’s written decision to deny without prejudice an application for Section 6409 approval. The written appeal together with any applicable appeal fee must be tendered to the Town within 10 days from the Director’s written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The Town Manager shall be the appellate authority for all appeals from the Director’s written decision to deny without prejudice an application for Section 6409 approval. The Town Manager shall review the application *de novo*; provided, however, that the Town Manager’s decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Part VI and any other applicable laws. The Town Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals. There is no right under SAMC Title 1, Chapter 4 (Appeals and Official Reviews of Administrative Decisions) to appeal the Director’s decision or the Town Manager’s decision.

(G) STANDARD CONDITIONS OF APPROVAL

In addition to all other conditions adopted by the approval authority, all Section 6409 approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section VI(G). The Director (or the Town Manager in the Town Manager’s capacity as the appellate authority) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Part VI.

- (1) **Permit Term.** The Town’s grant or any approval deemed granted by operation of law of a Section 6409 approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The Town’s grant or any approval deemed granted by operation of law of this Section 6409 approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization in connection with the wireless tower or base station to be modified. Accordingly, the term for this Section 6409 approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station, and any renewals thereof.
- (2) **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any Section 6409 approval(s), such approval(s) shall automatically expire one year from the effective date

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of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409 approvals or the Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409 approval when it has obtained the applicable permit(s) or applied for such permit(s) before the one-year period ends.

- (3) **Town’s Standing Reserved.** The Town’s grant or any approval deemed granted by operation of law of a Section 6409 approval does not waive, and shall not be construed to waive, any standing by the Town to challenge Section 6409, any FCC rules that interpret Section 6409 or any Section 6409 approval.
- (4) **Strict Compliance with Approved Plans.** Before the permittee submits any applications to the Building Department, the permittee must incorporate this Section 6409 approval, all conditions associated with this Section 6409 approval and the approved photo simulations into the project plans (the “**Approved Plans**”). The permittee must construct, install and operate the wireless facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director’s prior review and approval. The Director may revoke the Section 6409 approval if s/he finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 6100(b)(7), as may be amended.
- (5) **Build-Out Period.** This Section 6409 approval will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension to a date certain, but not to exceed to one (1) additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- (6) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved or deemed-approved, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include without limitation as-built drawings and site photographs.
- (7) **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this Section 6409 approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee

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shall regularly inspect the wireless facility to determine whether any maintenance is needed. The permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

- (8) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“Laws”) applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this Section 6409 approval, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). The Director may order the facility to be powered down if, based on objective evidence, the Director finds that the facility is in fact not in compliance with any Laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. No failure or omission by the Town to timely notice, prompt or enforce compliance with any applicable provision in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee’s obligation to comply in all respects with all applicable provisions in the San Anselmo Municipal Code, this Policy, any permit, any permit condition or any applicable law or regulation.
- (9) **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the Town to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the Town and may include, but is not limited to: (1) furnishing the Town with a written affidavit signed by an RF engineer certifying the wireless facility’s compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, sustained and maximum power output levels specified in both specific absorption rate and maximum permissible exposure and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the Town or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the Town or its designee for information and/or cooperation with respect to any of the foregoing. The Town may conduct random tests to ensure compliance with the FCC’s rules and regulations. In the event that the Town determines that permittee is not in compliance with any legal requirements or conditions, the permittee shall be responsible for all costs and expenses incurred by the Town in connection with the investigation, enforcement and/or remediation of such noncompliance.
- (10) **Affirmation of Radio Frequency Standards Compliance.** Following installation of the facility pursuant to the Section 6409 approval, on or before January 30th in each calendar

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year, the permittee acknowledges and agrees that the permittee shall submit: (1) an affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; (2) a copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

- (11) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Anselmo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the Town or other state or federal government agency or official with authority to declare an emergency within the Town. The Director or the Director's designee may issue a stop work order for any activities that violate this condition in whole or in part. If the Director or the Director's designee finds good cause to believe that ambient noise from a facility, including any generators approved with the facility, violates applicable provisions under the San Anselmo Municipal Code, the Director or the Director's designee, in addition to any other actions or remedies authorized by the permit, the San Anselmo Municipal Code or other applicable laws, may require the permittee to commission a noise study by a qualified professional to evaluate the facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of a wireless facility. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the Director or the Director's designee, the Director or the Director's designee may cause such repair to be completed at permittee's sole cost and expense.
- (12) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the Town's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee or at any time during an emergency. Notwithstanding the previous sentence,

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the Town’s officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the Town’s officers, officials, staff or other designees while any such inspection or emergency access occurs.

- (13) **Permittee’s Contact Information.** Prior to final inspection and at all times relevant to this Section 6409 approval, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following: (A) the name, physical address, notice address (if different), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) site operator, (ii) equipment owner, (iii) site manager and (iv) agent for service of process; (B) the regulatory authorizations held by the permittee and, to the extent applicable, site operator, equipment owner and site manager as may be necessary for the facility’s continued operation; (C) the facility’s site identification number and/or name used by the permittee and, to the extent applicable, site operator, equipment owner and site manager; and (D) a toll-free telephone number to the facility’s network operations center where a live person with power-down control over the facility is available 24 hours-per-day, seven days-per-week. Within 30 days after any change to the foregoing information, permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition. Within 10 business days after a written request by the Town, the permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition.
- (14) **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the Town, Town Council and Town boards, commissions, agents, officers, officials, employees and volunteers (collectively, the “**Indemnitees**”) from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings (“**Claims**”) brought against the Indemnitees to challenge, attack, seek to modify, set aside, void or annul the Town’s approval of this Section 6409 approval, and (ii) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee’s or its agents’, directors’, officers’, employees’, contractors’, subcontractors’, licensees’, or customers’ acts or omissions in connection with this Section 6409 approval or the wireless facility. In the event the Town becomes aware of any Claims, the Town will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the Town shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Town’s defense, and the property owner and/or permittee (as applicable) shall promptly reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense. The permittee expressly acknowledges and agrees that the permittee’s indemnification obligations under this condition are a material consideration that

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motivates the Town to approve this Section 6409 approval, and that such indemnification obligations will survive the expiration, revocation or other termination of this Section 6409 approval.

(15) **Insurance.** At all times relevant to this permit, the permittee shall obtain and maintain insurance policies as follows:

- (a) **Commercial General Liability.** Insurance Services Office Form CG 00 01 covering Commercial General Liability (“CGL”) on an “occurrence” basis, with limits not less than \$1,000,000 per occurrence or \$2,000,000 in the aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.
- (b) **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
- (c) **Workers’ Compensation.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
- (d) **Errors and Omissions Policy.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. “Covered Professional Services” as designed in the policy must specifically include work performed under this permit.
- (e) **Umbrella Policy.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or Automobile Liability insurance coverage

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listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. Permittee shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the Town indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.

- (f) **Endorsements.** The relevant policy(ies) shall name the Town of San Anselmo, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The permittee shall use its best efforts to provide thirty (30) calendar days’ prior written notice to the Town of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the Town within 10 calendar days after the cancellation or material modification of any applicable insurance policy.
- (g) **Certificates.** Before the Town issues any permit, the permittee shall deliver to the Director insurance certificates, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies upon a written request by the Town.
- (16) **Performance Bond.** Before the Building Department issues any permits required to commence construction in connection with this Section 6409 approval, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. The performance bond shall be valid for at least 10 years or the term of the underlying permit or other prior regulatory authorization for the subject tower or base station (whichever is greater). In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. The Director may also consider any other pertinent information, which includes written estimates from contractors with experience in wireless facilities removal and/or site restoration. The performance bond shall expressly survive the duration of the underlying permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.
- (17) **Recall to Approval Authority; Permit Revocation.** In accordance with SAMC Section 10-3.1909 (Revocation of a Discretionary Permit), the approval authority may recall this

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Section 6409 approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this Section 6409 approval. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this Section 6409 approval or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

- (18) **Record Retention.** Throughout the permit term underlying this Section 6409 approval, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, the permit, the Approved Plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval, and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “**records**”). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the Town’s regular files will control over any conflicts between such Town-controlled copies or records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- (19) **Existing Performance Agreements.** To the extent that the permittee has an existing Performance Agreement with the Town in connection with the subject wireless facility, the standard conditions in Town Council Policy No. 6-1 Section VI(G) will control to the extent that the requirements are more stringent or advantageous to the Town. The Town Attorney shall have authority to interpret and resolve any conflicts or ambiguities between the provisions in any Performance Agreement and the provisions in Town Council Policy No. 6-1 Part VI(G).
- (20) **Abandoned Wireless Facilities.** The transmission equipment authorized under Section 6409 approval shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after the transmission equipment is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove such abandoned transmission equipment and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation the San Anselmo Municipal Code. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within said 90-day period, the Town shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all

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costs and expenses incurred by the Town in connection with such removal and/or restoration activities.

- (21) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee’s direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the Town. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (22) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee’s request for authorization to construct, install and/or operate the wireless facility will cause the Town to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the Town for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the Town for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the Town shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the Town by the permittee.
- (23) **Safety Hazard Protocols.** If the Ross Valley Fire Department Fire Chief (or his or her designee) finds good cause to believe that the facility (including, without limitation, its accessory equipment, antenna and/or base station) presents a fire risk, electrical hazard or other immediate threat to public health and safety in violation of any applicable law, such officials may order the facility to be shut down and powered off until such time as the fire risk or electrical hazard has been mitigated. Any mitigations required shall be at the permittee’s sole cost and expense.
- (24) **Truthful and Accurate Statements.** The permittee acknowledges that the Town's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee’s behalf. In any matter before the Town in connection with the Section 6409 approval or the collocation or other modification authorized under the Section 6409 approval, neither the permittee nor any person authorized to act on permittee’s behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.

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- (25) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this Section 6409 approval and the underlying use permit will bind and inure to the benefit of the Town and permittee and their respective successors and assigns.
- (26) **Severability of Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (a) such provision or its application to such person, entity or circumstance will be deemed severed from this Section 6409 approval; (b) all other provisions in this Section 6409 approval or their application to any person, entity or circumstance will not be affected; and (c) all other provisions in this Section 6409 approval or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (27) **Town's Standing Reserved.** The Town's grant or any approval deemed granted by operation of law of a Section 6409 approval pursuant to this Policy does not waive, and shall not be construed to waive, any standing by the Town to challenge any FCC rules that interpret the Telecommunications Act, the Spectrum Act or any Section 6409 approval issued pursuant to this Policy.

PART VII. TEMPORARY WIRELESS FACILITIES

(A) GENERAL REQUIREMENTS FOR TEMPORARY WIRELESS FACILITIES

Except as provided in Section VII(B) (Temporary Wireless Facilities for Emergencies), the requirements, procedures and standards in this section shall be applicable to all applications for a temporary use permit for a temporary wireless facility.

- (1) **Applications for Temporary Wireless Facilities.** The Director shall not approve any temporary wireless facility subject to a temporary use permit except upon a complete and duly filed application consistent with this Section VII(A)(1) and any other written application requirements or procedures the Director may publish in any publicly-stated format. Applicants for a temporary use permit must submit, at a minimum: (a) a temporary use permit application on the most current form prepared by the Planning Department; (b) the applicable fee for the application; (c) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (d) an RF compliance report in accordance with the Town's requirements; and (e) an insurance certificate for general commercial liability that names the Town as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and a carries at least \$1,000,000 in coverage per occurrence. Applications must be submitted in person to the Director unless the Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a temporary use permit application.
- (2) **Administrative Review for Temporary Wireless Facilities.** After the Director receives a duly filed application for a temporary use permit, the Director shall review the application

for completeness. After the Director deems the application complete, the Director shall review the application for conformance with the required findings in Section VII(A)(3) (Required Findings for Temporary Wireless Facilities) and render a written decision to the applicant. Any denials must include the reasons for the denial. The review shall be administrative in nature and shall not require notice or a public hearing.

(3) **Required Findings for Temporary Wireless Facilities.** The Director may approve or conditionally approve a temporary use permit for a temporary wireless facility only when the Director finds all of the following:

- (a) the proposed temporary wireless facility will not exceed 50 feet in overall height above ground level; and
- (b) the proposed temporary wireless facility will be placed as far away from adjacent property lines as possible, or otherwise in a location that will be least likely to cause adverse impacts on adjacent properties; and
- (c) any excavation or ground disturbance associated with the temporary facility will not exceed two feet below grade; and
- (d) the proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation compliance with maximum permissible exposure limits for human exposure to RF emissions established by the FCC; and
- (e) the proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location; and
- (f) the proposed temporary wireless facility will be identified with a sign that clearly identifies the (I) site operator, (II) the operator's site identification name or number and (III) a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas; and
- (g) the proposed temporary wireless facility will be removed within 30 days after the Director grants the temporary use permit, or such longer time as the Director finds reasonably related to the applicant's need or purpose for the temporary wireless facility (but in no case longer than 90 days); and
- (h) the applicant has not been denied a use permit for any permanent wireless facility in the same or substantially the same location within the previous 365 days.

(4) **Appeals for Temporary Wireless Facilities.** Any applicant may appeal the Director's written decision to deny an application for a temporary use permit. The written appeal together with any applicable appeal fee must be tendered to the Town within 10 days from the Director's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The Town Manager shall be the appellate authority for all appeals from the Director's written decision to deny a temporary use permit. The Town Manager shall review the application *de novo*; provided, however, that the Town Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this Part VII and any other applicable laws. The Town Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to

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any further administrative appeals. There is no right under SAMC Title 1, Chapter 4 (Appeals and Official Reviews of Administrative Decisions) to appeal the Director's decision or the Town Manager's decision.

(B) TEMPORARY WIRELESS FACILITIES FOR EMERGENCIES

Temporary wireless facilities may be placed and operated within the Town without a temporary use permit only when a duly authorized federal, state, county or Town official declares an emergency within a region that includes the Town in whole or in part. Any temporary wireless facilities placed pursuant to this Section VII(B) must be removed within 15 days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this section must send a written notice that identifies the site location and person responsible for its operation to the Director as soon as reasonably practicable.

PART VIII. SPECIAL EXCEPTIONS FOR FEDERAL OR STATE PREEMPTION

- (1) **Preface.** The provisions in this section establish a procedure by which the Town may grant an exception to the standards in this Policy but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the applicable approval authority shall consider the findings in subsection (2) below in addition to the findings required within the applicable section(s) of this Policy. Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.
- (2) **Required Findings.** The approval authority shall not grant any limited exception pursuant to this section unless the approval authority finds all the following:
 - (a) the applicant has provided the approval authority with a reasonable and clearly defined technical service objective to be achieved by the proposed project, except for an exemption request under Part VI or Part IX;
 - (b) the applicant has provided the approval authority with a detailed written statement that explains why: (i) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or (ii) a provision in this Policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law;
 - (c) the applicant has provided the approval authority with a written statement that contains a detailed and fact-specific explanation as to why the proposed project cannot be deployed in compliance with the applicable provisions in this Policy, the Code, the General Plan and/or any specific plan;
 - (d) the applicant has provided the approval authority with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the Town, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly

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- defined technical service objective to be achieved by the proposed small wireless facility, except for an exemption request under Part VI or Part IX;
- (e) the applicant has demonstrated that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant’s reasonable and clearly defined technical service objective for the proposed project, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive facilities dispersed throughout the intended service area, except for an exemption request under Part VI or Part IX;
 - (f) the exception requested by the applicant does not compromise or excuse compliance any fire safety or other public safety standard; and
 - (g) the exception is narrowly tailored such that any deviation from this Policy is only to extent necessary for compliance with federal or state law.
- (3) **Evidentiary Standard.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant’s request for an exception.
 - (4) **Expert Review.** Independent expert and/or consultant review will generally be appropriate when considering an exception request.
 - (5) **Legal Review.** Any exception request shall require the consultation of the Town Attorney as to the validity and legal justification for the exception.

PART IX. EMERGENCY STANDBY GENERATORS FOR MACRO CELL TOWER SITES

(A) PURPOSE AND INTENT

- (1) **Background.** On September 29, 2020, Governor Gavin Newsom signed into law Assembly Bill 2421, codified at California Government Code Section 65850.75, which provides temporary regulations concerning how cities and counties permit emergency standby generators for certain wireless communication facilities. These temporary regulations went into effect on January 1, 2021 and have a sunset clause for automatic repeal on January 1, 2024. The legislature’s purpose in enacting these regulations is to allow wireless carriers to install emergency standby generators to maintain cellular communications during wildfire events and associated power shutoffs. Local agencies are required to make the installation of an emergency standby generator to serve a qualifying, previously permitted “macro cell tower site,” as defined, a permitted use and must review an application for installation on an administrative, nondiscretionary basis. A “macro cell tower site” does not include rooftop, so-called small cell, or outdoor and indoor distributed antenna system sites. The regulations also impose a 60-day decision period for local agencies to approve or deny applications for an emergency standby generator.
- (2) **Intent.** The Town Council intends this Town Council Policy No. 6-1 Part IX (“**Part IX**”) to establish reasonable, uniform and comprehensive standards and procedures for emergency standby generators for macro cell tower sites proposed within the Town’s

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territorial and jurisdictional boundaries, consistent with and to the extent permitted under California state law. The standards and procedures contained in this Part IX are intended to, and should be applied to, protect and promote public health, safety and welfare and balance the benefits that flow from robust, advanced wireless services provided by the macro cell tower sites during wildfires and other emergency situations that result in power shutoffs. This policy is not intended to, nor shall it be interpreted or applied to: (a) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (b) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (c) unreasonably discriminate among providers of functionally equivalent personal wireless services; (d) prohibit any emergency standby generators for macro cell tower sites that the Town may not deny under federal or California state law; or (e) otherwise authorize the Town to preempt any applicable federal or California state law.

(B) DEFINITIONS

The abbreviations, phrases, terms and words used in this Part IX will have the meanings assigned to them in this Section IX(B) or, as may be appropriate, in Part III or SAMC, Title 10, Chapter 3, Article 17 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 702, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this Part IX conflicts with any applicable federal or state-mandated definition, the federal or state-mandated definition will control.

- (1) **“emergency standby generator”** means the same as defined in Cal. Gov. Code § 65850.75(a)(1), which defines the term as “a stationary generator used for the generation of electricity that meets the criteria set forth in paragraph (29) of subdivision (a) of Section 93115.4 of Title 17 of the California Code of Regulations.”
- (2) **“macro cell tower site”** means same as defined in Cal. Gov. Code § 65850.75(a)(3), which defines the term as “the place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A macro cell tower site does not include rooftop, small cell, or outdoor and indoor distributed antenna system sites.”

(C) APPLICABILITY

- (1) **In General.** This Part IX applies to all applications for authorization to install, modify, replace or remove an emergency standby generator at an existing macro cell tower site,

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within the Town’s territorial or jurisdictional limits, whether on private property or in the public rights-of-way, submitted for approval pursuant to Cal. Gov. Code § 65850.75.

- (2) **Repeal.** Consistent with Cal. Gov. Code § 65850.75(h), this Part IX shall remain in effect until January 1, 2024, and as of that date, is automatically repealed without any further action required by Town Council. From and after January 1, 2024, any application for an emergency standby generator at an existing macro cell tower site shall be processed in accordance with all applicable regulations within this Policy and/or the San Anselmo Municipal Code.

(D) PRIOR APPROVALS REQUIRED

- (1) **Emergency Standby Generator Approval.** No person or entity may install, modify, replace or remove an emergency standby generator at a macro cell tower site without an “ESG approval” issued by the Director pursuant to this Part IX. The purpose of an ESG approval is to confirm that a proposed installation or other modification meets the criteria for mandatory approval under applicable state regulations. Each ESG approval shall be deemed to be an amendment to the underlying permit that authorizes the existing macro cell tower site to be modified.
- (2) **Other Permits and Regulatory Approvals.** In addition to an ESG approval required under this Part IX, no person or entity may install, modify, replace or remove an emergency standby generator at a macro cell tower site without first obtaining all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial health and safety permits and/or regulatory approvals issued by other departments or divisions within the Town, such as encroachment permits for work or facilities in the public right-of-way. Furthermore, any ESG approval granted under this Part IX or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

(E) APPLICATION REQUIREMENTS

- (1) **Application Required.** The Director shall not approve any request for an emergency standby generator for a macro cell tower site except upon a complete and duly filed application consistent with this Section IX(E) and any other written rules or requirements the Town or the Director may establish from time to time in any publicly-stated format.
- (2) **Application Content.** All applications for an ESG approval must include all the content, information and materials required by the Director for the application. The Town Council authorizes the Director to develop, publish and from time to-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing requests for ESG approvals. The Town Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or

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appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

- (a) **Application Form.** The applicant shall submit a complete, duly executed application for an ESG approval on the then-current form prepared by the Town.
- (b) **Application Fee.** The applicant shall submit the applicable ESG approval application fee adopted by Town Council resolution. If no ESG approval application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the Town for its reasonable costs incurred in connection with the application. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be returned to the applicant.
- (c) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape or hardscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed equipment and accessory equipment, which includes without limitation the manufacturer, model number, weight and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for any utilities for the proposed project, either as approved by the applicable utility company or in a preliminary form if an approved plans is not yet available, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (d) **Title Report; Property Owner Notification.** The applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application to verify the identity of the property owner; and (ii) if the applicant is not the property owner, a copy of written notice of this application for an emergency standby generator to the property owner and evidence of transmittal of such notice to the property owner.
- (e) **Site Survey.** For any emergency standby generator proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 50

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feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping or hardscaping features. Site surveys that are more than a year old require an updated survey certification.

- (f) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility meets each required finding for an ESG approval as provided in Section IX(F)(3).
 - (g) **Regulatory Authorization.** The applicant shall submit copies of any and all other permits or approvals obtained for the wireless facility prior to the submission of the application for an ESG approval.
 - (h) **Underground Service Alert Membership.** The applicant shall submit evidence that applicant is a member in good standing with the Underground Service Alert of Northern California and Nevada (“DigAlert”).
 - (i) **Environmental Impact Assessment.** The applicant shall submit an environmental impact assessment on the then-current form prepared by the Town to determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report.
 - (j) **Compliance with NEPA.** All applications shall include confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any emergency standby generator proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act.
 - (k) **Hazards Assessment.** A full assessment of the hazards posed by the emergency standby generator in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation and structures at applicant’s cost. All materials in the emergency standby generator must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.
 - (l) **Truth and Accuracy Statement.** Any application submitted pursuant to this Policy shall be signed by the applicant, or a person knowledgeable about the proposed facility and authorized to act on the applicant’s behalf, attesting, that under penalty of perjury, that all information, representations and disclosures in the application are true, correct and complete.
- (3) **Requirements for a Duly Filed Application.** Any application for an ESG approval will not be considered duly filed unless submitted in accordance with the requirements in this subsection (2).

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- (a) **Submittal Appointment.** All applications must be submitted to the Town at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment. Applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Planning Department shall use reasonable efforts to provide the applicant with an appointment within five working days after the Planning Department receives a written request. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.
- (b) **Optional Pre-Application Conference.** The Town strongly encourages, but does not require, applicants to schedule and attend a pre-application conference with the Director for all emergency standby generators for an existing macro cell tower site. This voluntary pre-application conference does not cause the 60-day decision period specified at Cal. Gov. Code § 65850.75(c)-(e), as may be amended or superseded, to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other Town departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that Town staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Planning Department shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-application conference.
- (4) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and in accordance with SAMC Section 10-3.1604 (Expiration of Applications), any application governed under this Part VI shall be automatically deemed withdrawn by the applicant when the applicant fails to submit a substantive response to the Planning Department within 60 calendar days after the Planning Department deems the application incomplete by written notice. As used in this subsection (4), a “substantive response” must include, at a minimum, the complete materials identified as incomplete in the written incomplete notice.
- (5) **Authorization to Adopt Additional Application Requirements and Review Procedures.** The Town Council authorizes the Director to develop, publish and from time to time update or amend ESG approval application requirements, forms, checklists, guidelines, informational handouts and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this section. All applications shall, at a minimum, require the applicant to demonstrate that

the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes and electric codes. The Town Council further authorizes the Director to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for submittal appointments with applicants, as the approval authority deems necessary or appropriate to organize, document and manage the application intake process. All such requirements, materials, rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

(6) **Peer and Independent Consultant Review.**

- (a) **Authorization.** The Town Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection with any request for an ESG approval.
- (b) **Scope.** The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment and/or generator deployment, permit applications for wireless facilities or generators, or ESG approval applications which include without limitation: (1) ESG approval application completeness and/or accuracy; (2) whether and to what extent a proposed project will comply with applicable laws; (3) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the Town's discretion to review; and (4) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with Town staff and/or the applicant.
- (c) **Consultant Fees; Deposits.** Subject to applicable law, in the event that the Director elects to retain an independent consultant in connection with any ESG approval application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings directly related to the ESG approval application. The Director may also recover the actual and reasonable costs incurred to administer the consultant contract. Before the independent consultant may perform any services, the applicant shall tender to the Town a deposit in an amount equal to the estimated actual and reasonable cost for the services to be provided, as determined by the Director until the Town adopts the initial required deposit by fee schedule. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. In the event that the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the emergency standby generator for a macro cell tower site has been installed and

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passes a final inspection by the Director. If the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The Town shall not issue any construction, grading or encroachment permit to any applicant with any unpaid deposit requests or invoices.

(F) NOTICE; DECISIONS; APPEALS

- (1) **Administrative Review.** The Director shall administratively review a complete and duly filed application for an ESG approval and may act on such application without prior notice or a public hearing.
- (2) **Decision Notices.** Within five days after the Director acts on an application for an ESG approval, the Director shall send a written notice to the applicant. If the Director denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that denial will be without prejudice; and (3) instructions for how and when to file an appeal if the applicant so chooses.
- (3) **Required Findings for Approval.** The Director may approve or conditionally approve an application any application for an ESG approval when the Director finds that the proposed project:
 - (a) involves installation, modification, replacement or removal of an emergency standby generator at a macro cell tower site where such macro cell tower site is an existing site that was previously permitted by the Town; and
 - (b) the emergency standby generator:
 - i. is located not more than 100 feet from the physical structure of the macro cell tower or base station;
 - ii. is mounted on a concrete pad;
 - iii. is rated below 50 horsepower;
 - iv. has a double-wall storage tank that does not exceed 300 gallons;
 - v. has physical dimensions no more than 250 cubic feet in volume, including the storage tank; and
 - vi. complies with all applicable state and local laws and regulations, including but not limited to air quality regulations and building and fire safety codes.
- (4) **Criteria for Denial Without Prejudice.** Notwithstanding any other provision in this Part IX, and consistent with all applicable federal laws and regulations, the Director may deny without prejudice any application for an ESG approval when the Director finds that the proposed project:
 - (a) does not meet the findings required in Section IX(F)(3); or
 - (b) violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.
- (5) **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this Part IX is intended to limit the Director's authority to conditionally approve an application for an ESG approval to protect and promote the public health and safety.

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(6) **Appeals.** Any applicant may appeal the Director’s written decision to deny without prejudice an application for ESG approval. The written appeal together with any applicable appeal fee must be tendered to the Town within ten calendar days from the Director’s written decision and must state in plain terms the grounds for reversal and the facts that support those grounds. The Town Manager shall be the appellate authority for all appeals from the Director’s written decision to deny without prejudice an application for ESG approval. The Town Manager shall review the application *de novo* without notice or a public hearing; provided, however, that the Town Manager’s decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this section and any other applicable laws. The Town Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals. There is no right under SAMC Title 1, Chapter 4 (Appeals and Official Reviews of Administrative Decisions) to additionally appeal the Director’s decision or the Town Manager’s decision.

(G) STANDARD CONDITIONS OF APPROVAL

In addition to all other conditions adopted by the Director, all ESG approvals, whether approved by the Director or deemed approved by the operation of law, shall be automatically subject to the conditions in this Part IX(G). The Director (or the appellate authority) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Part IX.

(1) **Permit Term.** The Town’s grant or any approval deemed approved by operation of law of an ESG approval constitutes a state-mandated modification to the underlying permit or other prior regulatory authorization for the subject macro cell tower site, and will be regarded as a modification to the underlying approval for the macro cell tower site. The Town’s grant or any approval deemed approved by operation of law of this ESG approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization in connection with the macro cell tower site to be modified. Accordingly, the term for this ESG approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject macro cell tower site, and any renewals thereof. This condition shall not be applied or interpreted in any way that would cause the term of the underlying permit for the modified facility to be less than 10 years in total length.

(2) **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Cal. Gov. Code § 65850.75 such that state law would not mandate approval for any emergency standby generators for macro cell tower sites, such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved emergency standby generators for macro cell tower sites or the Director grants an extension upon written request from the permittee that shows good

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cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated emergency standby generator for a macro cell tower site when it has obtained the applicable permit(s) or applied for such permit(s) before the one-year period ends.

- (3) **Town’s Standing Reserved.** The Town’s grant or any approval deemed approved by operation of law of an ESG approval does not waive, and shall not be construed to waive, any standing by the Town to challenge Cal. Gov. Code § 65850.75 or any emergency standby generator for a macro cell tower site.
- (4) **Strict Compliance with Approved Plans.** Before the permittee submits any applications to the Building Department, the permittee must incorporate this ESG approval, all conditions associated with this ESG approval into the project plans (the “**Approved Plans**”). The permittee must construct, install and operate the emergency standby generator in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the emergency standby generator, must be submitted in a written request subject to the Director’s prior review and approval. The Director may revoke the ESG approval if s/he finds that the requested alteration, modification or other change may cause the emergency standby generator to no longer meet the requirements of Cal. Gov. Code § 65850.75.
- (5) **Build-Out Period.** This ESG approval will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the emergency standby generator for a macro cell tower site, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the emergency standby generator for a macro cell tower site or its use. The Director may grant one written extension to a date certain, but not to exceed one (1) additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- (6) **Pre-Installation Property Owner Authorization.** Within 15 calendar days after the Town’s grant or any approval deemed approved by operation of law of an ESG approval, the permittee shall submit proof of consent or other authorization from the underlying property owner for the permittee’s installation of the emergency standby generator for a macro cell tower site to the Director. In no event shall the permittee begin any installation, construction and/or operation of the emergency standby generator for a macro cell tower site until the permittee provides such consent or other authorization documentation from the underlying property owner to the Director.
- (7) **Post-Installation Certification.** Within 60 calendar days after the permittee completes installation of the emergency standby generator for a macro cell tower site approved or deemed-approved, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the emergency standby generator for a macro

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cell tower site has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include without limitation as built drawings and site photographs.

- (8) **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this ESG approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the site to determine whether any maintenance is needed. The permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (9) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law, including those of the applicable regional Air Quality Management District, (“**Laws**”) applicable to the permittee, the subject property, the emergency standby generator for a macro cell tower site or any use or activities in connection with the use authorized in this ESG approval. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. No failure or omission by the Town to timely notice, prompt or promptly enforce compliance with any applicable provision in this policy, the San Anselmo Municipal Code, any permit, any permit condition or any other applicable Law, the permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in this policy, the San Anselmo Municipal Code, any permit, any permit condition or any other applicable Law.
- (10) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized personnel’s construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Anselmo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the Town or other state or federal government agency or official with authority to declare a state of emergency within the Town. The Director may issue a stop work order for any activities that violates this condition in whole or in part. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of an emergency standby generator for a macro cell tower site. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to

the installation or maintenance that necessitated the repairs. If the permittee fails to complete such repair within the number of days stated on a written notice by the Director may cause such repair to be completed at permittee's sole cost and expense.

(11) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the Town's officers, officials, staff or other designee may enter onto the site and inspect the improvements and emergency standby generator for a macro cell tower site upon reasonable prior notice to the permittee, or at any time during an emergency. The Town's officers, officials, staff, agents or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or emergency standby generator for a macro cell tower site in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee and/or its authorized personnel, if present, may observe the Town's officers, officials, staff, agents or other designee while any such inspection or emergency access occurs.

(12) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this ESG approval, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following:

- (a) the name, physical address, notice address (if different from physical address), direct telephone number and email address for (a) the permittee and, if different from the permittee, the (b) property owner, (c) structure owner, (d) site operator, (e) equipment owner, (f) site manager and (g) agent for service of process;
- (b) the regulatory authorizations held by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager as may be necessary for the facility's continued operation;
- (c) the facility's site identification number and/or name used by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager; and
- (d) a toll-free telephone number to the facility's network operations center where a live person with power-down control over the facility is available 24 hours-per-day, seven days-per-week.

The Town may develop a form in connection with such disclosures and, if so, the permittee shall be required to use such form. Within 10 business days after a written request by the Town, the permittee shall furnish the Town with an updated form that includes all the most-current information described in this condition. Any notices from the Town to the permittee shall be deemed given when delivered to the most current address(es) for the permittee on file with the Town.

(13) **Indemnification.** The permittee and, if applicable, the owners of the property and structure upon which the emergency standby generator for a macro cell tower site is installed, shall defend, indemnify and hold harmless the Town, Town Council and the Town's boards, board members, commissions, commissioners, agents, officers, officials,

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employees and volunteers (collectively, “**Town Indemnitees**”) from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings (“**Claims**”) brought against the Town or any Town Indemnitees to challenge, attack, seek to modify, set aside, void or annul this ESG approval, the Town’s granting of this ESG approval or the granting of this ESG approval by the operation of law, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee’s or its agents’, directors’, officers’, employees’, contractors’, subcontractors’, licensees’, or customers’ acts or omissions in connection with this ESG approval, the Town’s granting of this ESG approval, the granting of this ESG approval by the operation of law, the emergency standby generator or the wireless facility. If the Town becomes aware of any Claims, the Town will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee, property owner and structure owner expressly acknowledges and agrees that the Town shall have the right to approve, which approval shall not be unreasonably withheld, conditioned or delayed, the legal counsel providing the Town’s defense, and the permittee, property owner and/or structure owner shall promptly reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense. The permittee, property owner and structure owner expressly acknowledges and agrees that the permittee’s indemnification obligations under this condition are a material consideration that motivates the Town to approve this ESG approval, and that such indemnification obligations will survive the expiration or revocation of this ESG approval.

(14) **Insurance.** At all times relevant to this permit, the permittee shall obtain and maintain insurance policies as follows:

- (a) **Commercial General Liability.** Insurance Services Office Form CG 00 01 covering Commercial General Liability (“CGL”) on an “occurrence” basis, with limits not less than \$1,000,000 per occurrence or \$2,000,000 in the aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.
- (b) **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-

- owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
- (c) **Workers' Compensation.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
- (d) **Errors and Omissions Policy.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee's profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. "Covered Professional Services" as designed in the policy must specifically include work performed under this permit.
- (e) **Umbrella Policy.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or Automobile Liability insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be "pay on behalf," with defense costs payable in addition to policy limits. Permittee shall provide a "follow form" endorsement or schedule of underlying coverage satisfactory to the Town indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.
- (f) **Endorsements.** The relevant policy(ies) shall name the Town of San Anselmo, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The permittee shall use its best efforts to provide thirty (30) calendar days' prior written notice to the Town of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the Town within 10 calendar days after the cancellation or material modification of any applicable insurance policy.
- (g) **Certificates.** Before the Town issues any permit, the permittee shall deliver to the Director insurance certificates, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies upon a written request by the Town.
- (15) **Performance Bond.** Before the building official issues any permits required to commence construction, installation or other work in connection with this ESG approval, the permittee shall post a performance bond from a surety and in a form acceptable to the

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Director. The bond amount shall be the amount reasonably necessary to cover the cost to remove all emergency standby generator equipment and related improvements authorized by the ESG approval, whether above ground or below ground, constructed or installed in connection with the emergency standby generator, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. The performance bond shall be valid for at least 10 years or the term of the underlying permit or other prior regulatory authorization for the subject macro cell tower site (whichever is greater). In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Director shall take into consideration any information provided by the permittee regarding the cost to remove the emergency standby generator for a macro cell tower site to a standard compliant with applicable laws. The Director may also consider any other pertinent information, which includes written estimates from contractors with experience in wireless facilities removal and/or site restoration. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject emergency standby generator in accordance with this condition.

- (16) **Permit Revocation.** In accordance with SAMC Section 10-3.1909 (Revocation of a Discretionary Permit), the approval authority may recall this ESG approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this ESG approval. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this ESG approval or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
- (17) **Record Retention.** Throughout the ESG approval term, permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the ESG approval application, ESG approval, the Approved Plans and photo simulations incorporated into this ESG approval, all conditions associated with this ESG approval, any ministerial permits or approvals issued in connection with this ESG approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the ESG approval (collectively, “**Records**”). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the Town’s regular files will control over any conflicts between such Town-controlled copies or Records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any Records not otherwise required to be created or prepared by this policy, the San Anselmo Municipal Code or any other applicable Laws. Compliance with the requirements in this condition

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- shall not excuse the permittee from any other similar record-retention obligations under applicable Law.
- (18) **Existing Performance Agreements.** To the extent that the permittee has an existing Performance Agreement with the Town in connection with the subject wireless facility, the standard conditions in Town Council Policy No. 6-1 Section VI(G) will control to the extent that the requirements are more stringent or advantageous to the Town. The Town Attorney shall have authority to interpret and resolve any conflicts or ambiguities between the provisions in any Performance Agreement and the provisions in Town Council Policy No. 6-1 Part VI(G).
- (19) **Abandoned Emergency Standby Generator.** The permittee shall notify the Director when the permittee intends to abandon or decommission the emergency standby generator for a macro cell tower site authorized under this ESG approval. In addition, the emergency standby generator for a macro cell tower site authorized under this ESG approval shall be deemed abandoned if the macro cell tower site is not operated for any continuous six-month period. Within 90 days after the emergency standby generator is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove emergency standby generator and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation the San Anselmo Municipal Code. The permittee, property owner and/or structure owner may request an extension to complete restoration to 90 days after the emergency standby generator authorized under this ESG approval is abandoned or deemed abandoned, which the Director may grant if the permittee, property owner or structure owner presents evidence of good cause for the extension. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within said 90-day period, the Town shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the Town in connection with such removal and/or restoration activities.
- (20) **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (21) **Cost Reimbursement.** The permittee acknowledges and agrees that (1) the permittee's request for authorization to construct, install and/or operate the emergency standby generator for a macro cell tower site will cause the Town to incur costs and expenses; (2) the permittee shall be responsible to reimburse the Town for all costs incurred in connection with the ESG approval, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate

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the emergency standby generator for a macro cell tower site; (3) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the Town for all such costs 30 days after a written demand for reimbursement and reasonable documentation to support such costs; and (4) the Town shall have the right to withhold any permits or other approvals in connection with the emergency standby generator for a macro cell tower site until and unless any outstanding costs have been reimbursed to the Town by the permittee.

- (22) **Safety Hazard Protocols.** If the Ross Valley Fire Department Fire Chief (or his or her designee) finds good cause to believe that the emergency standby generator (including, without limitation, its associated improvements) presents a fire risk, electrical hazard or other immediate threat to public health and safety in violation of any applicable law, such officials may order the facility to be shut down and powered off until such time as the fire risk or electrical hazard has been mitigated. Any mitigations required shall be at the permittee's sole cost and expense.
- (23) **Truthful and Accurate Statements.** The permittee acknowledges that the Town's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the Town in connection with the ESG approval or the collocation or other modification authorized under the ESG approval, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (24) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this ESG approval and the underlying use permit will bind and inure to the benefit of the Town and permittee and their respective successors and assigns.
- (25) **Severability of Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (a) such provision or its application to such person, entity or circumstance will be deemed severed from this ESG approval; (b) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (c) all other provisions in this ESG approval or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:12 PM
To: [REDACTED]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

[You don't often get email from [REDACTED] learn why this is important at [https://aka.ms/OutlookGroupNotifications](#)]

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

No time share business model in DRP and other non-commercial/hotel settings.

I am taking the time to write you because I believe it is important to specifically address the impact of Picaso as you revise the upcoming General Plan. Picaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Casse and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Picaso and other corporations that have found ways to skirt our regulations and avoid TOD. These documents can be found on the https://go.d2.uslinks.protection.outlook.com/?url=https://www.stopcasosnow.com/?fbclid=IwAR1G12N7CC1wK4K2-yh4paa-arg7C3aw4Qx1220x4e4046d86096253e7c7c1235c73aw40994dc4d6e47054687612D97C837B392587644104127C03e0e6w7C7W7Fp023ab8y09j0K4Cw4j-w40N4G-C0j0y70ub0tC08108E33u8w4C2VFC0B4w9S0N7C3008&img_dcl=+539P7vmuK2N712N7H7y8Nz7J0u0N77D0H0N7E8N7320&img_wer=ed-0 website.

Thank you

Mary Ann Sousa
Broker Associate
Compass
[REDACTED]

From: [REDACTED]
Sent: [Wednesday, March 23, 2022 2:22 PM](#)
To: [Click](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

[You don't often get email from [REDACTED]. Learn why this is important at [https://aka.ms/learnaboutcategorytypes](#).]
[EXTERNAL]

Dear Nepea City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Parasol and other vacation-Transient Occupancy models have no place in our neighborhood!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Parasol and other corporations that have found ways to skirt our regulations and avoid TDT. These documents can be found on the <https://www.cityofpalm-springs.com/~/media/Planning/2022/03/2022-03-23-Ordinance-Changes-Other-Cities.pdf> and <https://www.cityofpalm-springs.com/~/media/Planning/2022/03/2022-03-23-Ordinance-Changes-Other-Cities.pdf>

Thank you,
Kathy and Robert Berger

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:26 PM
To: [REDACTED]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

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[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacationTransient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOD. These documents can be found on the https://gco22.audible.protection.outlook.com/?url=https://www.stoppacaso.com/?fbclid=IwAR1G21N7CwvK4403yHpa-arg7C74P50bUthv0d43a4f97786a2461338b7C7U223u73aww497uud4b64705d48757C9N7C978783125718864087U04kewm7C7W7p6C23a38ey1tqj4hC4w4u4dM4L02jov72ub6u5CB76U32uww67C97C9M47N2577C200&utm_source=web&utm_medium=email&utm_campaign=stoppacaso&utm_content=stoppacaso website.

Thank you
Jacqueline Kramer

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:26 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

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[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

Thanks for your work for the City that is the "capital" or our Valley.

Please address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the new regulations Saint Helena put in place this week to restrict Pacaso-style timeshares inside city limits, and review the Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the <http://www.StopPacasoNow.com>

Patrick Kenealy

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:30 PM
To: [Clerk; Peter French](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

[EXTERNAL]

Dear Napa City Council and Planning Commission Members, I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods! Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the [Welcome to Stop Pacaso Now!](#)



Welcome to Stop Pacaso Now!

By Stop Pacaso Now

Keep Our Neighborhoods Free of Timeshares!

website.

Our voices are only going to become louder and louder until we see action on this issue.

Thank you

Peter French

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:33 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am a Saint Helena resident who has seen what Pacaso homes do to a neighborhood and who has supported the effort to resist them here. We hope our City Council's clarification of "time-share" to include the Pacaso model will prevail, but if not, we will continue our efforts.

We in Saint Helena also support the efforts of our Napa neighbors in resisting Pacaso. I write to urge you to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you for the time spent on this issue and for your careful consideration of the effect of Pacaso on Napa.

Sincerely,

Betty Anne Carlin

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:35 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members, I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods! Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website. Thank you

From: [REDACTED]
Sent: Saturday, March 26, 2022 2:38 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you, April

From: [REDACTED]
Sent: Saturday, March 26, 2022 3:01 PM
To: [REDACTED]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Category: Unverified Contact

[You don't often get email from [REDACTED] here why this is important # [https://aka.ms/whythisisimportant](#)]

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

Please follow St. Helena's example and take steps to stop Picaso's intrusion into Napa neighborhoods.

I am taking the time to write you because I believe it is important to specifically address the impact of Picaso as you revise the upcoming General Plan. Picaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Casco and Devil orders of South Lake Tahoe and Palm Springs to specifically ban Picaso and other corporations that have found ways to skirt our regulations and avoid TCE. These documents can be found on the <https://cityofstheleena.com/development/ordinances/> website.

Thank you,
Susan McWilliams
37 year Napa Valley resident.

Sent from my iPhone

From: [REDACTED]
Sent: Saturday, March 26, 2022 3:03 PM
To: [Clerk](#)
Subject: Comments on the Napa 2040 General Plan
Attachments: 2022 GP Linda Vista Extension.docx

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Hello Ms. Carranza,

I have attached comments regarding the Napa 2040 General Plan, specifically concerning the proposed bridge extension across the Redwood Creek at Linda Vista and Robinson Lane. If need be, I can be reached via email, text or phone.

Thank you,

Margan Holloway

[REDACTED]

Comments for the Napa 2040 General Plan

The plan to extend Linda Vista to Robinson Lane across the Redwood Creek has been in the General Plan for decades - it has never been implemented. I would argue this extension will never be executed and should not be included the Napa 2040 General Plan.

Why this extension will not be implemented?

- There is strong neighborhood opposition to this extension. Neighbors on both sides of Redwood Creek oppose this new road and either have or will make their opposition known to elected officials.
- The cost of building a bridge across an ecologically sensitive wildlife corridor will be immense due to:
 - Environmental review.
 - Bridges cost much more than roads.
 - The plan calls for a Class I bike trail as part of the extension adding to the expense.
 - Special engineering will be required at the Linda Vista end to keep the bridge supports from impeding access to a major water main buried deep at the juncture of the new road with Linda Vista. This water main ruptured within the last two years and required a major excavation of a hole as deep as two SUV's.
 - The cost/benefit of this extension will never rise to the level that it will cost.

Basically, this extension will be a dead item in the new Napa 2040 General Plan.

Why this extension should not be implemented:

- The result of the extension would channel even more traffic onto the already busy Linda Vista/Lone Oak/West Lincoln junction. There are already 4500 cars per day on Linda Vista and an extension would increase this by 1000 cars. This neighborhood is a residential area with schools, not a commercial area. The streets are not designed for this traffic load. The intersection where Lone Oak and West Lincoln meet is a blind curve with no shoulders or sidewalks - a very dangerous place for pedestrians or bicyclists. The City should be adding bike lanes and sidewalks to Linda Vista and West Lincoln rather than dumping more traffic in this area.
- The neighborhood on the Robinson Lane side of the creek is truly a quiet residential area with no through streets. This neighborhood will be destroyed by this extension. Currently 500 cars travel this neighborhood daily, and the extension will add an additional 2500 cars in this small community.
- The extension over the creek will not make it safer for pedestrians, bicyclists, children or animals. The City has said that the roads are 20 feet narrower than they would like for this type of project and there would only be a sidewalk on one side.
- For bicycles, there is already a Brown's Valley Road connection across the creek behind the Crosswalk Church. This class I path empties onto Coffield Avenue. This path is not repaired, maintained or signed. Rather than building new facilities, the City should maintain existing infrastructure and let people know it exists.

From: [REDACTED]
Sent: Saturday, March 26, 2022 3:15 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

It is crucial to address the impact of Pacaso's time-sharing 'tech' as you revise and update the General Plan.

Pacaso and other 'sharing' models DO NOT build community and DO NOT make residential housing more affordable.

Now is the time to ban Pacaso and similar initiatives whose business mission is to capitalize on the abuse of well intended regulations.

Please stop this scourge before it takes hold!

Thank you,
Dave Sickert

From: [REDACTED]
Sent: Saturday, March 26, 2022 3:39 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

Let's not push out buyers looking to find their 'forever' home and replace them with a time-share. Inventory is so low as it is.

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

Mark Schneidman, GRI
REALTOR
MarkSchneidman@gmail.com

Listen to Real Estate Talk Radio: <http://blog.radiorealestate.com>

"Goodness is the only investment
that never fails"

Berkshire Hathaway HomeServices California Properties
3868 State St
Santa Barbara, CA 93105
CaIDRE 00976849

From: [REDACTED]
Sent: Saturday, March 26, 2022 3:55 PM
To: [Clerk](#)
Subject: General Plan input

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Speeding is the top complaint from most Napans and you are doing the city a disservice in ignoring how important solving it is. It should have been a priority for you without so much input from the community because anyone who walks , bikes and lives here can't help but be aware of it. 2040 is even to far in the future to be planning for it but not putting it in the plan is a disgrace and you are not serving the wishes and good of the community. I live on Clay street which was a quiet street before the roundabout was put in, now it is a raceway. People ignore the speed limit signs and no amount of slow down signs change the drivers actions.(Please no more dangerous roundabouts).

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

Suzanne Tyler

[REDACTED]
Napa

From: [REDACTED]
Sent: Saturday, March 26, 2022 4:00 PM
To: [REDACTED]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/WindowsDefaultOutlook>.]

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Picaso as you revise the upcoming General Plan. Picaso and other vacation Transient Occupancy models have no place in our neighborhoods!!!!

We deserve better in our beautiful Napa Valley and in Napa specifically. Picaso go home... This is a crime subjecting our community to the wild parties, noise nuisances and potential danger in bringing random people into residential neighborhoods. This is a nightmare to current homeowners, greedily manipulating the intent of law, practicing commercial enterprise next to single family homes in residential neighborhoods. This is totally unacceptable and we will not stand for it.

Please take the time to review the Ordinance changes other neighboring Cities have done and Case and Deed orders of South Lake Tahoe and Palm Springs to specifically ban Picaso and other corporations that have found ways to skirt our regulations and avoid 102. These documents can be found on the https://go2.safelinks.protection.outlook.com/?url=https://www.stopgapnow.com/?f&gclid=CjwKw54Dyphvpaorg7C7Usb6e4s99564187ae0886d7f838897C7c2225673aae4095e46464704657c2c7c2c637839341899188027C3n9rewn7CTWPp8Z6z388eWjgMc4uJwM0AALCQj6v2uM6LCEf693uWw6CjVC6Mn0L3267C3200∓data=1Nn7cP85dWwWqgAWLumU0M8Cq8v0wG7HOZK32∓reserved=0 website.

Thank you

Kelly Brophy
[REDACTED]
Sent from my iPhone

From: [REDACTED]
Sent: Saturday, March 26, 2022 4:02 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

We are taking the time to write you because I believe it is critical to specifically address the impact of Pacaso LLC as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods! Please take the time to review the Ordinances neighboring Cities have adopted as well as the Cease and Desist orders of South Lake Tahoe and Palm Springs, and then vote to ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the <http://www.StopPacasoNow.com> website.

Thank you for your consideration,

Nancy Gardner and Carl Sherrill

From: [REDACTED]
Sent: Saturday, March 26, 2022 4:54 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write to you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our Napa Valley residential neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. Understanding the threat timeshares pose to the fabric of our residential neighborhoods, last week the St. Helena City Council updated and strengthened their ordinances forbidding timeshares. These documents can be found on the www.StopPacasoNow.com website.

Thank you,

Sherri Kelly

From: [REDACTED]
Sent: Saturday, March 26, 2022 5:23 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write to you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

From: [REDACTED]
Sent: Saturday, March 26, 2022 6:18 PM
To: Clerk
Cc: [Link](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

[You don't often get email from [REDACTED], learn why this is important at [https://aka.ms/whythisisimportant](#)]

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am emailing to respectfully request that, as you address the Draft 2040 General Plan, you consider the negative impact that Pexico brings to our Napa neighborhoods. Pexico and other vacationTransient Occupancy models have no place in our closely knit neighborhoods! When the house next door, at 5 Lidge Court, was demolished last year and rebuilt, my wife and I posted several "Stop Pexico" signs, hoping the remodeled home would not be purchased by Pexico and turned in to a derelict structure. Fortunately the Contractor used the remodeled new home to a lovely couple who have occupied the residence full time and can participate in building neighborhood friendships that endure.

Please take the time to review the Ordinance changes other neighboring Cities have done and Case and Deed orders of South Lake Tahoe and Palm Springs to specifically ban Pexico and other corporations that have found ways to skirt our regulations and avoid TCE. These documents can be found on the <https://q1102.safelinks.protection.outlook.com/?url=https://www.stopacorenow.com/?f&mp.data=D%7C7%7C%w%4%K%y%h%a%g%7C%a%1%6%8%u%6%e%0%0%6%a%0%8%u%0%7%7C%2%2%5%7%a%e%0%9%6%-%6%4%7%0%6%8%5%7%0%7%0%5%7%8%3%4%7%8%6%2%2%2%7%7C%0%e%w%7%7C%7%7%9%2%6%5%8%y%W%j%M%4%e%J%a%M%4%L%Q%j%v%2%u%4%L%8%T%0%6%2%h%W%L%K%Y%G%8%M%N%7%3%0%7%3%0%0%&mp.data=76413894082a1944944812768BA28X%21%U%5%V%2%N%3%2%&mp.res=ed-0> website.

Thank you,
Mae Gomez
Napa, CA 94959

From: [REDACTED]
Sent: Saturday, March 26, 2022 6:28 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED]. [Learn why this is important](#)

[EXTERNAL]
Dear Napa City Council and Planning Commission Members, I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods! Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website. Thank you
Jeff Weinman

[Sent from AT&T Yahoo Mail on Android](#)

From: [REDACTED]
Sent: Sunday, March 27, 2022 11:10 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you. Rita Hellewell

From: [REDACTED]
Sent: Sunday, March 27, 2022 11:29 AM
To: [Clerk](#)

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

The recent changes to speed limits on Jefferson are a welcome change. I hope it is only the beginning. I have friends who have as pedestrians suffered permanent personal damage as a result of speeding and hit/run driving. I think it is worthwhile to develop a culture of courtesy and calmness on our city streets. I live on Laurel St where everyday we see drivers speeding through our neighborhood. In addition to reducing some speed limits, Napa police should be more active writing tickets for speeders. Hopefully the public will benefit from increased public safety and income to pay additional police officers for enforcement.

As our city continues to grow, it is important that parking and safety on city streets are embedded into all aspects of planning.

Regards,

Tim Weir
[REDACTED]

From: [REDACTED]
Sent: Sunday, March 27, 2022 12:05 PM
To: [Clerk](#)
Subject: Linda Vista Extension

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

The plan to extend Linda Vista across Redwood Creek is ill-conceived. Street connections and extensions are usually proposed by the Fire Department to reduce response time. This is rubbish. The Fire Department can consult a map if they are confused about the quickest way to reach a potential fire location.

Street connections encourage higher neighborhood speeds and change the neighborhood character. That is why most immediate neighbors strongly oppose these extensions.

It is time that the City Council listened to the residents who elect them rather than city agencies, unless there is some overriding reason for not doing so. In the 20 years that this has been in the General Plan, if there was an overriding reason – it would have surfaced by now. Spend the money on bike trails that don't have to cross a creek at a cost of millions of dollars.

Geoff Wood
Napa

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: Sunday, March 27, 2022 12:38 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am in full agreement with the citizens of Napa over preventing Pacaso style "fractional housing" in our neighborhoods. **This cannot wait until 2040. Please take action immediately.** Everytime a home comes up for sale in our neighborhood, I fear Pacaso will come knocking. If they do, there will be protests in our streets.

I am taking the time to write to you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you,
M. Kathleen Stewart-Lightner
Napa resident

From: [REDACTED]
Sent: Sunday, March 27, 2022 1:12 PM
To: [Clerk](#)
Subject: information forjMonday Nights meeting regarding safety in Napa
Attachments: Letter to Councilmembers and Napa City Planning Commissioners.docx

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

This is in reference to the discussion taking place on Monday evening regarding speeding and safety in Napa.

Renay

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

There is a blatant disregard for stopping at stop signs, even at four-way intersections and speeding in residential neighborhoods. There seems to be absolutely no enforcement.

One day when I saw a policeman sitting in his car on my street, I went up to him to thank him and saw that he wasn't even looking at the intersection, he was working on paperwork. When I spoke to him about the problem of people running stop signs and speeding through four-way intersections and suggested that the local police could make some money if they issued tickets, his answer was there was no incentive because the money goes to the County !!. So, we need an incentive to enforce the law??

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

Renay Conlin

From: [REDACTED]
Sent: Sunday, March 27, 2022 2:14 PM
To: [Clerk; Michael Walker](#)
Subject: Comments on Draft General Plan -- Joint Letter
Attachments: Comments on Draft General Plan - Joint Letter 3-26-2022.pdf

[EXTERNAL]

Dear Mayor Sedgely, Councilmembers, and Planning Commissioners,

Enclosed is our joint letter outlining our comments and concerns about the Draft General Plan. We intend, either collectively or individually, to continue to comment on the Draft GP and Draft EIR over the coming weeks and months as you hold further sessions.

Thank you all for your efforts on behalf of our community!

Danielle Barreca
Howard Siegel

Patrick Band

Michelle Dahme

Chuck Shinnamon

March 26, 2022

Napa City Council and Napa City Planning Commission

Re: Draft General Plan and Draft EIR

Via Email

Dear Mayor Sedgely, Council Members, and Planning Commissioners,

We, the undersigned, had the honor of serving on the General Plan Advisory Committee and we offer the following as our personal comments regarding the Draft General Plan and Draft EIR. They are not intended to reflect the opinions or recommendations from anyone other than ourselves and are not the official position of the GPAC.

KEY OVERARCHING POINTS:

- The new General Plan needs to be both a living document as well as having planned flexibility built into it. These needs have been made clear to us with Covid and with the new reality of potential annual fires.
- Focus on climate change, sustainability, and resilience. All actions and policies in the General Plan and its implementation should emanate from this focus. The future of our local economy and community, as we know them, rely upon bold action in the next 5 years, and through the 20-year planning horizon of this Plan.
- Focus urban development within the existing RUL to continue to ensure the long-term viability of our agricultural lands and heritage.
- Focus first on locals and then on visitors. Although seemingly insignificant, juxtaposition and choice of words throughout the GP in the Vision & Guiding Principles (including but not limited to Guiding Principle #3), as well as numerous Goals, and Policies should always reflect that priority. We appreciate that the Draft GP includes these distinctions.
- Focus first on alternative transportation (bicycle, pedestrians and transit) connectivity throughout the City when transportation improvements, changes, and budgets are being planned and implemented. Our residents must be able to safely navigate around our community without having to drive in a car.
- Focus on the creation of a diverse array of new housing to meet the needs of all segments of our population, both current and future residents. We need new housing in every neighborhood in our City. Densities and heights will probably need to increase given the State's and ABAG's housing requirements. Good, thoughtful design needs to be expected and demanded, while streamlining permitting to expedite project approval and construction.
- For long-term balance and health of our community, ensure, through land use choices and policies, that many young families can continue to afford to live in Napa and, thusly, preserve a strong and viable public school system.

LAND USE COMMENTS (based on February 22, 2022 Draft and Land Use Map):

We are generally supportive of the Land Use designations shown on the Map and expand on various areas in the following.

- We applaud the continuation of the current GP’s usage of “gross” acreage rather than “net” acreage.
- Neighborhood delineations. We applaud the continuation of these valuable designations, while also encouraging stronger language to expedite annexation of unincorporated “islands” to ensure that all of those in a given neighborhood benefit from the policies, programs, and improvements outlined in this Plan.
- Allowance, by right, of duplexes, triplexes, and quadplexes in existing single family neighborhoods. Clearly, new standards will need to be created that delineate minimum lot sizes, setbacks, allowed building sizes, etc. A number of other cities are already in the forefront of this effort. Clearly, this is a significant issue that needs more work and study. We urge the Commission and Council to adopt a Policy Statement that the City intends to explore such an effort as part of the GP Implementation Plan and/or the new Housing Element.
- **Ghisletta and Horsemen’s Properties.** These properties have been within the City’s RUL for almost forty years with an underlying housing designation for that entire period. We support the creation of a thoughtful Master Plan / Specific Plan that considers all of these lands, primarily for housing. Such a planning process should include consideration of best practices from other areas around the country. It needs to include consideration for the known earthquake fault, slopes, flooding and wetlands, water supply, visual and greenbelt issues, and neighbors’ concerns. We also support inclusion of a separated Class I pedestrian and bike facility along Foster Road and possibly along Golden Gate Drive. It should be a “complete” neighborhood with trails, open space / park, and small neighborhood-serving retail.

The Horsemen’s Association property has, in our view, uniquely approved land usage in the County’s unincorporated area. At such time as the larger area including Ghisletta and others is considered for formal annexation into the City, those existing legal uses outlined in Napa County approvals should continue to be appropriately maintained within the City’s jurisdiction while the Horsemen continue to use the property. Such usage might create some “right-to-farm” challenges that should be addressed through the Master/Specific Plan process.

- **Big Ranch Road.** We agree with the Medium Density residential designation as proposed. Such a designation allows for detached and attached single family homes, which we need. We suggest, as well, that other vacant/underutilized parcels on the west side of Big Ranch Road from Trancas Street to the RUL on the north should have this same designation.

As our land within the RUL is precious and needs to be used wisely, we strongly disagree with proposed LUCD 24-3, which would lower densities near this area’s border. It is important to address “right to farm” concerns but we don’t believe that feathering does much to resolve an issue that can better be addressed through other, more effective tools.

- **Focus Areas / Major Corridors.** We like the idea of repurposing older shopping centers for higher density mixed uses and are supportive of the proposed land use designations on these corridors. We especially support making these corridors safe and accessible for pedestrian and bicycle users, and with far greater tree canopy and shade to reduce the “urban heat island” effect. We also support the NVTa plan for Imola Avenue and, especially, the Mixed Use-High designation for the River Park Shopping Center. Similar plans should be prioritized, as outlined in the City’s existing adopted Bicycle Plan.

As your Monday study session is appropriately focused on the big picture, some or all of us will have further comments on these areas as they are studied in greater detail at the Planning Commission. One area needing more study is that of Floor Area Ratios (FAR’s) in these Corridors. We think that the proposed FAR’s may be too low especially as we are trying to achieve densities that are economically viable.

- **Downtown and its Periphery:** We applaud the inclusion of **LUCD 22-2** as it has become clear that the Downtown Specific Plan (DTSP) needs to be updated. These are some of our specific concerns related to Downtown and to the update of the DTSP:
 - As the 2012 DTSP doesn't appear to adequately address or create conditions for housing development, we are curious how a reliable estimate can be made for the number of housing units that might develop Downtown as outlined on Table 2-2.
 - We agree that more discussion needs to be had about the number of Downtown hotels; please see more discussion about hotels in a following section.
- **Oxbow District:** We applaud the inclusion of **LUCD 22-1** regarding the need for a separate land use update for the Oxbow District that would follow the Urban Land Institute recommendations. And, critically, the Napa River needs to remain as its heart.
- **Hotel Estimates:** We are deeply concerned about the amount of land ascribed for potential new hotels and the estimate of possible new rooms. We recognize that not all will be approved or built. Yet, over the life of the General Plan, including those rooms currently in the pipeline, the number of rooms in 2040 could be **two and a half (2 ½) times** the number in existence in January 2021 (as shown in Dyett & Bhatia's report to GPAC). As there is a large difference between the January 2021 D&B tabulations and those in the Draft General Plan, we suggest that there needs to be greater clarity in these numbers:
 - Existing (February 2022).
 - Approved, not built.
 - Approved under construction.
 - Applied for but not approved.

Added to these concerns are the large number of below market housing units that would be needed to accommodate hotel employees. Hotels take up sites that are also prime multifamily sites. Building the hotels without housing further exacerbates the jobs/housing imbalance especially for affordable needs.

We strongly suggest that we have reached the point at which it is time for a community conversation about the number of new hotels that should be developed. Have we reached the proverbial Zero-Sum game where newly-approved hotels simply take business and employees away from existing hotels? How does that help the City or anyone other than those who own the newly-built hotels?

- **“Ritz” Site** at First Street and Silverado Trail: This is currently shown in the Draft Plan as “Hospitality Commercial”. The site was initially approved for hotel use in 2002 and subsequently in 2008. Although we have endured the Covid slowdown, there have been two strong economic cycles since these approvals were granted. It is pretty clear that the owners have no plans to move forward with a hotel. As such, we suggest that it have an alternate designation added, either “High Density Residential” or “Residential Mixed Use”.

We also believe that the “Ritz” site underscores the need to establish more stringent guidelines for issuance of extensions to project approvals. What may have been appropriate in 2002 or 2008 may not be appropriate today, or five years in the future. As our community develops and changes, the standards and requirements for previously approved, undeveloped projects may need to change as well.

- **“Public Serving” Lands:** Pg 2-12/13 in the Draft General Plan suggests that public serving properties, if converted, might be used for residential or residential mixed-use with densities in keeping with the surrounding areas as those are reflected in the Draft General Plan. We like this but we also see a missed opportunity. We suggest that these sites be given either an underlying “Medium Density” or “High Density” residential designation or a “Residential Mixed-Use” designation. With the Housing Element

update literally just around the corner, there is going to be a strong effort to find sites for housing that is affordable, especially sites with higher densities.

We are thinking especially of Harvest Middle School, the City Corporation Yard on Lincoln, the Caltrans Yard on Jefferson, and Justin Siena High School, among others. We are also surprised to see no discussion of the planned 700+ bed student housing project at Napa Valley College. Although outside the direct jurisdiction of the City, such a project would undoubtedly have ripple effects into several of our local neighborhoods.

- **Light Industrial Lands:** We need to ensure that there are sufficient lands with Light Industrial designations in various parts of the City to serve our current and future needs. One area of particular concern is the potential shift from Light Industrial to Hospitality Commercial in the Jordan Lane area. Let's not force existing important uses into being legally non-conforming.
- **Soscol Avenue, Auto Row, and City Entry:** What is the future of car dealerships? Are there only showrooms in our future? How do we make Auto Row more attractive as one of our entry points to Napa? How does the Draft Land Use Plan conform to the adopted "Soscol Corridor/Downtown Riverfront Development & Design Guidelines"? We see that these Guidelines finally show up in LUCD 18-1 but they need to be more prominently used and referenced. Is our new southern "entry" to Napa near Napa Pipe?

As we think that the world of auto sales may change dramatically over the life of the General Plan, if not much sooner, we suggest that the Auto Row "General Commercial" designation have an underlying "Mixed Use" designation such that we allow for future higher density housing along one of our primary entries to Napa.

- **Long Term Infrastructure Planning.** Although difficult to contemplate as we debate land use for the coming twenty years, we think that it is important to at least think about how we plan for infrastructure beyond that time horizon. When roads, water and sewer lines, power systems, etc, are planned, there needs to be some Commission and Council guidance to staff over the coming years. This issue is not something that necessarily needs to be addressed now but it is something that needs to be kept in our thinking.

GOALS AND POLICIES:

As we all review the "Goals and Policies" sections of the Draft GP, we need to fully acknowledge that language and choice of words is vitally important. There are huge differences between "promote" and "create" or between "should" and "ensure or will". We especially need to set stretch goals and policies, particularly related to Climate Change and Sustainability and to how we get around in our fair city. Prioritizing connectivity and safety for pedestrians and cyclists should be at the forefront of issues related to our infrastructure. These feed right into the Climate Change and Sustainability sections.

We broadly agree with the comments made by the individuals and organizations at the March 17th Planning Commission meeting, who called for greater specificity and language changes within the Goals and Policies sections of the Climate Change & Sustainability and Transportation elements. We believe that a General Plan can and must provide sufficiently specific language to ensure that City staff have appropriate direction to implement the Plan, and that residents, business owners, and other stakeholders can make informed decisions.

BIG PICTURE:

As you discuss and debate the fine points in the Land Use Plan, we urge you to also keep the big picture in mind and to discuss the basic tenets of the Plan. Who are we planning for? How do we make it possible for our own children and grandchildren to live here? How do we ensure a broad spectrum of housing types such that we maintain the richness of a broad and inclusive citizenry?

Finally, we fully expect that both the Commission and Council will want to study many of the finer details of the General Plan and Draft EIR in your coming sessions. We intend to continue to comment, whether collectively or individually, on many of these vital details.

Thank you for your consideration. We wish you well as you discuss and make the difficult decisions about the future of our community.

Respectfully submitted,

Danielle Barreca Patrick Band Michelle Dahme Chuck Shinnamon Howard Siegel

Danielle Barreca Patrick Band Michelle Dahme Chuck Shinnamon Howard Siegel

From: [REDACTED]
Sent: Sunday, March 27, 2022 2:20 PM
To: [REDACTED]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I'm taking the time, on a Sunday afternoon, to write you because I believe it is important to specifically address the impact of Picaso as you revise the upcoming General Plan. Picaso and other vacation Transient Occupancy models do not belong in our neighborhoods!

Please take the time to review the Ordinance changes our neighboring Cities have done as well as the Cease and Desist orders of South Lake Tahoe and Palm Springs that specifically ban Picaso and other corporations that have found ways to skirt our regulations and avoid 30T. These documents can be found on the <https://ip122.uakrlinks.protection.outlook.com/?url=https://www.southlaketahoe.com/Ceases-and-Desists-Orders-of-South-Lake-Tahoe-and-Palm-Springs-that-Specifically-Ban-Picaso-and-Other-Corporations-that-Have-Found-Ways-to-Skirt-our-Regulations-and-Avoid-30T>

website.

With dropping school enrollments and families getting priced out of their homes, the wealth divide in Napa is already extreme. Let's not make it worse by turning family housing by neighborhood schools into vacation homes. Visitors are welcome at any of our many hotels.

Thank you,

LC Arisman
Napa, CA

Sent from my iPhone

From: [REDACTED]
Sent: Sunday, March 27, 2022 3:03 PM
To: [Clerk](#)
Subject: Napa General plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

I would like additional detail in the General Plan addressing making our city streets and highways safe through traffic calming technology, additional signage, radar feedback devices, school zone traffic ingress and egress routes during drop off and pick-up. I believe this is both a safety and quality of life issue that requires increased police resources, increased street maintenance budgets and neighborhood focus groups in areas experiencing high incidents of speeding and potential safety issues, especially around schools. Please include the necessary detail in the General Plan to address street safety and traffic calming across the city and county.

Bill Mellberg

[REDACTED] Napa 94558

From: [Redacted]
Sent: Sunday, March 27, 2022 3:09 PM
To: [Redacted]
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Category: Unverified Contact

[You don't often get email from [Redacted]. Learn why this is important at <https://aka.ms/ImportanceRanking>]

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pecos as you revise the upcoming General Plan. Pecos and other vacation transient occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Case and Deist orders of South Lake Tahoe and Palm Springs to specifically ban Pecos and other corporations that have found ways to skirt our regulations and avoid TOD. These documents can be found on the <https://gcsfslinks.protection.outlook.com/?url=https://www.stopvacationnow.com/?f∓data=D47C32757C7C1e454249d9hpa.org?7C0071J8F4e048645M086A0334733b7C7223573aw4099464b4b47044857C07C073C3440w7C71W7F4024388eyWjgM4wUwM0AUC030v2UAMJCBT166434wWwC18VCM0N03D7C720008.mp;data=FWwUYCEZK0WHD0J4YjGh3v3WVW100bW4QE3L3D∓reserved=0> website.

Thank you,
Doug Armstrong

From: [REDACTED]
Sent: Sunday, March 27, 2022 3:21 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

John Wilkinson

From: [REDACTED]
Sent: Sunday, March 27, 2022 5:06 PM
To: [Bernie Narvaez](#); [Beth Painter](#); [Liz Alessio](#); [Mary Luros](#); [Scott Sedgley](#)
Cc: [Clerk](#); [Patricia Baring](#)
Subject: Draft General Plan Update Joint Meeting 82-2022
Attachments: Linda Vista Bridge 2022.docx

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

All,

Dear Mayor, City Council Members, Planning Commission members, and City Clerk,

Please find attached a document containing my supplemental written comments as I will not be able to attend the meeting.

I would like them entered into in the record.

Ms. Baring could your please forward the attachment to the planning commission members.

I thank you all for taking a few moments to read my comments be

Respectfully,
Mark Warrington

3/26/2022

Mark Warrington

[REDACTED]
Napa CA 94558

Subject: Linda Vista Bridge Over Napa Creek Project

Honorable Mayor and Members of the City Council and
Planning Commission.

I would like to request that the Linda Vista Bridge project be removed from the circulation element of our general plan.

Staff reports explained that the bridge would indeed improve Napa Fire Departments response time to the area of Lone Oak and Linda Vista. It also showed that without the bridge the response times were well within the City's 4 minute parameters for a Fire Department response from three different fire stations.

Now that AMR has the ability to station or move their ambulances their ambulances according to situational need they don't need the bridge to meet their response time parameter.

The impact of the additional traffic on Linda Vista will cause a huge safety issue. Many Browns Valley Area residents will use Linda Vista as a way to avoid the SR29 and First Street Roundabouts. There are four schools along Linda Vista that will be severely impacted, West Park, Pueblo Vista, St. Johns Lutheran, and the back entrance to Northwood.

Linda Vista north of Lone Oak and a lot of the area around the proposed project does not have sidewalks on both sides of the street or bike lanes. This causes people to have to walk in between parked cars and northbound traffic to get to West Park Elementary School as the east side of the street. The increase in traffic will make for a large increase in traffic on West Lincoln Ave. West Lincoln Ave from Solano to Lone Oak is curvy, narrow, and lacks sidewalks on the portion west of Chad Ct.

The City of Napa already has a terrible problem with traffic safety. According to California Department of Traffic Safety OTS

https://www.ots.ca.gov/media-and-research/crash-rankings-results/?wpv-wpcf-year=2019&wpv-wpcf-city_county=Napa&wpv_filter_submit=Submit

We are in a group of 105 cities with populations of 50,000-100,000.

In 2019 we had some of the worst rankings in the injury or fatal accident tracking

Our composite rating (overall rating) was **#10** with #1 being the worst and # 105 being the best.

This expansion would only increase the potential for all along Linda Vista as it's a surface street that you will in effect convert to a collector street based on the amount of traffic.

The 2014 traffic model said 2500 vehicle trips per day. I am sure now that number is larger with the additional housing that has been built in the last eight years. The reality is that

1500-1900 of those vehicles will travel that street in a 1.5 hour window in the morning and a 2 hour window in the afternoon / evening.

In a December 2014 City Council Meeting a tentative plan was approved. It was the least expensive but created a engineering problem with a off-set intersection and a dangerous head-on traffic situation

Because of all of the reasons above and likely more the project as proposed will likely fail the traffic safety element CEQA when it gets there.

This project would likely cost between 10 and 12 million dollars (or more) by the time it's completed. Its positive aspects, Fire Dept. response times are far overshadowed by all of the traffic safety issues it creates.

Lastly the monies spent on this bridge that accomplishes little could be used for more badly needed projects:

Such as affordable housing for people that work in our city or county, fixing our streets that rate poorly and were all projected to be completely repaved by 2023.

Because of what I have described above and other environmental reasons I ask that you remove this project from the circulation element of the general plan.

Respectfully,
Mark Warrington

From: [REDACTED]
Sent: Sunday, March 27, 2022 5:24 PM
To: Scott Sedgley; Liz Alessio; Mary Luros; Beth Painter; Bernie Narvaez
Cc: [Clerk](#)
Subject: COMMENT: Item 3A Draft General Plan Update

[EXTERNAL]

Dear Mayor Sedgley and Napa City Council Members,

First and foremost, I want to thank you, again, for setting climate action as one of your 2022 priorities.

As I shared with the Napa Planning Commissioners on March 17th, as the parent of a Napa teen and a community member who has been following the unfoldment of (particularly) the Climate Change + Sustainability Element and the Transportation Element of the Napa 2040 General Plan, I feel compelled to take a moment to share how disappointed I was to learn that the details and goals which had been recommended and specified by the GPAC in the Draft Element Framework (4/2021) had been watered down to suggestions in the Public Review Draft of the 2040 General Plan, removing all specific goals and clear, measurable outcomes.

As illustrated, once again, in last month's most recent IPCC report (<https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/>) and last week's collapse of what was thought to be a more stable ice shelf in East Antarctica (<https://www.pbs.org/newshour/science/east-antarctica-ice-shelf-the-size-of-new-york-city-collapses-accelerated-melt>), our current climate situation is dire. A 2040 General Plan that shares vague promises that can't be specifically measured would send a message to our youth that we, the adult leaders of their community, are out of touch with reality and what is needed to "meet the moment" and give them hope for a chance at a livable future.

As a worldwide destination that has the opportunity to serve as an example of what specific, measurable climate goals and outcomes look like, this is our moment to step up, on behalf of our children, and commit to the concrete steps we will take to help heal this crisis and inspire others to do the same. Our 2040 General Plan needs to be our roadmap to healing. Directions must be precise and measurable for the work to get done. I urge you to direct staff and consultants to go back to the Draft Element Framework (4/2021) and include the specific goals and outcomes.

Thank you for all you do to protect the safety and well-being of your community.

Sincerely,
Lori Stelling
(20+ year Napa Resident)

From: [REDACTED]
Sent: Sunday, March 27, 2022 6:25 PM
To: [Clerk](#)
Subject: Robinson Ln. proposed Bridge

Categories: Unverified Contact

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[EXTERNAL]

Please include with public comment of the proposed Robinson Ln Bridge

My background:

- Native of Napa
- 60 year resident of [REDACTED]
- Degree from Agricultural Engineering Dept. CAL POLY SLO
- 43 years as an engineer and manager for Christain Bros. and Domaine Chandon wineries
- Certified Erosion Control Specialist #768
- Consultant to numerous vineyards and wineries

My opposition to the proposed Bridge:

- The justification for the Bridge was based on a 1957 out of date view of west Napa traffic needs prior the Brown Valley area development having the existing cross streets like Pinewood Dr. and the various other cross streets.
- Introduces commercial vehicle as well increased domestic vehicle traffic to long established residential neighborhoods to potential dangerous levels of traffic.
- Robinson Ln/Browns Valley Rd. intersection as well of portions of Linda Vista will require traffic control systems and or roadway up grades. Traffic controls for Robinson Ln/Browns Valley intersection will increasing travel time for Browns Valley residents west of this intersection. The cost for these required upgrades will vastly add to the overall cost of the proposed Bridge.
- Bridge construction and long term operations will add sediments and pollution to Redwood Creek.
- Major justification for the proposed Bridge has been expressed by a member of the council for the need to increase fire protection/EMT services to the West Park Area. Reviewing travel distances from 4 Napa Fire Stations servicing the West Park Area is under 2 miles. The Browns Valley urban area west of West Park area is twice the size and has travel distances of nearly 3 miles in some locations.

My suggestions to address issues:

- To improve fire and EMT services for a large number of Napa residents a 6th fire station should be constructed in the western area of Browns Valley. This will have a much low cost to Napa tax prayers and improve services for a greater area of Napa.
- The bridge that should be built is one that will connect the frontage roads on the north and south sides of Napa Creek. This will allow for a continuous road parallel to Hwy 29 running from Yountville to Imola Ave. This would result in removing local and commercial traffic from Hwy 29 impacting a greater number of vehicles trips.

From: [REDACTED]
Sent: Sunday, March 27, 2022 6:28 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

From: [REDACTED]
Sent: Sunday, March 27, 2022 6:44 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

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Thank you Michele Barberi Hyde

From: [REDACTED]
Sent: Sunday, March 27, 2022 7:14 PM
To: [Clerk](#)
Subject: Linda Vista Extension

Categories: Unverified Contact

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[EXTERNAL]

To Whom it May Concern:

This note is in protest of the proposed extension of Linda Vista Avenue to Robinson Lane in Browns Valley as outlined in the Napa General Plan.

There is already a connection between Solano Avenue and First Street that is used by both pedestrians and cyclists, negating the need for another pedestrian/bicycle route.

The increase in traffic both on Linda Vista and on Robinson Lane will only decrease the safety of both neighborhoods. There are four elementary schools with access to Linda Vista Avenue: West Park, Pueblo Vista, Northwood, and St. John's Lutheran School. The local neighborhood children will be in increased danger from the increased traffic caused by such an extension. Linda Vista already has a speeding problem that is not controlled with deaths as recent as 6 years ago. Robinson Lane will surely develop a similar speeding problem if extended.

This extension has been promoted as necessary for fire responses but the Trower Fire Station is only 2 miles from the southernmost West Lincoln/Lone Oak neighborhood and the Browns Valley Fire Station is also within a reasonable distance from the Browns Valley/First Street areas. In addition to the four elementary schools on Linda Vista there are many areas without sidewalks, making it dangerous for the increased use of (speeding) emergency vehicles and nonemergency vehicles as well.

The cost of building the bridge must be weighed against the benefits. As above, emergency response time will not be increased by this extension, at least not to a degree that would justify the financial cost and added risk to child pedestrians in this area. A bridge in this area will require extensive engineering in order to meet flood and safety standards.

This idea has been in the general plan for decades without being implemented, demonstrating it is unnecessary, unwarranted, and unwanted. It is time to bring our general plan current and dismiss the misguided notion that an extension between these two neighborhoods is a sound idea.

Sincerely,

Mark C. Luce
Kathryn P. Luce
[REDACTED] Napa, CA

From: [REDACTED]
Sent: Sunday, March 27, 2022 7:36 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

From: [REDACTED]
Sent: Sunday, March 27, 2022 8:32 PM
To: [Clerk](#)
Subject: Linda Vista Ave Bridge Over Napa Creek

Categories: Unverified Contact

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

Re: Extension of Linda Vista Over Napa Creek - Napa General Plan

To whom it May Concern,

It is imperative that the extension of Linda Vista across the Napa Creek onto Robinson Lane not be implemented. An extension would completely destroy a quiet safe family neighborhood where children play outside and people are able to take walks with their dogs.

The quiet nature of this peaceful safe neighborhood is becoming increasingly rare in Napa. Adding the extension would bring in a dangerous amount of traffic and an increase of crime is sure to follow.

An increase in traffic and crime would also decrease safety to the children attending the school at the entrance to Robinson Ln as well as West Park Elementary and Pueblo Vista Elementary schools on the other side of the creek.

In addition to the safety and quiet nature of this neighborhood being destroyed, a drastic change such as this is sure to greatly decrease the property value of homes in this neighborhood.

In 2018, the extension was strongly opposed by the community and voted down. It's time to put this issue to rest for good.

Thank you for your time.

Sincerely,
Christina Rubio
[REDACTED]

From: [REDACTED]
Sent: Sunday, March 27, 2022 6:47 PM
To: [Liz Alessio](#); [Scott Sedgley](#); [Mary Luros](#); [Beth Painter](#); [Bernie Narvaez](#); [Tiffany Carranza](#); [Samantha Pascoe](#); [Michael Allen](#)
Subject: Linda Vista Bridge Project

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

March 27th, 2022
Mike and Jessica Leland

[REDACTED]
Napa CA, 94558

Dear Mayor Sedgley, City Council Members, Planning Commission Members and City Clerk,

We have been residents of Napa for the past three years and have fallen in love with the community and city. We recently purchased our first home in a neighborhood we love and treasure.

We respectfully ask that you make the decision to cancel the Linda Vista Bridge plan for the safety of our neighborhood, to protect the wildlife in our community, and to allow the funds to be redirected into a project that would better serve the city of Napa.

Allowing this project to continue would create more disruption than good. The argument for faster response times from first responders is easily outweighed by the 2,500 opportunities for accidents that will pass through our beloved neighborhood daily if this project passes.

We ask you to protect the children in our neighborhood and preserve our established community by removing this plan from consideration.

Thank you,
Mike and Jessica Leland

From: [REDACTED]
Sent: Sunday, March 27, 2022 9:00 PM
To: [Clerk](#)
Subject: Napa Creek Connector Bridge/ Linda Vista to Robinson

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

To Whom it may concern,

I'm a resident of [REDACTED] Street and I strongly oppose the construction of the bridge across Napa Creek that will connect Robinson Lane to Linda Vista Ave.

This will have a extremely negative impact on our quiet neighborhood that is not designed to support the increased volume of traffic. I understand that many improvements can be made to support this but at the end of the day it will change and destroy one of Napa's rare peaceful havens resulting in unsafe conditions for the area residents, increased theft and other crimes, & decreased property value.

I urge the City to take this bridge off the general plan permanently. There is already sufficient existing paths to cross from Browns Valley to the Linda Vista area and the new roundabout project seems to have helped ease congestion significantly.

Thank you for listening to my point of view. It is greatly appreciated.

Warm regards,
Dustin Rubio
[REDACTED]

From: [REDACTED]
Sent: Sunday, March 27, 2022 10:24 PM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you,
Summer Heartt

[REDACTED]
Napa, CA

From: [REDACTED]
Sent: Monday, March 28, 2022 12:16 AM
To: [Clerk](#)
Subject: Napa Does Not Care.

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

I will no longer call the police got ANYTHING. Because the city government and the Napa Police Dept. do not care about speeding, fireworks, or anything else that concerns their citizens. I've called the police for 3 years or more regarding reckless driving and illegal fireworks and they do absolutely nothing they do not even patrol my neighborhood, California at Pueblo. There have been two major accidents in the last 2 months directly in front of my home. That both could have hit my home. The police don't care. I'm tired of wasting my breath and energy on a city government and police department that does not give a [REDACTED]. I also will no longer vote. Just a waste of time.

Sandra Graves

Sent from my Verizon, Samsung Galaxy smartphone

From: [REDACTED]
Sent: Monday, March 28, 2022 6:54 AM
To: [Clerk](#)
Subject: comments re need to have a stronger General Plan that will be delivered at tonight's meeting 3/28/22

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Board of Supervisors/Planning Commissioners,

This is what I will be saying at tonight's meeting and I'd like my comments entered into the record.

I'm speaking as a member of Napa Climate NOW! We want to encourage you to use "strong language" in the general plan. By that I mean language that provides solid direction, language that sets targets and timelines, language that is clear and precise. Language like "seek to" and "study" and "promote" will not get the job done when it comes to taking action on climate change.

Here are some examples of clear language from the General Plans of near-by jurisdictions:

From the Santa Rosa 2035 General Plan: **Establish** a city renewable energy program which will allow the city to generate or receive a significant portion of energy from renewable sources.

From the Santa Cruz 2030 General Plan: **Ensure** that new development pays its proportional share of the costs of expanded infrastructure needed to serve new development.

From the San Rafael 2040 General Plan: **Protect, maintain, and expand** San Rafael's tree canopy.

From the East Palo Alto 2035 General Plan: **Prioritize** transportation system improvements that encourage walking, biking and transit use.

The guiding principles of the Plan provide a clear vision of what we want for our city. Let's make sure the goals and policies are just as clear and powerful.

Thank you,
Christine McClure

From: [REDACTED]
Sent: Monday, March 28, 2022 7:11 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

City and County Officials are always talking about needed housing. Do something about it instead of just talking about it. TIME FOR ACTION NOW NOT 2040!!! Napa county is already full of second homes. Downtown Napa condos are not for those seeking housing, but second homes for the rich. New housing developments should NOT BE MAC MANSIONS, but modest homes for those needing housing. And then there is Pacaso. What a joke, a waste of resources supposedly important to the talked about need for housing. Stop Pacaso Now. For crying out loud, 2040 will be too late.

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you.
Anni and Ron Donahue
Napa CA

From: [REDACTED]
Sent: Monday, March 28, 2022 7:31 AM
To: [Clerk](#)
Subject: Pacaso

Categories: Unverified Contact

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

Hi,

Please pass on to the City Council:

Say NO too Pacaso!

Thank you,

Steve Hare
Napa, CA

From: [REDACTED]
Sent: Monday, March 28, 2022 9:11 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

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Thank you Kerry Aman

From: [REDACTED]
Sent: Monday, March 28, 2022 9:22 AM
To: [Scott Sedgley](#); [Mary Luros](#); [Beth Painter](#); [Liz Alessio](#); [Bernie Narvaez](#); [Beverly Shotwell](#); gh@gordonhuether.com; paul@paulkelleyarchitecture.com; [REDACTED]
Cc: [Steve Potter](#); [Vincent Smith](#); [Michael Walker](#); [Tiffany Carranza](#)
Subject: Letter from Napa Schools for Climate Action

[EXTERNAL]

Dear City Councilmembers and Planning Commissioners,

Good morning! As you already may know, Emily and I are the Co-Presidents of the local youth-led group, Napa Schools for Climate Action. Our goal is to decrease our county's emissions to net zero by or before 2030. It has come to our attention that today, there will be a joint City Council & Planning Commission meeting where the topic of discussion will be the General Plan. Unfortunately, neither Emily nor I will be able to attend the meeting to make a public comment, which is why we wanted to at least send this short letter to thank you for your dedication and remind you of several of our asks.

In January, we presented to the Napa City Council and emphasized these asks:

1. We ask that you declare a climate emergency and commit to achieving net-zero climate pollution by or before 2030.
2. We ask that you always keep climate change in mind when making planning decisions and make sure new development cuts carbon pollution rather than increases it.
3. We ask that you consider banning new gas stations.
4. We ask that you manage forests to protect and enhance sequestration.

We know that it is challenging to implement these principles and actions, but we know that they are necessary and should be part of the general plan.

We have also recently stumbled upon the article about the newly proposed gas station/carwash/store that is to be located on Soscol Avenue. It was discouraging to find out that Napa might become home to another gas station, but we have faith that you will consider the impact it will have on our community and make the right decision to protect our future.

Thank you so much for all of your hard work, and we look forward to the action we will see Napa take in the near future!

Sincerely,

Alisa Karesh & Emily Bit

Class of 2022

[Napa Schools for Climate Action](#) Co-Presidents

"No school should be a silent witness to climate injustice."

From: [REDACTED]
Sent: Monday, March 28, 2022 9:35 AM
To: [Clerk](#)
Subject: Linda Vista Bridge
Attachments: Bridge 3-28-2022.pdf

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Member of the City Council or Planning Commission:

Thank you for your diligent work on behalf of the citizens of Napa in improving our city's infrastructure and planning for future needs. We appreciate being given the opportunity to provide input on the City of Napa's General Plan. We commend the professionalism and effort of the City of Napa's Planning Commission, the Public Works Department and the Napa City Council for realizing many elements of the plan and communicating effectively with the interested public.

We write today to urge you to remove the Linda Vista Bridge circulation element from the General Plan.

On several occasions in the last decade, proposals to study the feasibility and initiate construction of the bridge have been considered by the Planning Commission and City Council. Each of these proposals has been rejected, after widespread objection by citizens and insufficient favorable votes by council members. The Linda Vista Bridge is an unnecessary and outdated circulation element.

Building a bridge over Napa Creek in this area would be expensive and destructive to the ecology of the creek. It would adversely affect the quiet neighborhoods on both sides of Napa Creek. When this circulation element was proposed more than fifty years ago, the needs of Napa were different. There were fewer houses in the neighborhoods on both sides of the creek. The building of a bridge to connect north and south Napa and the conversion of Linda Vista Avenue into a collector street was more necessary and feasible and much less expensive than it would be today. Since that time, there has been significant growth of individual family homes in these neighborhoods. Families have moved into these neighborhoods because they desired the peace and safety made possible by limited traffic. Building the bridge would take land from property owners, remove trees, damage the ecology of the creek, and surround several property parcels with collector streets on three sides.

It is interesting that the Napa Register ran a front page article on March 25, 2022, about improving traffic safety in Napa. Funneling a higher volume of traffic through the narrow passage of West Park Elementary School is less than one block north of proposed street extension. Children walking to West Park Elementary from Lone Oak Avenue, West Lincoln Avenue, and the courts along these avenues would have to cross Linda Vista right at the northern point of the proposed extension. Funneling a higher volume of traffic through the narrow passages of Robinson Lane, Lone Oak Avenue and West Lincoln would not improve traffic safety, but add a high risk to the public, particularly children.

All the traffic studies do not delve into the driver's state of mind. Being late for an appointment, or forgetting something for dinner are just two the many reasons that can distract a driver's eyes and mind. We are all guilty of this at one time or another. Add children going to school, playing after-school sports or simply playing, and we are asking for trouble.

As voting taxpayers, we urge the council and commission to stop wasting time and money on a dridge that the people do not want or support.

For all of these reasons, we urge you to remove the circulation element of the Linda Vista Bridge over Napa Creek from the General Plan.

Thank you for your consideration

Darrell and Shennan Hutton

From: [REDACTED]
Sent: Monday, March 28, 2022 10:06 AM
To: [Clerk](#)
Subject: Make Napa Special

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Councilmembers and Napa City Planning Commissioners,

I'm writing to request that you prioritize the needs of local residents by insisting that the Napa 2040 General Plan includes a commitment to developing a traffic calming strategy to reduce the impact of traffic on our residential streets.

Your support is essential to help us reign in the dangers of unsafe and reckless driving in Napa. Traffic calming measures can make our streets safer, promote more walking and biking, and embrace the unique appeal that makes Napa such a special place to live. We want to ensure that the City of Napa lives up to its promise to be not just a world-class destination for tourists, but an equally safe, supportive, and vibrant place to start a business, raise a family, and grow old with our loved ones.

Napa could be a model for cities all around who want to be special for things other than wining and dining, i.e., for a safe and welcoming place to live. This is what we citizens want for our town. I think Napa is still small enough that with enough effort this could be a realization.

With appreciation,

Brenda Perry

From: [REDACTED]
Sent: Monday, March 28, 2022 10:09 AM
To: [Clerk](#)
Subject: supplementary comments for Joint Meeting tonight
Attachments: NCN statement to city council 3-28-22.docx

Categories: Unverified Contact

[EXTERNAL]

I will be making the attached statement. Thank you.

Grania Lindberg

[REDACTED]

[REDACTED]

Grania Lindberg

[REDACTED]

I worked with Napa Valley CanDo on the plastic bag ordinance back in 2014. The bag ban was effective in reducing plastic waste. Napa Recycling and Waste Services reported an immediate 50% decrease in the amount of plastic bag contamination in their recycling stream due to the bag ban.

The General Plan should build on this and reduce plastic waste in our community by including a policy to adopt a Disposable Foodware Ordinance. The use of plastic and Styrofoam foodware greatly increased during COVID as many of us moved from dine-in to take-out for restaurant meals. Fortunately, there are compostable options and reusable alternatives that would greatly reduce the waste load for our City and would also reduce our contribution to the GHG emissions created by plastics.

We ask you to include a policy requiring adoption of a Disposable Foodware Ordinance in the General Plan.
Thank you.

From: [REDACTED]
Sent: Monday, March 28, 2022 10:18 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. I live on Bella Drive in Napa and had the unfortunate experience of having an unregulated AirBnB directly next door before Napa City Council modified its code to include the necessary oversight of such businesses within our neighborhoods.

Now Pacaso has come forward as another effort to replace the neighborhoods that are Napa's backbone. These vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring cities have passed as well as the Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt local regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

Nancy Schulz

[REDACTED]
Napa, CA 94558

From: [REDACTED]
Sent: Monday, March 28, 2022 10:18 AM
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED]. [Learn why this is important](#)

[EXTERNAL]

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Thank you Thomas Lichtenstein
[REDACTED] Napa CA

From: [REDACTED]
Sent: Monday, March 28, 2022 11:27 AM
To: [Clerk](#)
Subject: Linda Vista Bridge/general plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

To whom it may concern;

I live at [REDACTED] and on a daily basis witness speeding between the stop sign at Lone Oak and Westpark (where there happens to be an elementary school.) The area is already quite congested with traffic and frequent violations of speed. This is one of many reasons to discourage the city from moving forward in the general plan with this particular project. Our infrastructure on Linda Vista, Lone Oak and particularly Lincoln will not support the increase in traffic in this area. On this side of the bridge, we are accustomed to increased traffic flow at certain times of day, however, increasing it throughout the day beyond school times will drastically impact our quality of life. While these "problems" may not be of concern to anyone but those of us who live here, the points outlined below are powerful reasons to not continue with this line of thinking for the general plan. I feel that we will be solving one problem by creating another much more dangerous and costly one. Not to mention the environmental impact on Napa Creek and perhaps the new opportunity for vagrant activity under this bridge.

I believe the last time this came up several years ago the emergency access issue was put to rest and do we really need high speed emergency vehicles rushing through these narrow neighborhood roads when other options might be safer? As far as the Browns Valley neighborhood needing another access to get across town, I feel that other options, such as using Solano Avenue should be explored. Let's get a little more creative.

Below are listed some of the financial and environmental aspects that need to be considered. I realize that there is a lot of pressure from the Browns Valley voters on this.

Please consider that there are others who may not be as wealthy donors to your campaigns that are being affected, or even informed of this project. We have low income housing with lots of little kids on this stretch of Linda Vista. There are also sporting events and family activities at Westpark. Let's find another solution to the Browns Valley "flow" problem, please.

Pamela Hightower

Homeowner/concerned citizen/tax payer/voter

The plan to extend Linda Vista to Robinson Lane across the Redwood Creek has been in the General Plan for 20 years and even earlier - it has never been implemented. I would argue this extension will never be executed and should not be in the new General Plan. Why this extension will not be implemented? • There

is strong neighborhood opposition to this extension. Neighbors on both sides of Redwood Creek oppose this new road and will make their opposition known to elected officials.

- The cost of building a bridge across an ecologically sensitive wildlife corridor will be immense due to:
 - o Environmental review
 - o Bridges cost much more than roads
 - o The plan calls for a Class I bike trail as part of the extension, which just adds to the expense.
 - o Special engineering will be required at the Linda Vista end to keep the bridge supports from impeding access to a major water main buried deep at the juncture of the new road with Linda Vista. This water main ruptured within the last two years and required a major excavation of a hole as deep as two SUV's.
 - o The cost/benefit of this extension will never rise to the level that it will cost

Basically, this extension will be a dead item in the new General Plan. Why this extension should not be implemented:

- The result of the extension would channel even more traffic onto the already busy Linda Vista/Lone Oak/West Lincoln junction. There are already 4500 cars per day on Linda Vista and an extension would increase this by 1000 cars. This neighborhood is a residential area with schools, not a commercial area. The streets are not designed for this traffic load. The intersection where Lone Oak and West Lincoln meet is a blind curve with no shoulders or sidewalks - a very dangerous place for pedestrians or bicyclists. The City should be adding bike lanes and sidewalks to Linda Vista and West Lincoln rather than dumping more traffic in this area.
- The neighborhood on the Robinson Lane side of the creek is truly a quiet residential area with no through streets. This neighborhood will be destroyed by this extension. Currently 500 cars travel this neighborhood daily, and the extension will add an additional 2500 cars in this small community.
- The extension over the creek will not make it safer for pedestrians, bicyclists, children or animals. The City has said that the roads are 20 feet narrower than they would like for this type of project and there would only be a sidewalk on one side.

From: [REDACTED]
Sent: Monday, March 28, 2022 12:24 PM
To: [Clerk](#)
Subject: Napa City Council / Planning Commission Joint Meeting

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Re: Agenda Item 3A-Draft General Plan Update. Please send to Council Members and Planning Commission:

In the area bordered by Soscol/Imola/Shurtleff, and the streets within that including near Phillips School, neighbors have been subjected to difficult to identify cars racing around the area every night for many months, with loud exhausts and screeching tires. They can be heard from a long distance. We need traffic patrol and ticketing in this area. Cars have had to avoid speeders doing donuts, animals have been killed, and in short driving the area, especially in the evenings, is dangerous. The General Plan needs to include returning Napa neighborhoods to safety—traffic calming measures, more stop signs **and most importantly Napa police traffic personnel that are present**. For instance, Shurtleff has only one stop sign between Imola and Terrace, a long distance that is supposed to be 25 mph but has high traffic and is used as a speedway. Please don't continue to allow this to be the norm in this neighborhood and others in the City of Napa.

Thank you,
Jeannine Graffin

[REDACTED]
Napa

From: [REDACTED]
Sent: Monday, March 28, 2022 12:41 PM
To: [General Plan Update](#); [Michael Walker](#); [Clerk](#); [Scott Sedgley](#)
Subject: Linda Vista Bridge Plan

Categories: Unverified Contact

[EXTERNAL]

Dear Mayor Sedgley, City Council Members, Planning Commission Members and City Clerk:

We have been residents of Napa for 30 years, and we love it.

We love our community.

We trust our city leadership to make wise decisions on our behalf.

We respectfully request that this 50-year old Linda Vista Bridge Proposal finally be laid to rest and removed from the City's General Plan.

We ask for your help to Preserve and Protect:

Our beautiful serene Creekside neighborhood, with beautiful old trees

Our community's safety from excessive traffic

2,500 additional cars per day puts all residents at risk, but especially our children at play and our seniors out for a walk.

4 schools: West Park Elementary School, Pueblo Vista Elementary School, Montessori

School and St. John's Lutheran School are all in harm's way from fast moving traffic.

Our Creekside Wildlife

Steelhead trout, owls, bobcats, raccoons, squirrels, wood ducks and many types of birds.

Our Property Values

Napa from Financial Waste

4 years ago, a further \$623,000 dollars was budgeted for design and environmental

Review.....What would it cost Now?

4 years ago, the bridge was expected to cost \$5 million dollars....What would it cost Now?

Fire and Emergency Access is at an acceptable response time without the bridge

Thank you for your commitment and hard work to Preserve and Protect our very special Community.

Cheryl and Barry Marcillac

[REDACTED]
Napa, California 94558

From: [REDACTED]
Sent: Monday, March 28, 2022 12:44 PM
To: [General Plan Update](#); [Michael Walker](#); [Clerk](#); [Scott Sedgley](#)
Subject: Linda Vista Bridge Extension - Get it out of the General Plan

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Christopher F. Burton

[REDACTED]
Napa, CA 94558
[REDACTED]

Napa City Council
c/o Napa City Clerk Tiffany Carranza
P.O. Box 660
Napa, CA 94559
March 27, 2022

Subject:Comments for the General Plan

Napa City Council,

The plan to extend Linda Vista to Robinson Lane across the Redwood Creek should not be part of the General Plan for the following reasons:

- There is strong neighborhood opposition to this extension. Neighbors on both sides of Redwood Creek oppose this new road and will make their opposition known to elected officials.
- The cost of building a bridge across an ecologically sensitive wildlife corridor will be immense.
- Environmental Review.
- Bridges cost much more than roads.
- The plan calls for a Class 1 bike trail as part of the extension, which just adds to the expense.
- Special engineering will be required at the Linda Vista end to keep the bridge supports from impeding access to a deep major water main at the juncture of the new road with Linda Vista. This water main ruptured within the last two years and required a major excavation of a hole the size of two SUV's.
- The cost/benefit of this extension will never rise to the level that it will cost.
- The result of the extension would channel even more traffic onto the already busy Linda Vista/Lone Oak/West Lincoln junction. There are already 4500 cars per day on Linda Vista and an extension would increase this by 1000 cars. This neighborhood is a residential area with schools, not a commercial area. The streets are not designed for this traffic load. The intersection where Lone Oak and West Lincoln meet is a blind curve with no shoulders or sidewalks – a very dangerous place for pedestrians or bicyclists. The City should be adding bike lanes and sidewalks to Linda Vista and West Lincoln rather than dumping more traffic in this area.
- The neighborhood on the Robinson side of the creek is a truly quiet residential area with no through streets. This neighborhood will be destroyed by this extension.
- For bicycles, there is already a Brown's Valley Road connection across the creek behind the Crosswalk Church. This Class 1 path empties onto Coffield Avenue. This path is not repaired, maintained or signed. Rather than building new facilities, the City should maintain existing infrastructure and let people know it exists.

Thank you for your consideration of my comments.

Sincerely yours,

Christopher F. Burton
MAJOR, US Army (Retired)

From: [REDACTED]
Sent: Monday, March 28, 2022 12:49 PM
To: [General Plan Update](#); [Michael Walker](#); [Clerk](#); [Scott Sedgley](#)
Subject: Linda Vista Bridge Extension

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Nancy and Chuck Brown

[REDACTED]
Napa, CA 94558
[REDACTED]

Napa City Council
c/o Napa City Clerk Tiffany Carranza
P.O. Box 660
Napa, CA 94559
March 27, 2022

Subject:Comments for the General Plan

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Thank you for your consideration of my comments.

Sincerely yours,

Nancy and Chuck Brown

From: [REDACTED]
Sent: Monday, March 28, 2022 1:08 PM
To: [General Plan Update](#); [Michael Walker](#); [Clerk](#); [Scott Sedgley](#)
Subject: Linda Vista Bridge Extension

Categories: Unverified Contact

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[EXTERNAL]

Jim Lanterman
[REDACTED]
Napa, CA 94558

To Interested Parties,

I am a citizen of Napa in a neighborhood most affected by the proposed Linda Vista Bridge. I have lived in my house since 1962. I taught for the school district and was a wrestling coach for 42 years. I would like to humbly ask that the plans for this bridge be removed from the General Plan for a number of important reasons.

Not only would the construction of this bridge do irreparable harm to the neighborhood I love, bringing thousands of cars through streets where children play and causing traffic delays at each intersection, it would also harm the environmental beauty and habitat of the creek itself. I often see blue heron and snowy egret fishing in our creek, not to mention the many animals that call this waterway home.

On top of this tragic environmental outcome, I know what the cost of building an unnecessary bridge would do to finances of the city as a whole. The cost of installation is simply out of line with City budget and city priorities.

I totally understand the need for more emergency access, and this is even more apparent as we face more and more wildfires. So I will want to know that our entire Browns Valley area has safe and reliable ingress and egress. But this bridge is not the solution.

At the City Council meeting regarding this bridge I know it was resolved that the approval of the project was stopped until a circulation study could be conducted after both roundabouts were constructed. That study will take some time and considerable funds. And the second roundabout has not even begun construction.

Due to these concerns over budget disasters, neighborhood sanctity, environmental damage, and the lack of a revised circulation study I would plead that this item of the Linda Vista Bridge be removed from the General Plan.

Thank you very much for your consideration.

Gratefully,

Jim Lanterman

From: molly_missmadams.com
To: ssedqley@cityofnapa.com; [Liz Alessio](#); [Beth Painter](#); [Mary Luros](#); [Bernie Narvaez](#)
Cc: [Tiffany Carranza](#)
Subject: Comments for Napa General Plan Meeting 3-28-2022
Date: Saturday, March 26, 2022 5:57:29 PM
Attachments: [NapaGeneralPlan.docx](#)
Importance: High

Some people who received this message don't often get email from [REDACTED].
[Learn why this is important](#)

[EXTERNAL]

Hello Mr. Mayor and Council Members,

Please find the attached letter for your consideration. I would like my comments entered into the public record for the Napa General Plan meeting scheduled for Monday 3-28-2022.

Thank you very much for your time.

Molly Adams

[REDACTED]
[REDACTED]
[REDACTED]

Molly Adams

Napa City Council
c/o Napa City Clerk Tiffany Carranza
P.O. Box 660
Napa, CA 94559

March 26, 2022

Re: Comments for the Napa General Plan

Napa City Council,

The plan to extend Linda Vista to Robinson Lane across the Redwood Creek should not be a part of the General Plan for the following reasons:

1. There is strong neighborhood opposition to this extension. Neighbors on both sides of Redwood Creek oppose this new road and will make their opposition known to elected officials.
2. The cost of building a bridge across an ecologically sensitive wildlife corridor will be immense.
3. The cost of purchasing the property needed from 8 houses on the Robinson Lane side alone will be more than an additional million dollars at current market rates. The laws of eminent domain in California ensure that the residents will be paid for the property seized.
4. Special engineering will be required at the Linda Vista end to keep the bridge supports from impeding access to a deep major water main at the juncture of the new road with Linda Vista. This water main ruptured within the last two years and required a major excavation of a hole the size of two SUV's.
5. The result of the extension would channel even more traffic onto the already busy Linda Vista/Lone Oak/West Lincoln junction. There are already 4500 cars per day on Linda Vista and an extension would increase this by 1000 cars. This neighborhood is a residential area with schools, not a commercial area. The streets are not designed for this traffic load. The intersection where Lone Oak and West Lincoln meet is a blind curve with no shoulders or sidewalks - a very dangerous place for pedestrians or bicyclists. The City should be adding bike lanes and sidewalks to Linda Vista and West Lincoln rather than dumping more traffic in this area.
6. If this is truly for emergency services response times, then an emergency services bridge and walking/biking path should be built, not a thru road.

The benefit of this extension will never rise to the level that it will cost. Please take this off the Napa General Plan. Napa is a small town and should support sidewalks and bike paths, not traffic roaring through quiet neighborhoods with no sidewalks.

Sincerely,
Molly Adams - Resident

From: [REDACTED]
To: [Clerk](#)
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan
Date: Saturday, March 26, 2022 2:08:01 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods!

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Thank you

Mark Schlesinger

CITY OF NAPA
CITY CLERK

March 28, 2022

MAR 28 PM 2:00

Tom & Jeanne Andrews
[REDACTED]

Via; Hand Delivery

Napa, CA 94558

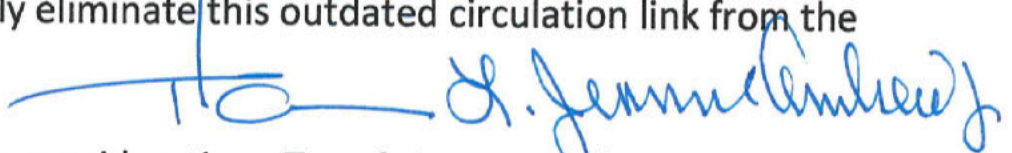
Dear Mayor Sedgley & Council Members:

We are the Owners of the APN 042-210-012; this is a Historic parcel you are considering taking a portion of to construct the Linda Vista Bridge. We own to the center of Redwood Creek, and we have removed Non-Native Vines and Trees and Re-Planted Native Trees, and Shrubs; we have done all of this using Best Management Practices so as not to disrupt the natural environment.

Even though this extension and connection has been shown in the General Plan for many years; it has never been completed due to the extreme difficulty because of the location. The abutments on each end would entail difficult, and very expensive, construction means and methods.

We would also like to point out that the existing topography of the creek and the circuitous flow line of the creek forces the proposed bridge length to be one-third the length of the Napa River Bridge at Third Street.

Please permanently eliminate this outdated circulation link from the General Plan.



Thank you for your consideration. Tom & Jeanne Andrews

CITY OF NAPA
CITY CLERK

2022 MAR 28 PM 12:11

March 28, 2022

City of Napa
Mayor Scott Sedgley and City Council Members
City Hall
955 School Street
Napa, CA 94559

Dear Mayor Sedgley & City Council Members:

I am writing to express my deep concern regarding the **Linda Vista Extension Bridge over Redwood Creek Project**.

I am strongly opposed to the bridge, and these are the reasons why:

- 1.) It will greatly disturb the peace and tranquility of the wonderful old neighborhoods in the area
- 2.) It will take property away from at least three families
- 3.) It will remove between 50 & 70 trees in the process, which provide cover and food for many species of wildlife, along with contributing to climate change
- 4.) It will disturb the Redwood Creek which is enjoyed by all the residents of the neighborhood
- 5.) It will significantly increase traffic on both sides of the creek
- 6.) It will have a great impact on the schools on Linda Vista Avenue due to increased traffic

Please reconsider this project and remove it from the General Plan. The funds that would be expended on this project would be put to much better use to fix the sidewalks from root damage, put in new sidewalks and improve all of Napa in so many ways.

Thank you for your consideration.



L. Jeanne Andrews

[Redacted contact information]

From: [REDACTED]
Sent: Monday, March 28, 2022 2:55 PM
To: [Clerk](#)
Subject: Fwd: Public Comment for Joint meeting, March 28, 5:30pm

Categories: Unverified Contact

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

----- Forwarded message -----

From: Lance H. [REDACTED]
Date: Sun, Mar 27, 2022, 1:16 PM
Subject: Public Comment for Joint meeting, March 28, 5:30pm
To: <clerk@cityofnapa.com>

Dear Clerk,
Would you please read my comments into the public record for item 3A at the March 28 at the 5:30 pm Joint Meeting of Napa City Council and Planning Commission at the City Hall Council Chambers, 955 School St., Napa.
Thank You, Lance Houser
[REDACTED] Napa, Ca.

Linda Vista Road Bridge Construction
Dear Council and Committee Members,
I support the construction of a bridge connecting Linda Vista on the northside of Redwood Creek with Linda Vista on the south side of Redwood Creek.

Please know that:

1. There is no north-south lateral access from Hwy 29 to Larkin/Pinewood or Westview. The bridge would decrease traffic on Westview and Pinewood, and shorten driving time/distance from southwest to northwest neighborhoods reducing vehicle pollution and gasoline usage.
2. The bridge would decrease emergency response time from Station 5 (Laurel and BV Rd) and AMR to the Lone Oak/W. Lincoln/W. Pueblo residential area and schools from BV Road/S.W. Napa

3. The Bridge would provide another emergency evacuation route in the event of a disaster.
3. The bridge would provide pedestrians and bicyclists additional recreational opportunities.
4. The bridge would promote educational equity by making West Park and Pueblo Vista and Redwood Middle schools more accessible to southwest neighborhood (Westwood) children
5. Napa City has already set an example of using common sense when promoting traffic circulation improvements by punching Wine County Ave through a previously isolated neighborhood. Other connector streets constructed against neighbor opposition are Westview to Redwood Rd, Pinewood to W. Pueblo and Oxford to Trower. It is time for the Council to provide leadership in construction of the Linda Vista bridge so ALL city residents may enjoy improved traffic circulation.

Sincerely submitted, Lance Houser

From: [REDACTED]
Sent: Monday, March 28, 2022 4:09 PM
To: [Clerk](#)
Subject: Comment on 3/28/2022 Agenda item 3A-Draft General Plan Update

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

City Clerk,

Please send these comments to members of the City Council and the Planning Commission.

Comments on 3/28/2022 Agenda item 3A-Draft General Plan Update:

Include more specific actions, with timelines, in the General Plan with the goal of net zero climate pollution by 2030.

Some Specific Actions that should be taken:

- 1) Create a staff position to focus on climate change and sustainability issues.
- 2) Complete a Climate Action Plan with the county and other cities.
- 3) Require developers to electrify all future buildings and provide incentives to retrofit existing buildings.
- 4) Promote the use of Solar Power on future and existing buildings.
- 5) Increase EV charging stations in Napa.
- 6) Ban additional fossil fuel gas stations.
- 7) Make streets safer for bicycles and pedestrians.
- 8) Adopt a Reusable Foodware and Waste Reduction Ordinance.
- 9) Halt deforestation of trees to maintain their carbon sequestration.

Linda Dietiker-Yolo

March 26, 2022
Joseph and Rosemarie Keebler



Napa City Council and Planning Commission
1600 First Street
Napa, CA 94559-0660

Attn: Michael Walker, Senior Planner and Vincent Smith, CD Director

Re: 2040 GP Draft LUP VLDR and GB Designations:

Keebler Trust APN 50-170-49, 67.4 acres, Leaning Oak Dr. (Keebler Parcel)

Meher, LLC APNs 50-170-30-31, Timberhill Lane & 11,26-29, T. Park (Meher Parcels)

Attached Copies: Keeblers' March 15, February 19 & 14, 2022 and April 9 & February 18, 2021 Letters with only Exhibits attached only for the March 15 Letter.

Keeblers request for their entire 67.4Ac Keebler Parcel:

1. Please note our March 15, 2022 letter summary:

A. City's approved GP LUP designation VLDR for our entire 67.4 Ac parcel throughout 2020, which City revised to Greenbelt (GB) 2021, followed by Keeblers' suggested compromise alternative to retain VLDR limited to 8DUs in the 19.5 Ac PC Plan area and GB with 3 DUs in the 47.5 Ac SCOE area.

B. Paragraph 3.B, questioned whether Designation Greenbelt (GB) should be deleted and consolidated into Designation Very-Low Density (VLDS) on the Figure 2.3 Land Use Diagram

C. Keeblers requested deletion and consolidation of GB into VLDR in both the Land Use Diagram and Standards for Density and Development Intensity, Table 2-1, and extensive text in GP2040.

D. Table 2-1 Residential Density column for VLDR could be revised with two lines to provide a broader zoning range after GP2040 is adopted: 1 unit per 20 acres up to 1 unit per 1 acre;
up to 2.0 units per 1 acre

2. If City decides to retain the LUP Designation Green Belt:

A. Land Use Diagram, Figure 2-3, should be revised to depict the 19.5 acres of our 67.4 acres Keebler Parcel located outside the Fumasi SCOE, which Keeblers have agreed to restrict to 8 DUs, less than 2 per acre, in VLDR colored yellow, and to depict the remaining 47.9 acres, which the Fumasi SCOE restricts to only 3DUs, in GB colored green.

B. Table 2-1, Standards For Density and Development Intensity, the Land Use Designation in the Residential Density column line for Greenbelt (GB) should be revised to: "1 unit per 20 acres up to 1 unit per 5 acres, which would allow our requested zoning range for 5-10 acres and 10-20 acres parcels.

C. The Land Use Framework, pages 2-8 to 2-18, should be revised to delete all of conflicting statements described in paragraph 3.B.

3. A. The February, 2021 P.C meeting provided BVAG's representative Healy a prearranged time to review BVAG's detailed and lengthy Timberhill/West Browns Valley Site Information which analyzes Timberhill Park and contiguous properties with requested change of Keebler parcel from VLDR to GB

B. Understanding this joint PC and Council study session will be pressed for time for public comments, Keeblers request 15 minutes be scheduled for their comments if time permits. Our comments might include continuing discussions with Meher, LLC of possible LLAs with the Keebler-parcels with potential for Timberhill Park expansion.

Joseph and Rosemarie Keebler

March 15, 2022

Joseph Keebler and Rosemarie Keebler



Napa City Council, Planning Commission and GPAC Committee
1600 First Street
Napa, CA 94559-0660

Attn: Michael Walker, Senior Planner and Vincent Smith, Community Development Director

Re: 2040 GP Draft LUP VLDR and GB Designations:

Keebler Trust APN 50-170-49, 67.4 acres, Leaning Oak Drive (Keebler Parcel) and
Meher, LLC APNs 50-170-11, 26, 27, 28, 29, 30 and 31, Timberhill Lane (Meher Parcels)

1. Our February 14, 2022 letter noted we had requested and City tentatively approved GP LUP designation VLDR for the Keebler Parcel throughout 2020, but City revised our VLDR designation to GB in 2021. We summarized that the recorded Fumasi SCOE and DRCCA with PC plan provide the Keebler Parcel continuing rights to 3 DUs in the 47.5 acres SCOE area and 72 DUs in the 19.5 acres PC plan area, but Keeblers have offered to reduce the 19.5 Ac PC plan DUs to 8 maximum "ranging from .5 to 2/Ac", restated for clarity as "with 1/2 to 2 Ac minimum parcel size".
2. Our February 19, 2022 letter requested that minimum Density Standards for GB be reduced from 20 Ac minimum/parcel to 5-10 acres, because site slope and other regulations in current zoning provisions and possible revisions after the 2040GP is adopted could substantially impact the actual net DUs/acre allowed for GB designated parcels.
3. Keeblers' further review of the complicated draft 2040 Plan discovered further issues which City Council, Planning Commission, staff and GPAC should address before adoption of GP2040 to provide City the necessary discretion and flexibility to adopt and GP2040, a new Zoning Map and any zoning code revisions without any need for further amendments of GP2040 to conform. For example:
 - A. Consider deleting statements: (i) on page 2-13, preceding the Greenbelt section: "Greenbelt and Agriculture designations are not considered a residential land use, followed in the Greenbelt section by: "Other low intensity uses, such as rural residential up to one unit per 20 acres...may be considered at the discretion of the City to ensure adequate protection of underlying resources, or natural or scenic features", and (ii) on p. 2-18, in Standards for Density Table 2-1, which state for GB: "One primary dwelling unit per existing parcel; 1 unit per 20 acres with discretionary review." Could these provisions preclude City adoption of a zoning map and ordinances with 5-10 and 10- 20 acres zoning applied to any part of a GB designated area without first amending GP2040?
 - B. The Land Use Framework on p. 2-8 states: "More than one zoning district may be consistent with a single General Plan use designation." If the Standards for Density and Development Intensity Density Table 2-1, p. 2-18 is revised with Residential Density for VLDR to be 20-10, 10-5, 5-1 acres and 1-2 per gross acre, with appropriate zoning ordinance revisions to be adopted, should the GB designation be deleted on the Land Use Diagram, Figure 2.3 and the very few GB designated areas on the Land Use Diagram be changed to VLDR and consolidated together with the much more numerous and broader VLDR designated areas on the Land Use Diagram with appropriate Density Standards: (i) What is the substantial purpose and need for separate GB and VLDR designations, which have resulted in substantial complexity and divisive commentary, (ii) City staff, GPAC, P.C. and Council may provide sufficient flexibility and more thorough staff analyses, public debate and Council decisions both before and after GP2040 is adopted and for necessary rezonings and development applications under the new GP2040, and (iii) both City and the public would benefit.
4. Several maps are attached which depict lot line adjustments which are being negotiated which could potentially benefit Timberhill Park at no cost to City as discussed in our February 14 and 19 letters.

February 19, 2022

To: Michael Walker:

Re: 2040 GP LUP VLDR and GB Designations and Proposed LLASCOE Adjustments

Keebler Parcel APN 50-170-49 and Meher Parcels APN 50-170-11,26,27, 28,29,30 and 31

Keeblers further request:

1. In addition to our request for 2040 GP LUP designation VLDR for the 19.5 Ac m/l portion of Keebler Parcel, we request that 2040 GP Designation GB be revised for all General Plan parcels designated GB from 20 Ac Density to 5-10 acres, a very reasonable range:

A. City has challenges to meet ABAG housing requirements for City and the additional County requirements City assumed. 5-10Ac provides more flexibility than 20Ac for all GB designated properties.

B. City Zoning Map revision after adoption of the 2040GP will locate the 5-10Ac zones and City Code Chapter 17.16 will specify applicable zoning regulations, including slope standards, which could impact net DUs/Ac.

2. Substantial increased total acreage, environment protection and beneficial public uses for Timberhill Park would result if the LLA transactions Keeblers proposed to Meher can be negotiated successfully and approved by City with:

A. Meher's LLA parcel reduced to 10Ac including a 1 Acre +/- homesite, rather than 20Ac, and the SCOE revision described in condition 4(a) in our February 14, 2022 letter revised to require the SCOE to be deeded on APNs 30 and 31 to run west from, rather than east to, the line 10ft distant from the closest portion of unpaved Timberhill Lane access into Timberhill Park (see attached Arial photo).

B. Keeblers proposed LLAs of the Meher's 3 "yellow" parcels with Keeblers Greenbelt area into 3 new 5 Ac +/- parcels, each with 1 homesite permitted, with consolidation of the 3 yellow Meher into 1 parcel completely encumbered with SCOE.

C. The 3 Keebler and 1 Meher homesite areas located within the Greenbelt areas removed from SCOE restrictions in exchange for imposition of SCOE restrictions on the 17 Ac +/- Meher "yellow parcels" LLA consolidated by the LLA. City's Resolution 2-17, NCOR 1992-039512, is an applicable precedent.

Joseph and Rosemarie Keebler Trust

February 14, 2022

To: Napa Planning Commission, City Council and Senior Planner Michael Walker

Re: 2040GP-LUP GB Designation for Keeblers APN 50-170-49 and Meher, LLC APN 50-170-30 & 31; VLDR Designation for Meher, LLC APN 50-170-11,26,27,28 & 29

1. Keeblers' attached April 9, 2021 letter re: DRCCA Plan w/ Site Plan Key & Table is summarized:
 - (a) In 1970, City and Joens approved and recorded the DRCCA with 72DUs allocated to 18 Acres HDA-F and 88 acres OSP, and Joens deeded the HAD-F and OSP parcel to Fumasi; (b) In 1971, City accepted and recorded the Joens and Fumasi Scenic Conservation Easements (SCOEs) and Joens' Timberhill Park deed; (c) In January, 2000, Barnett Homes recorded the Buhman Court subdivision and related parcel maps, and Fumasi deeded the remaining APN 50-170-49 to Keeblers, 67.4 Ac. m/l with DRCCA-PC entitlements, 19.5 Ac m/l with 72DUs and 47.5 Ac. m/l SCOE with/3 residential sites reserved; (d) No deed terminating the DRCCA has been recorded, and the DRCCA and PC plan remain enforceable.
2. In 2020 Keeblers requested and City tentatively approved 2040 GP LUP designation VLDR for APN 50-170-49, which City revised to GB in 2021. Keeblers now request revised GP LUP designations to: (a) VLDR for 19.5 Ac m/l with 8 maximum DUs for the 19.5Ac. m/l which Keeblers colored yellow on the attached AM 50-17, subject to both City's and Keeblers' agreement that the 8 parcels maximum may each range from .5 to 2/Ac, and (b) Green Belt for 47.5 Ac. m/l which Keeblers colored green on AM 50-17, with 3 residences which the Fumasi SCOE provided. the Fumasi 1971 SCOE deed legal description and Keeblers' attached Cassayre topo map provide City staff information to separately plot the VLDR and SCOE areas. The GP LUP should clarify that recommended densities include both a primary residence and ADU.
3. Abhijit and Monica Adhye are now the sole officers and owners of Meher, LLC ("Meher"), by deed recorded December 10, 2019 from Hideaki Osawa, the preceding owner. Keeblers had a recent discussion with Abhijit regarding a plan Keeblers propose to: (a) obtain City approval of a lot line adjustment (LLA) to Meher's APNs 50-170-30&31 ("Meher Green Parcels") with Keeblers' contiguous APN 50-170-49 ("Keebler Green Belt Area") to provide Meher a LLA parcel 23 Ac.m/l with a 1Ac.m/l building site ("Meher Building Site"), in exchange for (b) Meher deeding APNs 50-170-11,26,27,28 & 29 (the "Yellow Parcels") to Keeblers for a possible future gift to City for inclusion into Timberhill Park, (c) the resulting Meher Building Site within a prior part of the Keeblers Green Belt Area will provide to Meher a deeded roadway easement across Keeblers' remaining LLA parcel to the existing Leaning Oak Drive easement and paved road running to Buhman Avenue, (d) which remedies Meher's problem, that their Green Parcels and Yellow parcels have had no paved roadway easement or access for 20+ years over the destroyed portion of Timberhill Lane to the public street portion of Timberhill Lane, nor to the Leaning Oak Drive roadway and easement, nor to any other foreseeable and feasible improved street.
4. The general conditions City shall require for approval of the Meher- Keeblers LLA are: (a) Meher dedicate an SCOE to City on the Meher LLA parcel running to a line 10ft m/l distant from the closest unpaved Timberhill Lane access to Timberhill Park, (b) Meher shall deed APNs 11, 26, 27, 28 & 29 to Keeblers for no additional consideration nor costs (iii) Meher shall promptly construct a fence at its sole cost along the western side of the new SCOE ending near the entry to the existing dirt pathway, provided that City agrees to install at its sole cost movable "turnstile" posts, gates and fencing from the pathway entry to APN 28 for pedestrians, public agencies and emergency vehicles, (iv) City will cooperate with Keeblers' application for LLAs and SCOE revisions (see December 30, 2021 letter) to move three 5.0m/l areas of APNs 11, 28 & 26 into the Greenbelt areas of APN 49 to reasonably locate and use 3 new 5acre+/- parcels and 3 single family residences thereon reserved in the Fumasi SCOE. Subject to City's final approvals and Keeblers' of such LLAs, Keeblers would deed the Fumasi SCOE restrictions upon APNs 11, 26, 27,28 & 29.

Joseph and Rosemarie Keebler

April 9, 2021

Napa City Council and Planning Commission
600 First Street, Napa, CA 94558-0660

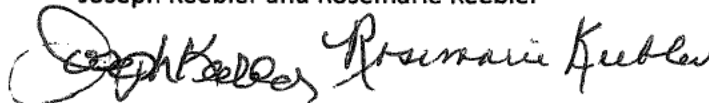
Re: 2040 GP Land Use Plan Designations and Densities & Keebler Parcel, APN 40-170-49

Keeblers' revised exhibits are attached: a) 1970 DRCCA with Site Plan Map, Symbol Areas and Tabulation Table (BVAG Site Report "1970 Browns Valley Plan"), (b) 1971 Fumasi SCOE with 3 residences reserved and Joens SCOE, (c) 1995 Fumasi Tentative PM marked with Keebler Parcels OS-P, HDA-F, adjacent HDA-G, Leaning Oak Drive and proposed roadway into HDA-F and DRCCA Symbol Areas and Tabulation Table Net Acres and DUs numbers, and (c) Timberhill Site Restraints.

We request General Plan Designation VLDR and oppose GB designation for Keebler Parcel:

1. The VLDR 0-2 DU/acre Development Standard provides City very broad discretion to determine the VLDR designation areas and apply existing zoning ordinances, including (a) Section 17.16.030, which could be amended to reduce existing AR required minimum lot area from 20 acres to 2, 5 or 10, and (b) Section 17.52.040 requiring an agricultural buffer plan with agricultural setbacks site design approvals when development is proposed of residentially zoned lots adjacent to the RUL.
2. After adoption of GP2040, the proposed GB designation would impose unreasonable restrictions on Keebler Parcel: (a) allowing only 3 DUS for 67.5 acres, despite City's approval of the DRCCA Tabulation Table with 72 DUs in area HDA-F and the Fumasi SCOE 3 reserved DUs, and (b) requiring a General Plan Amendment back to VLDR to process Keeblers' stated plan to apply for division of SCOE 48 acres into only 3 parcels reserved (1DU/16 acres) and 19.5 acres HDA-F into 10 parcels (1DU/2 acres), 13 total DUs.
3. The contiguous HDA-G is designated VLDR, and Keebler Parcel should also be designated VLDR: (a) Keeblers' HDA-F has no earthquake fault zone or other constraints and OS-P has only 3 small potential slide areas, while HDA-G has a mapped earthquake fault and zone along Buhman to the RUL, (b) HAD-F has 19.5 acres and OS-P 48 acres, while HDA-G has 32 acres and 16 existing DUs and (c) HDA-F is much less visible than HDA-G from Buhman Avenue, Timberhill Park and surrounding neighborhoods.
4. BVAG's 8-28-20 and revised 2-18-21 Timberhill/West Browns Valley Site Information recommended Keebler Parcel and all other parcels designated Resource Area (RA) in the 1998 GP be placed by the 2040 GP in a new Greenbelt designation to remain in open space, agricultural or RA uses. We agree the 1970 DRCCA contained great foresight and the 2040 GP should include a Timberhill Park expansion policy and plan, but dispute BVAG's analysis of Keeblers' HDA-F 19.5 acre developable area, which: (a) is quite distant from and has minimal potential view impacts from the Park hilltop bench viewing point, (b) is grassland with almost no trees, except bordering trees in the SCOE, and (c) has none of the adverse site hazards or impacts BVAG speculates exist. The GP2040 hearings online format and time constraints are not an effective forum for lengthy zoning debates.
5. City approved the DRCCA with PC zoning and took title to Fumasi and Joens SCOEs and Timberhill Park, and Keeblers took title to Fumasi's SCOE and HDA-F. No deed executed by owners of a majority of the DRCCA land area has been recorded, and the DRCCA remains in effect under its paragraphs 3 and 9.
6. City, BVAG and Browns Valley residents should consider (a) the benefits which resulted from Browns Valley development consistent with the DRCCA 1970 Plan and City receiving Timberhill Park with 150 acres of surrounding SCOE protections, and (b) Keeblers' conservation of their 67 acres for 21 years.

Joseph Keebler and Rosemarie Keebler



Joseph M. Keebler
Rosemarie A. Keebler

February 18, 2021

Napa City Planning Commission
600 First Street
Napa, California 945598-0660

Re: Revised Draft Land Use Plan & Designations

Dear Commissioners:

The February 18 Planning Commission Staff Report Overview focuses your review and discussion for this meeting agenda on proposed Land Use Designations and their relationship to the revised Draft Land Use Plan, with your March 4 meeting agenda to focus on finer details of the draft plan, Key Focus Areas and individual properties throughout the City requiring further consideration.

We (Keeblers) are attempting to conform with staff and your intended purposes for the February 18 meeting. To identify our specific interest and how our comments relate generally to the proposed land use designations relationship to the draft plan, Keeblers own APN 050-170-49, 67.4 acres on Leaning Oak Drive, which was previously classified in the 1998 General Plan as RA (Resource Area) and prior draft plans as Very Low Density Residential (VLDR) and is now proposed to be classified Greenbelt.

We have previously commented to planning staff that:

1. We agree in general with the Revised 9-25 VLDR classification description which remains unchanged in the Revised 2/11/21 VLDR description on p.4 of Attachment 2.
2. We disagree however with the Table I: Standards for Density and Development Standards range from 1.0 to 2.0 density units per net acre (DUs/NA) on pp.2 and 4 as being too narrow, and suggested the DUs/NA be revised to either .1 or .2 to 2.0 DUs/NA (which is 1DU/10 acres or 1DU/5 acres) to properly indicate the discretionary power the Planning Commission has to recommend and the Council to adopt DUs/NA for any specific VLDR property lower than 1.0 DU/NA down to 1DU/existing parcel.
3. The VLDR designation covers all of the planning standards and objectives of the number of large parcels proposed to be placed in the GB designation, and the GB designation (Attachment 2, pp 2and 8, Revised 2/11/21) is not necessary, unduly restrictive to only 1 residence and other low impact uses at the City's discretion (presumably non-residential uses?) and not reasonable.
4. We appreciated the Browns Valley Action Group recommending a Revision Option on Attachment 2, p.8 for GB "Other low intensity uses such as rural residential up to 1 unit/20acres...may be considered at the discretion of the City..." (A)This alternative is similar to the existing updated 1998 General Plan RA designation, but the 20acres minimum is not reasonable, (B) the GB designation would remain more restrictive and controversial than RA, and (C) the VLDR designation with my suggested .1or .2 to 2.0/NA revised density, would be the preferable to adopting any GB as a designation category, (D) If you instead recommend either a GP or RA designation be adopted, those designations should only be applied to the Browns Valley Timberhill parcels which are not developable for residences due to the severe wash out of the public road access (APNs 50-170-11,26,27,28,29,3&31) and to other parcels subject to Open Space Conservation Deeds to the City which prohibit any further single family residence construction, and (E) for some unknown reason those parcels and APNs 50-170-24& 25 remain designated VLDR.



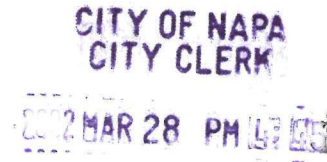
Joseph Keebler and Rosemarie Keebler

March 28, 2022

Douglas Walker

[REDACTED]
Napa, CA 94558

The Planning Commission
955 School Street
Napa, CA 94559



Dear Planning Commission,

I wish the Planning Commission would reconsider its efforts regarding the Linda Vista Avenue Bridge over Napa Creek and to remove this project from the General Plan. I spoke before the council eight years ago at the community informational meeting on November 13, 2014. It was at this meeting where I submitted a list of over five hundred signatures of residents of Napa that were against building the bridge. Our organization was named, Preserve Napa Neighborhoods. We felt back then as we do now that this bridge would disrupt the lives of people living north and south of Napa Creek.

This bridge would bring an increase of traffic to and from Browns Valley. Linda Vista Ave has several elementary schools with small children that would be at risk of being hit by a car. Also, people who live along the creek would have their lives disrupted. The time to make these changes has passed.

The Linda Vista bridge issue is still part of the General Plan under the Transportation Element Framework and should be removed ASAP. Twice residents effectively challenged the city's plans and halted preliminary studies on bridge construction. By removing the wording about the LV bridge and changing the corresponding map this chapter would once and for all end.

Sincerely,

[REDACTED]

Douglas Walker

[REDACTED]

Napa, CA 94558

From: Inna Neujahr [REDACTED]
Sent: Monday, March 28, 2022 6:53 PM
To: Clerk <clerk@cityofnapa.org>
Subject: Linda Vista Bridge

[EXTERNAL]

Dear City Council members,

I oppose the Linda Vista bridge over Napa creek.

Where to begin..... I'll cut straight to the most important and significant reason not to increase traffic on Linda Vista;

SAFETY OF THE CHILDREN

I brought up this very "basic" reason at the last city council meeting to this regard. While my children do not attend either West Park or Pueblo Vista (all three attend St. A's) I obviously have occasion to drive on Linda Vista during school drop off and pick up hours. There have been more near misses with cars and children in crosswalks than I care to keep track of. Increasing traffic and creating an emergency high speed thoroughfare would quite frankly be quite the transgression. Anyone can see during school hours, the danger that currently exists. I invite any member who promotes this project to spend one week with me observing the congestion and hazardous environment that already exists. There is absolutely no way, I repeat, no way any human being that possesses any sense of right and wrong could promote such a project. I would go further and say, I don't believe any promoters of this project that have school age children (assuming of course they care about the safety of their children) would consider allowing their own children to be exposed to the increased risks that this project creates. There are many other very obvious reasons why this project is not viable in this day and age. Which, in my mind begs the question, who is promoting this project and and to what agenda?

Every additional car and/or emergency vehicle forced onto Linda Vista, increases the probability of injuring or killing a young child. From the City of Napa Staff Report; "Relieving the need for some residents to take a more circuitous route" I about fell over when I read that....To keep the children of Napa safer, every Napa resident should be volunteering to take more circuitous routes.

I sincerely hope this does not fall on deaf ears.

From: Bill Peatman <[REDACTED]>
Sent: Tuesday, March 29, 2022 7:11 AM
To: Clerk <Clerk@cityofnapa.org>
Subject: Comments for Special Joint Meeting re: Draft 2040 General Plan

[EXTERNAL]

Dear Napa City Council and Planning Commission Members,

I am taking the time to write you because I believe it is important to specifically address the impact of Pacaso as you revise the upcoming General Plan. Pacaso and other vacation Transient Occupancy models have no place in our neighborhoods! There are two Pacaso homes in my neighborhood in Coombsville and both are sublet to loud, disrespectful vacationers that erode the quality of life for permanent residents.

Please take the time to review the Ordinance changes other neighboring Cities have done and Cease and Desist orders of South Lake Tahoe and Palm Springs to specifically ban Pacaso and other corporations that have found ways to skirt our regulations and avoid TOT. These documents can be found on the www.StopPacasoNow.com website.

Bill Peatman

Thank you
[REDACTED]

From: [Pa. Is French](#)
To: [Clerk](#)
Subject: [Final Comments for Special Joint Meeting of City Council and Planning Commission today](#)
Date: [Tuesday, March 29, 2022 3:36:18 PM](#)
Attachments: [img_2921.png](#)
[img_2924.png](#)
[img_2925.png](#)
[img_2926.png](#)
[img_2927.png](#)
[img_2928.png](#)
[img_2929.png](#)

[EXTERNAL]

Tiffany,

I thought I had sent this by noon yesterday for the special joint Council/Planning Commission meeting. I realized I had not received a confirmation of receipt and when I checked, I saw my typo in the address field. I apologize, but is there any way this could be forwarded or entered into the record for the meeting...or simply provided to the Council and Commission members at this time?

If it can't be forwarded, please let me know and I will just look up the members individually and send an email at this time.

Thank you...
Paula French

Sent from my iPad

Begin forwarded message:

From: Paula French
Date: March 28, 2022 at 9:54:49 AM PDT
To: clerk@cityofnaapa.org
Subject: **Comments for Special Joint Meeting of City Council and Planning Commission today**

Mayor Sedgley, Council Members, Planning Commission Members,

For almost a year now, residents of Mapa have been BEGGING for City Council to take action to protect our neighborhood residential housing stock from acquisition by commercial timeshare-like uses. Many of us in the Bel Air neighborhood took actions to visually and vocally protest the purchase of a property here by Pacaso, the latest company to participate in this transient occupancy use of a residential property within City Limits.

At the time, we were basically advised that because of a lawsuit filed by Pacaso against St Helena, who attempted to take protective action, Napa was not taking any action at that time (though I believed an existing city ordinance under the vacation rental ordinance addressed the situation.)

Regardless, the towns of Sonoma and St Helena have moved forward and took decisive action to protect their housing. Why has Napa not taken any action at all on this???

Most recently, St Helena, who themselves, are being sued by Pacaso, moved forward and approved draft protective language.

https://shelena.ciweb.net/document/60870/Ordinance%20Adding%20Chapter%2017.138%20Time%20Share%20Use.pdf?handle_0BBFF01EE58F41478682A2511D91AEB6

THERE IS NO REASON FOR Napa to delay any further!

As I sent to Mayor Sedgley in January, and provide to you today, the following copies of the Sonoma ordinance and the information on the St Helena ordinance (above) THIS IS A ROADMAP FOR YOU! You don't even need to change the language!

Please take action today to include such language in an emergency update of the general plan, and include it in the 2040 plan.
As sent to Mayor Sedgley in January... with NO RESPONSE, I might add....

On January 19, the City of Sonoma Council passed an urgency ordinance prohibiting the fractional ownership use of residential properties within City Limits. I have included screen shots of the actual ordinance. Please note that their ordinance also prohibits the advertising of such timeshare-like uses as well. I believe this might prohibit companies like Pacaso from listing properties for fractional sale if the property is within Sonoma City Limits.

I wrote to Mayor Sedgley in the last few months asking for a status of Napa's efforts to regulate the purchase and sale of timeshare-like properties in Napa. I had been told last year that Council was looking at this issue with an eye toward possibly amending the next general plan? His reply was that there were no staff assigned to this issue. I feel like we've been lied to. I also feel like Napa has brushed this community's concerns under the rug since we have stepped down our very vocal and visual protests of the company, Pacaso.

Sonoma has taken a stand. They've done the work to protect their limited supply of properties available for those who live and work there. When is Napa going to do the same?

While Sonoma works to support their residents and community, Napa, instead, does nothing. Meanwhile, Pacaso joins the local Chamber of Commerce with a \$10,000 annual buy off and within just a short few months is named as "company of the week" by the current Chamber. This company, who is neither based locally, nor good for our community is now lauded by the Chamber? In my opinion, the more business this company does locally, the worse for our community. The Chamber of Commerce and local governments have a very close relationship... how close are you becoming to Pacaso? Has Pacaso joined the Sonoma Chamber? (I seriously doubt it.)

I'm so angry that Napa has done absolutely NOTHING since we met with Liz Alessio and agreed to step down our activity. You should be ashamed. I commit to doing whatever I can to let our community know what's happening in Sonoma and how little you have done to protect our neighborhoods. Pacaso "agreeing" to stay above \$2m for their properties does NOTHING to protect our neighborhoods, which have become ridiculously overpriced and less and less available to our own workers. Seriously, you need to put some of your "staff" time into looking up what's happening in Crystal Bay, Incline Village and the rest of Lake Tahoe where officials are PLEADING with remote owners to rent their properties out to local workers.

Who do you think is going to drive from Stockton to work at Meritage for \$12 an hour? How many of those local jobs, like landscaping, house cleaning etc. that Pacaso says they are creating and supporting will be able to find workers who will drive from Clearlake to clean their houses when they leave? SO DO SOMETHING!!!

Video of Sonoma Council meeting...start at 58 mark

https://sonomacity.ciweb.net/filepro/document/51628/City%20Council%20-%20Jan%202022.html_spl?screen=true&widget=true&media=true

Copy of the Sonoma urgency ordinance...mind you it took effect IMMEDIATELY UPON PASSAGE.

CHASE HUNTER

INDEX-TRIBUNE STAFF WRITER

January 20, 2022, 7:00PM | Updated 1 hour ago

Sonoma City Council on Fractional Homeownership

The Sonoma City Council on Jan. 19 placed a ban on timeshares and fractional-interest home uses in the City of Sonoma. The urgency ordinance was passed in response to inroads the Pacaso real-estate company has recently attempted in Sonoma Valley, marketing a fractional-interest model for groups of six to eight co-owners to purchase shared ownership and shared time allowed in multi-million-dollar homes.

As an urgency ordinance, which goes into effect immediately, the five-member council needed four votes for the ordinance to pass. The urgency ordinance was approved 5-0. City staff will prepare a regular ordinance prohibiting timeshares and fractional-interest use for the council to consider in the coming months.

The City of Sonoma currently doesn't cite timeshares as an identified "use" in its city code, so the time-share model is already, in effect, banned, according to city Planning Director David Storer. But city officials wanted to specifically codify timeshares and fractional-interest as a prohibited use in the city, in order to preempt any confusion over their allowed use.

Pacaso's one Sonoma property, on Old Winery Court, sits just outside city limits. -- *Jason Walsh*

It's all quiet on the eastern front of the war between the real estate c

City of Sonoma

ORDINANCE # _____ - 2022

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING TITLE 19, SECTION 19.50.140 (TIME-SHARES) TO THE CITY OF SONOMA MUNICIPAL CODE

WHEREAS, time share and fractional interest uses have been and currently are prohibited as uses not specifically enumerated in the Sonoma development code; and

WHEREAS, the City has recently become aware of time-share companies or fractional interest companies wishing to operate in the City; and

WHEREAS, this Ordinance is adopted as an urgency ordinance pursuant to Government Code Sections 36934 and 36937. The facts constituting the urgency are as follows:

- a) A severe housing crisis exists in the state with the demand for housing outpacing the supply;
- b) The City of Sonoma is particularly experiencing a housing emergency due to its relative isolation, limited housing supply, and desirable location;
- c) Time-share or fractional interest uses threaten to reduce the housing supply in the City by turning long-term housing in the City into vacation rentals and reducing the affordable housing stock in the City;
- d) Time-share and fractional interest uses increase traffic and noise impacts and have the same character as commercial hotels, motels, and other transient occupancy uses due to their transient nature making them inappropriate for residential zones;
- e) The development of time-share or fractional interest uses in Commercial and Mixed Use zones (which also have a "residential component" requirement) will reduce the City's ability to collect valuable property tax, sales tax, or Transient Occupancy Tax;
- f) By allowing time-share or fractional interest uses in the City, market pressure will incentivize property owners to convert their existing commercial, hotel or residential uses, thereby reducing revenue to the City in the form of commercial property taxes, sales tax, Transient Occupancy Tax, and valuable existing housing stock;
- g) Allowing time-share or fractional interest uses in the Commercial and Mixed Use zones reduces the availability of suitable lands to provide housing units to meet the City's Regional Housing Needs Allocation for the 5th and 6th Cycles;

- h) By allowing times-share or fractional interest uses in the City, developers of those uses will seek to convert underutilized commercial uses (in Commercial and Mixed Use zones), thereby reducing the City's ability to identify those sites as potential Housing Opportunity sites in the development of the City's 6th Cycle Housing Element.
- i) California Government Code Sections 36934 and 36937 authorizes the City of Sonoma to adopt an urgency ordinance by a four-fifths vote (4/5ths) vote where necessary to protect the public peace, health, or safety; and
- j) An urgency ordinance adopted pursuant to Government Code Sections 36934 and 36937 is warranted on an urgency basis to allow regulations to govern how time-share and fractional interest uses are regulated. Without such ordinance, the issues raised above pose a significant threat to the public peace, health and safety.

WHEREAS, the City Council find and determines that the immediate preservation of the public health, safety, and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36934 and 36937, and such that Ordinance take effect immediately upon adoption – therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

WHEREAS, the City Council desires to amend the City's municipal code to address the impact that time-share and fractional interest uses are having or would have on the City's housing supply.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONOMA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS.

The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. URGENCY ORDINANCE.

The urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety because the operation of time-share companies in the City threatens to reduce the supply of affordable and market-rate housing in the City, increase site development conflicts and incompatibilities related to public safety, visual, privacy, and aesthetic impacts which would negatively impact the public welfare and the unique quality and character of the City of Sonoma.

SECTION 3. MUNICIPAL CODE AMENDMENTS.

Section 19.50.140 of the Sonoma Municipal Code is added to read as follows:

19.50.140 Time-Shares.

19.50.140 Time-Shares.

This section sets forth requirements for the establishment and operation of time-share uses.

A. Definitions.

1. "Accommodation" means any dwelling unit, multifamily dwelling, apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or other private or commercial structure containing toilet facilities therein that is designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals.
2. "Owner" means owner of a time-share interest.
3. "Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.
4. "Time-share instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a time-share plan and includes the declaration dedicating accommodations to the time-share plan.
5. "Time-share interest" means and includes either of the following:
 - a. The right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, coupled with a freehold estate or an estate for years with a future interest in a time-share property or a specified portion thereof.
 - b. The right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, which right is neither coupled with a freehold interest, nor coupled with an estate for years with a future interest, in a time-share property or a specified portion thereof.
6. "Time-share plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, sale, lease, deed, license, right to use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.
7. "Time-share property" means one or more accommodations subject to the same time-share instrument, together with any other property or rights to property appurtenant to those accommodations.
8. "Time-share use" and "fractional interest use" means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

B. Permitted zones. None. Time share uses and fractional interest uses are prohibited throughout the city of Sonoma

C. Violations, Enforcement and Civil Penalties

1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.12 (General Penalty).
2. Any responsible person, including by not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this section is subject to administrative fines and/or penalties as set forth in Chapter 1.28 (Administrative Citations).
3. Time-share use, fractional interest use and/or advertisement for time-share use and/or fractional ownership use, of an accommodation in violation of this section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance and may be abated pursuant to Chapter 1.12 (General Penalty), Chapter 1.30 (Administrative Notice and Order Proceedings), Chapter 9.56 (Noise), and any other relevant provision of this code as it may be amended from time to time.
4. Each day a violation of this chapter occurs shall constitute a separate offense.
5. The remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.

SECTION 4. CEQA.

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the city. City Planning Staff has determined that the adoption and implementation of the Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a text amendment and addition without any physical project being approved, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The proposed Ordinance is therefore exempt from the provisions of CEQA because it does not involve a commitment to any specific project that may result in a potentially significant physical impact on the environment. The City Council concurs in these findings and adopts them as its own. The City Council, therefore, directs that a Notice of Exemption be filed with the State Office of Planning and Research in accordance with CEQA.

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SECTION 5. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Ordinance is an urgency ordinance enacted under California Government Sections 36934 and 36937, subdivision (b). The urgency ordinance is effective upon adoption by a 4/5 vote of the Sonoma City Council, and shall take effect immediately upon its adoption.

SECTION 7. PUBLICATION.

This ordinance shall be published in accordance with the provisions of Government Code Section 36933(c)(1).

SECTION 8. THIS ORDINANCE PREVAILS WHERE THERE IS CONFLICT.

To the extent that this Ordinance conflicts with any other provision in the Sonoma Municipal Code or city ordinance (urgency or otherwise), policy or regulation, this Ordinance will control.

APPROVED:

SECTION 8. THIS ORDINANCE PREVAILS WHERE THERE IS CONFLICT.

To the extent that this Ordinance conflicts with any other provision in the Sonoma Municipal Code or city ordinance (urgency or otherwise), policy or regulation, this Ordinance will control.

APPROVED:

Jack Ding, Mayor

ATTEST:

Rebekah Barr, MMC, City Clerk

I HEREBY CERTIFY the foregoing ordinance was duly adopted at a Regular Meeting of the City Council of the City of Sonoma held on the _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rebekah Barr, MMC, City Clerk

273619.3