

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: March 17, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Renewal, pursuant to Sections 6500 and 6512 of the San Mateo County Zoning Regulations, to allow the continuing use of two panel antennas mounted at a height of 38 feet on an existing 50-foot tall monopole and their appurtenant ground-mounted equipment. The existing site is located at 1645 Yorktown Road in the unincorporated San Mateo Highlands area of San Mateo County.

County File Number: PLN 2013-00029 (Crown Castle)

PROPOSAL

The applicant, Crown Castle, proposes to renew a use permit allowing a T-Mobile wireless telecommunication facility (WTF) consisting of two panel antennas mounted at a height of 38 feet on a 50-foot monopole that is shared with antennas used by other wireless telephone companies. The equipment cabinets are located on a concrete pad near the foot of the pole.

RECOMMENDATION

Approve the use permit renewal, County File Number PLN 2013-00029, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Steven Rosen, Project Planner, Telephone Number 650/363-1814

Applicant: Annie Freeman of Crown Castle for T-Mobile

Owner: California Water Service Company

Location: 1645 Yorktown Road, south of Newport Street, San Mateo Highlands

APN: 041-101-020

Size: 35,200 sq. ft.

Existing Zoning: RM (Resource Management)

General Plan Designation: General Open Space

Sphere-of-Influence: City of San Mateo

Existing Land Use: Water tank and cellular facility

Water Supply: California Water Service Company

Sewer Service: Crystal Springs County Sanitation District

Flood Zone: Zone X, Area of Minimal Flooding (Panel 06081C-0165E); effective 2012

Environmental Evaluation: Categorically exempt under Section 15301 of the CEQA Guidelines, pursuant to Class 1, continuing use of an existing facility.

Setting: The existing monopole and its equipment cabinet, and its battery backup are located on-site adjacent to a water tank. There is the Sprint PCS facility using the pole that has its own equipment cabinets. The entire site is level, paved and enclosed by a cyclone fence.

The project site sits above the residential area of Yorktown Road in the San Mateo Highlands. Access to the water tank site is by a paved road from Yorktown Road, through a lower area with two water tanks that ends at a plateau containing two additional water tanks within an enclosed fenced area. The site is surrounded by mature pine and cypress trees. The nearest residences are located on Yorktown Road near the water tank access road, more than 200 feet away. The top of the monopole is partially visible from residences through the tops of the existing trees.

Chronology:

<u>Date</u>	<u>Action</u>
August 1, 1996	- T-Mobile (formerly Cingular Wireless and Pacific Bell) cellular facility approved (County File Number USE 96-0020) with a monopole height of 40 feet.
January 16, 1997	- Approved use permit amendment for Sprint PCS to co-locate on the existing monopole with Cingular Wireless (County File Number USE 96-0054), increasing the height of the facility to 50 feet.
January 29, 2013	- Received renewal and amendment application (County File Number PLN 2013-00029) for the subject facility. The amendment proposed additional antennas. The application became dormant pending completion of improvements to the access road.

- December 24, 2014 - The applicant amended the application to remove the proposed changes to the facility.
- December 7, 2015 - The Planning and Building Department issued a building permit allowing a minor modification to the site. This involved replacing equipment with new equipment of approximately the same size in the same location. The height of the monopole was not changed.

DISCUSSION

A. **KEY ISSUES**

1. **General Plan**

Staff has determined that the project complies with all applicable County General Plan policies, specifically:

Visual Quality Policies

Policy 4.20 (*Utility Structures*) requires minimizing adverse visual impacts generated by utility structures. This is an existing antenna. Renewal of this use permit will allow T-Mobile to continue to serve its customers with an antenna that shares a monopole that is difficult to see from publically accessible areas. Denying the request to renew the use permit could cause T-Mobile to seek a new site that could be more visually intrusive.

General Land Use

Policy 7.16 (*Land Use Objectives for Urban Areas*) seeks to maximize the efficiency of public facilities, services, and utilities. Continuing to use existing adequate facilities is more efficient than requiring replacement.

2. **Zoning Regulations**

The project site is located within the RM (Resource Management) District. The proposed use permit amendment contains no changes to the existing setbacks and complies with the development criteria set forth by the County Zoning Regulations for the RM District as evidenced by the following chart:

	Required	Existing
Minimum Front Yard Setback	50 feet	56 feet
Minimum Rear Yard Setback	20 feet	143 feet
Minimum Side Yard Setback	20 feet	38 feet
Maximum Height	36 feet	50 feet

The maximum allowed height limit in the RM District is 36 feet. Pursuant to Section 6512.2.I.1 of the Wireless Telecommunication Facilities Chapter, in the RM District, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or 5 feet, whichever is less. This existing, permitted facility does not conform to this standard because it exceeds the height of the nearest trees in the irregular canopy by more than 5 feet. The Wireless Telecommunication Facilities Chapter was added to the Zoning Regulations in 2008. In 1997, this monopole was granted a use permit, USE 96-0020, allowing it to be 40 feet tall. Later that year, a use permit (USE 97-0054) was granted to a co-location facility allowing an increase in height to 50 feet. Thus, this is a legal, non-conforming height and may continue upon renewal of this use permit.

3. Wireless Telecommunication Facilities Ordinance

According to Section 6512.6 of the Zoning Regulations (Wireless Telecommunication Facilities Chapter), existing facilities built prior to January 9, 2009, are subject to Sections 6512 through 6512.5 of the Zoning Regulations. Staff has reviewed the project against the provisions of the Wireless Telecommunication Facilities Chapter and determined that the project complies with the applicable standards discussed below.

a. Development and Design Standards

Section 6512.2.A prohibits wireless facilities in Sensitive Habitats, as defined by Policy 1.8 of the General Plan (*Definition of Sensitive Habitats*) for facilities proposed outside of the Coastal Zone. The existing facility was installed in a graded, cleared area behind a tall fence. The site has no value as wildlife habitat.

Section 6512.2.B prohibits wireless facilities from being located in residential zoned areas, unless the applicant demonstrates that no other site allows feasible or adequate capacity and coverage. Evidence shall include an alternative site analysis within 2.5 miles of the proposed facility. This section does not apply because the project site is zoned Resource Management, not residential.

Section 6512.2.C prohibits wireless telecommunication facilities from being located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact. Section 6512.2.D requires wireless telecommunication facilities to be constructed so as to accommodate and be made available for co-location unless technologically infeasible. The present proposal does not include any expansion of the facility, so any additional antennas would require a new amendment to the use permit.

Sections 6512.2.E-G seek to minimize and mitigate visual impacts from public views by ensuring appropriate vegetative screening, painting of equipment, or other methods of blending equipment in with the surrounding environment, and require facilities to be constructed of non-reflective materials. The monopole is located within a stand of mature trees and adjacent to a 27'-6" tall water storage tank that obscure it from view. It is currently painted matte gray, which makes it blend into the sky in varying conditions.

Section 6512.2.H requires compliance with the underlying zoning district. This is discussed in Section 2 above.

b. Performance Standards

As conditioned, the existing facility will meet the performance standards of Section 6512.3 for lighting, licensing, provisions of a permanent power source, timely removal of the facility, and visual resource protection. The proposed renewal does not include additional lighting, the existing facility has maintained a valid Federal Communications Commission (FCC) license, the facility's existing power source will continue to be used, and conditions have been included to minimize visual impacts and require maintenance and/or removal of the facility when no longer in use.

4. Conditions of Prior Approval

All of the 1997 use permit's conditions of approval are assessed below with regard to compliance and if the conditions should be either retained or revised.

Current Planning Section

1. The monopole and the six antennas shall be painted a dark green color to blend with the existing vegetation.

Conformance to condition? No. The facility is matte gray. From the surrounding residences and areas accessible to the public, it is seen against the sky. Gray blends into the sky better than other colors in all conditions: clear, overcast, or night.

Recommend to retain condition? Yes, modified to specify only that the finish be matte gray.

2. The panels shall be securely bolted to the monopole and shall be checked regularly by the maintenance personnel as this area is subject to high winds.

Conformance to condition? Yes.

Recommend to retain condition? Yes.

3. The applicant shall plant three California trees whose height is at least 40 feet at maturity, on the east side of the pole. These trees shall be 5-gallon size or larger.

Conformance to condition? Yes.

Recommend to retain condition? No.

5. New Conditions of Approval

Cal-Fire, the fire authority in this area, requested six new conditions of approval on this renewal. Three of these conditions require address signage, the placement of a lock accessible by fire crews at the gate to the parcel, and the placement of fire extinguishers on the site. One is a general fire safety condition requiring the maintenance of an area free of flammable vegetation. The other two require improvements to the access road and turnaround and define the requirements.

In the time since this application was reviewed by Cal-Fire, a separate use permit amendment (PLN 2001-00456) was approved with the same condition of approval requiring these improvements to the access road and turnaround. These improvements were made to the satisfaction of Cal-Fire at the time of the associated building permit's final approval, so the condition requiring these improvements will not be imposed.

6. Use Permit Findings

Under the provisions of Section 6500 (Use Permits), wireless telecommunication facilities are permitted in any zoning district after issuance of a use permit. Two findings have to be made for issuance of the use permit.

- a. *That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.*

Staff believes this finding can be made in that the continued use of this project will not be detrimental to the public or property. The cell site and equipment are located in a heavily wooded area and screened by mature pine trees. In addition, with the exception of maintenance visits, the existing facility is unmanned and does not create traffic or noise impacts to the surrounding neighborhood.

Cellular phone facilities emit extremely low levels of non-ionizing electromagnetic radiation. Household appliances such as microwave ovens, televisions, radios or computer equipment do not experience any type of interference from wireless communications. All cellular telecommunication installations are required to comply with all Federal Communications Commission (FCC) criteria related to electromagnetic output and interference with existing wireless installations and mechanical devices in the area. The applicant submitted a report by EBI Consulting that shows that at no place accessible to the public will the exposure to radio frequency radiation exceed the FCC's general public or occupational exposure limits.

- b. *That the proposed project is necessary for the public health, safety, and convenience or welfare.*

This facility is part of a telecommunications network that provides coverage for residents, motorists in distress, and emergency responders.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines, pursuant to Class 1, continuing use of an existing facility.

C. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Cal-Fire

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Elevations
- E. Photographs

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2013-00029

Hearing Date: March 17, 2016

Prepared By: Steven Rosen
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review Permit, Find:

1. That this project is categorically exempt under Section 15301 of the CEQA Guidelines, pursuant to Class 1, continuing use of an existing facility.

For the Use Permit, Find:

2. That the establishment maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood because the cell site and equipment are located in a heavily wooded area and screened by mature pine trees. In addition, with the exception of maintenance visits, the existing facility is unmanned and does not create traffic or noise impacts to the surrounding neighborhood. It will not exceed the Federal Communications Commission (FCC) limits for radiation emission.
3. That the proposed project is necessary for the public health, safety, and convenience or welfare because this project will continue to provide coverage for residents, motorists in distress, and emergency responders.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

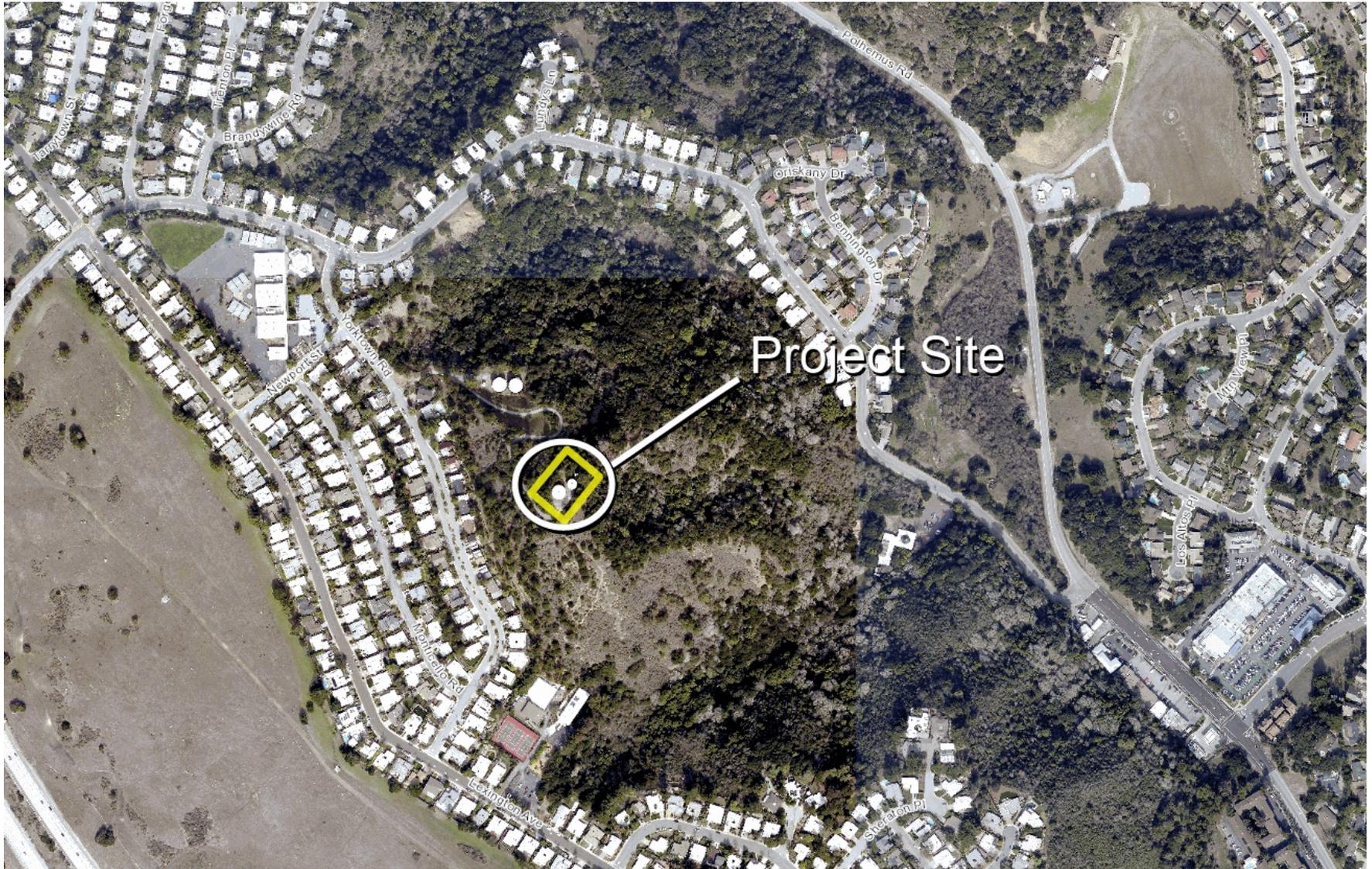
1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer on March 17, 2016. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are consistent with the intent of and in substantial conformance with this approval.

2. The monopole and the antennas shall be painted a matte grey color to blend with the existing vegetation.
3. The panels shall remain securely bolted to the monopole and shall be checked regularly by the maintenance personnel as this area is subject to high winds.
4. This use permit shall be valid for a 10-year period and shall expire on March 17, 2026. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired.
5. The applicant shall apply for a use permit amendment and building permit prior to any changes to the existing facility. Amendment to this use permit requires an application for amendment, payment of applicable fees, and consideration at a public hearing.
6. The installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is no longer needed.
7. The facility must have a street address. All buildings or structures that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke.
8.
 - a. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures.
 - b. Remove that dead or dying portion of any tree which extends over the roofline of any structure.
9. Because of limited access into your property, the San Mateo County Fire Department is requiring the installation of a Knox Box, Knox Key Switch, or Knox Padlock to allow rapid response of emergency vehicles onto your property in case

of a fire or medical emergency. For an application or further information, please contact the San Mateo County Fire Marshal's Office at 650/573-3846.

10. Portable fire extinguishers with a minimum rating of 2A-10BC are required to be placed throughout your project. Contact a licensed/certified fire extinguisher company for proper placement of the required extinguishers.

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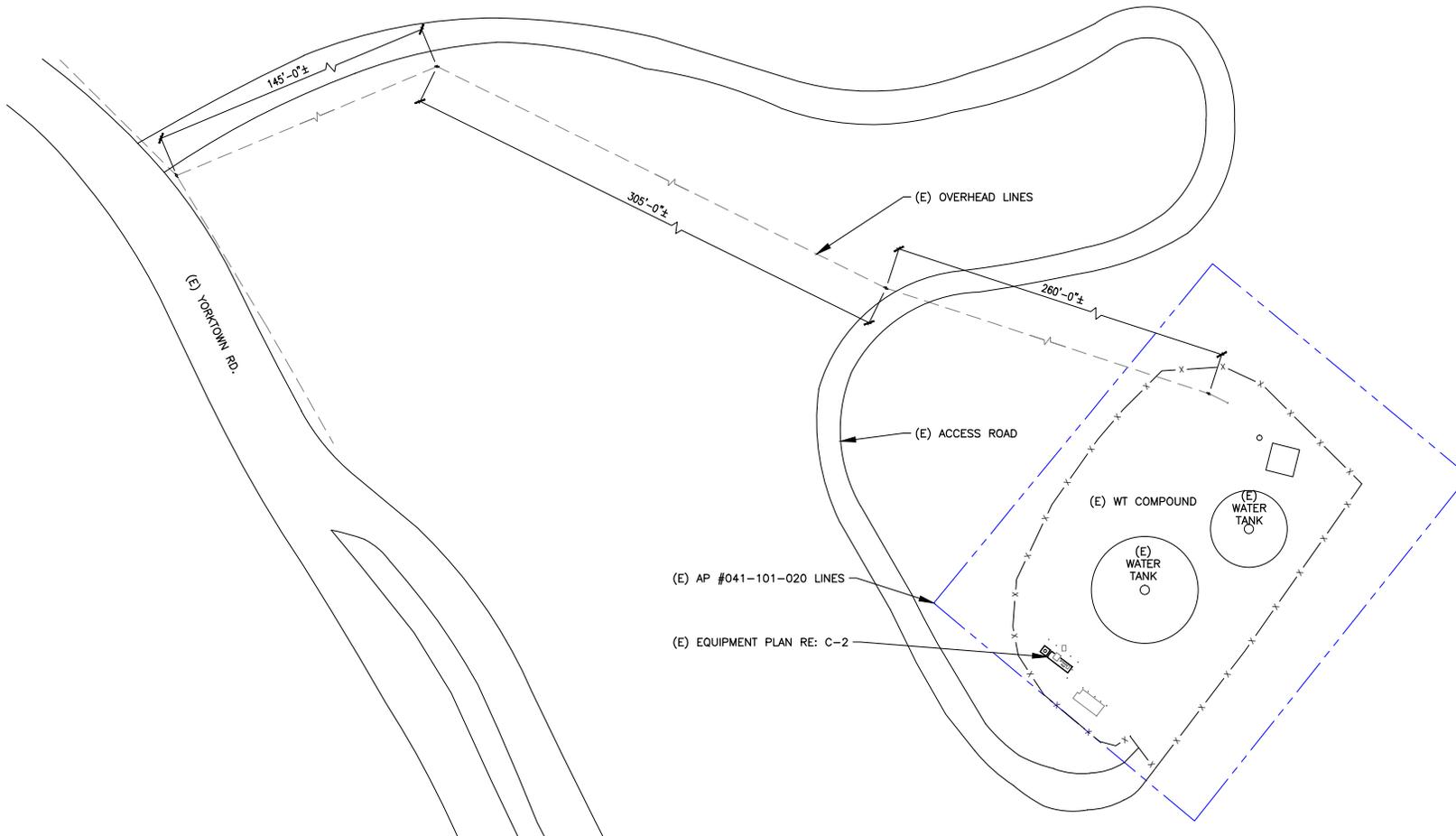


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



1 OVERALL SITE PLAN

SCALE: 0 10 20 40 80 160'



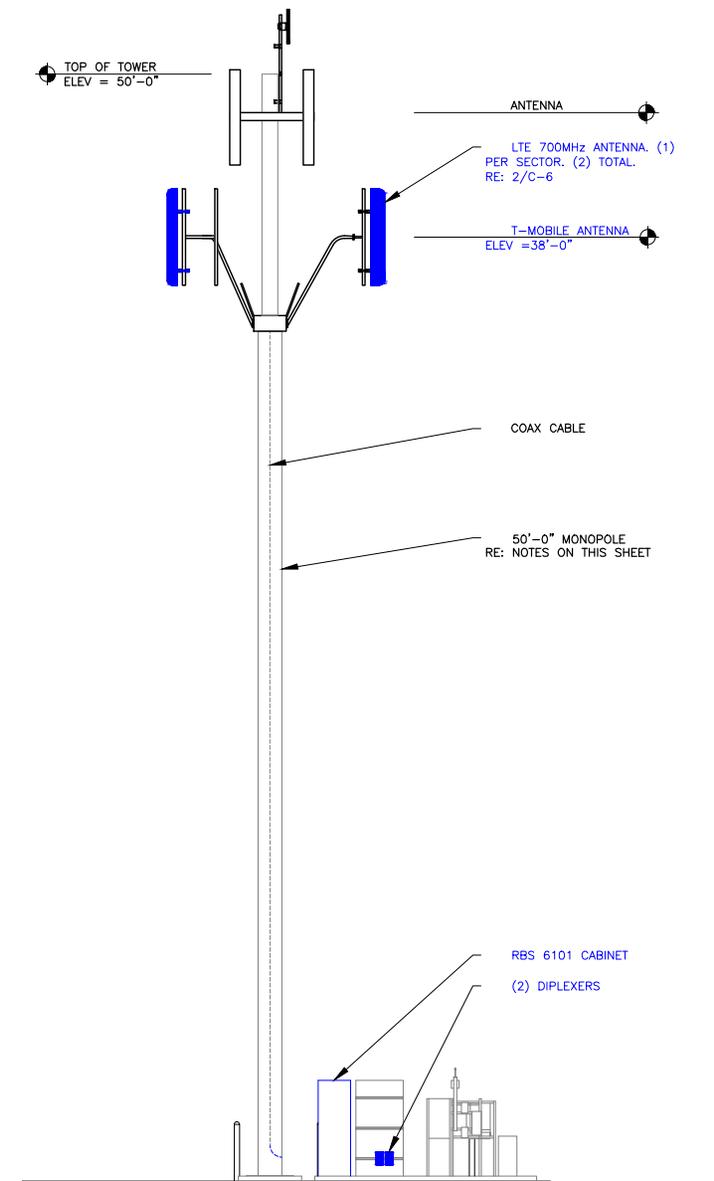
TRUE NORTH

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



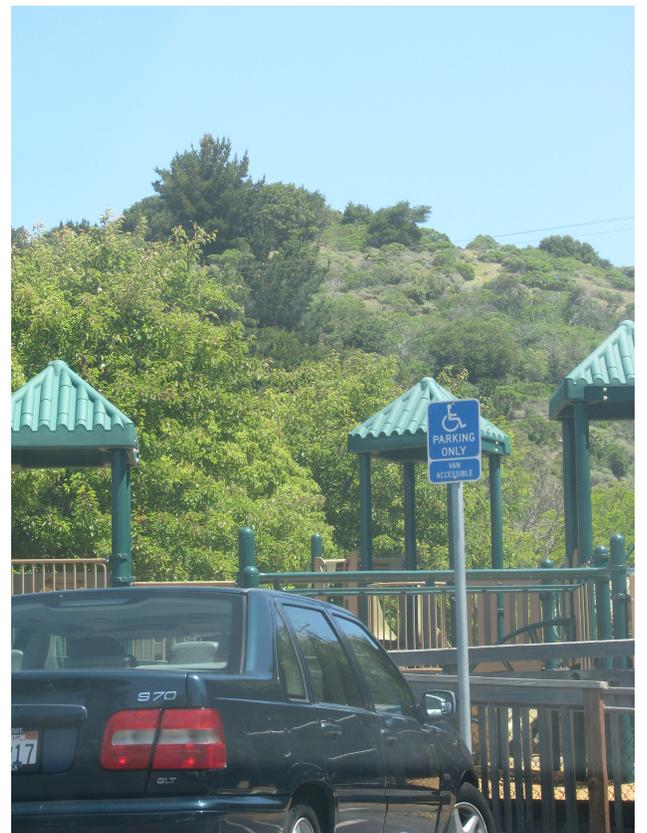
2 PROPOSED NORTHEAST TOWER ELEVATION
 SCALE: N.T.S.

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers: