COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: September 5, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Renewal, pursuant to Section 6500 of the

San Mateo County Zoning Regulations, to allow the continued operation of a telecommunications facility consisting of two roof mounted antennas on

an AT&T service building located at 115 Goulson Street in the

unincorporated Pescadero area of San Mateo County.

County File Number: PLN 2001-00728 (T-Mobile)

PROPOSAL

The applicant requests a Use Permit renewal to allow for the continued use of an existing telecommunications facility which consists of two antennas mounted to the roof of an AT&T equipment and switching building and four small equipment cabinets mounted to the rear of the building. As a maintenance item, one antenna replacement (replacing an existing omni antenna with a 96" x 24" panel antenna) is proposed with this renewal. Antenna replacement meets the Federal preemption requirements therefore not requiring an amendment of this Use Permit.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Renewal, County File No. PLN 2001-00728, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Kelsey Lang, Project Planner, Telephone 650/599-1549

Applicant: T-Mobile

Owner: AT&T

Location: 115 Goulson Street, Pescadero

APN: 086-042-310

Size: Approximately 1.9 acres

Existing Zoning: Parcel is split zoned R-1/S-7/DR/CD (Single-Family Residential/ 5,000 sq. ft. minimum/Design Review/Coastal Development) and C-1/S-7/DR/CD (Neighborhood Business District/5,000 sq. ft. minimum/Design Review/Coastal Development). The existing facility is within the residentially zoned portion.

General Plan Designation: Neighborhood Commercial Rural and Residential Medium Density Rural. The existing facility is within the residential designation.

Local Coastal Plan Designation: Neighborhood Commercial and Medium Density Residential. The existing facility is within the residential designation.

Existing Land Use: AT&T equipment and switching building

Flood Zone: Parcel contains FEMA flood zone AE and AE with Floodway according to FIRM panel 06081C0369E effective October 16, 2012. The existing facility is within the AE with Floodway zone.

Environmental Evaluation: Categorically exempt under provisions of Class 1, Section 15301, of the California Environmental Quality Act Guidelines; continuing use of an existing facility.

Setting: The parcel is currently developed with a utility service building owned and operated by AT&T on the northerly portion of the parcel. To the south of the development is Pescadero Creek, agricultural fields, and commercial buildings. The area of the parcel around the service facility on which the antennas are located is relatively sparse, with minimal landscaping on the north side of the building, facing the closest residents. Most of the parcel area to the south and west of the AT&T building is covered with trees or used for agricultural purposes. The majority of the parcels in the vicinity of the project are zoned residential (R-1), except for those directly to the rear of the project parcel, with frontage along Stage Road, which are zoned neighborhood commercial (C-1).

Chronology:

<u>Date</u>		Action
October 31, 2001	-	Application submitted.
May 3, 2002	-	Application deemed complete.
December 19, 2002	-	Zoning Hearing Officer hearing. Coastal Development and Use Permit application approved.
March 14, 2008	-	Renewal application submitted.

May 28, 2008 - Renewal application deemed complete.

July 17, 2008 - Zoning Hearing Officer hearing. Renewal application

approved.

May 16, 2019 - Renewal application submitted.

June 13, 2019 - Renewal application deemed complete.

September 5, 2019 - Zoning Hearing Officer hearing.

DISCUSSION

A. KEY ISSUES

1. Compliance with Conditions of the Last Approval

All of the Use Permit's conditions of approval for the last renewal of PLN 2001-00728 are assessed below with regard to compliance and whether the conditions should be retained or revised.

a. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer on June 17, 2008. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

Compliance with Condition? Yes.

<u>Recommended to Retain Condition</u>? Yes, but modified to reflect current date and wording: "This approval applies only to the proposal, documents and plans described in this report and materials approved by the Zoning Hearing Officer on September 5, 2019. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval."

b. This use permit shall be valid for ten (10) years until July 17, 2018. If the applicant seeks to renew this permit, renewal shall be applied for six (6) months prior to expiration with the Current Planning Section and shall be accompanied by the renewal application and fee applicable at that time. Renewal of this permit shall be considered at a public hearing.

<u>Compliance with Condition</u>? No. A use permit renewal application was not submitted prior to the expiration of the last approval.

<u>Recommended to Retain Condition?</u> Yes, but modified to reflect current date and wording: "This permit shall be valid for ten years from the date of approval. Renewal of this permit shall be applied for six months prior to its expiration to the Planning and Building Department and shall be accompanied by the renewal application and fees applicable at that time."

c. The applicant shall maintain the structures the approved colors throughout the course of their use.

Compliance with Condition? Yes.

<u>Recommended to Retain Condition</u>? Yes, but modified to: "The applicant shall maintain the structures in neutral colors that blend with the surroundings."

d. This use permit shall be for the proposed project only. Any change in intensity of use shall require an amendment to the use permit. Amendment of this use permit requires an application for amendment, payment of applicable fees, and consideration at a public hearing.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

e. The installation shall be removed in its entirety at the time when this technology becomes obsolete or this facility is no longer needed.

Compliance with Condition? Yes.

<u>Recommended to Retain Condition</u>? Yes, but updated to reflect current wording: "This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety days if the Federal Communications Commission (FCC) license and registration are revoked or if the facility is abandoned or no longer needed. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility."

f. The applicant shall receive and maintain approval from the FCC and the California Public Utilities Commission (CPUC) with regard to the operation of the project at this site. Upon receipt of

each of these approvals, the applicant shall file a copy of the approvals with the Current Planning Section. The applicant shall be required to keep a current copy of this form on file with the Current Planning Section throughout the life of this use. If these approvals are ever revoked, the applicant shall inform immediately the Current Planning Section of the revocation.

Compliance with Condition? Yes.

<u>Recommended to Retain Condition</u>? Yes, but updated to reflect current wording: "The applicant shall maintain all necessary licenses and registrations from the FCC and any other applicable regulatory bodies for the operation of the subject facility at this site. The applicant shall supply the Planning Department with evidence of such licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning Department of the revocation within ten days of receiving notice of such revocation."

<u>Additional Recommended Conditions of Approval</u>

Staff recommends the addition of Condition Nos 7 and 8 listed in Attachment A. These conditions are standard conditions of approval typically associated with telecommunications facility permits.

2. <u>Conformance with the General Plan</u>

The proposal has been reviewed against and found to be consistent with all applicable General Plan Policies. This portion of the property is designated Medium Density Residential Rural. The applicable policies are listed and discussed below.

Visual Quality Policies

Policies 4.15 (Appearance of New Development), and 4.24 (Rural Development Design Concept) discuss regulating development to promote and enhance site relationships and other aesthetic considerations; and to ensure that structures preserve the scenic character of the natural landscape.

The existing telecommunications facility is located on top of an existing onestory service building. The building is located at the end of a cul-de-sac with a line of trees separating it from view by the residences on Goulson Street. The existing building does not dominate nor intrude on the scenic character of the natural landscape, and the renewal of this use permit will not further impact the site's aesthetics.

Rural Land Use Policies

Policies 9.23 (*Land Use Compatibility in Rural Lands*) promotes clustering development, buffering resource uses from residential uses, and maintaining the harmonious nature of rural lands.

The land use designation of this portion of the parcel is Medium Density Residential Rural. While the existing structure is clustered close to the property lines, it is buffered from the neighboring residential properties by a line of tall hedging. The remainder of this portion of the property is forested or used for agricultural purposes. Permitting the continued use of the existing facility does not interfere with the harmonious nature of these lands.

3. Conformance with the Local Coastal Program

The proposal has been reviewed against and found to be consistent with all applicable Local Coastal Program Policies. This portion of the property is designated Medium Density Residential. The applicable policies are listed and discussed below.

Location Policies

Policy 1.8 (*Land Uses and Development Densities in Rural Areas*) requires development to avoid significant adverse impacts to coastal resources, and to retain agricultural lands for agricultural production.

The existing telecommunication facility is sited on top of an existing service building. The renewal of this use permit and the replacement of one antenna do not impact coastal resources or expand development further into agricultural lands.

Visual Resource Policies

Policy 8.13.d (*Special Design Guidelines for Coastal Communities* – *Pescadero*) encourages new development to maintain traditional local architectural features.

No changes are proposed to the exterior of the existing building or development footprint. The replacement antenna is conditioned to be painted a neutral color that will blend with the surroundings.

4. Compliance with Zoning Regulations

This parcel is split zoned R-1/S-7/DR/CD and C-1/S-7/DR/CD. The existing facility is within the residentially zoned portion. The existing AT&T switch

building was constructed prior to 1991, and the telecommunications facility was approved in 2002. The existing antenna that is proposed to be replaced is located on top of the building and stands 36'-6" above average grade. The height limit of the S-7 District is 36' above average grade. The replacement antenna would be 37'-9" above average grade, which is an additional 1'-3" taller than the current antenna. As this telecommunication facility was previously approved, federal law (through the Middle Class Tax Relief and Job Creation Act of 2012) permits the replacement of the antenna without additional County approvals, if the height has an overall increase of less than 10 percent. The proposed antenna replacement increases the overall height by approximately 3%, qualifying the replacement for federal preemption.

With the exception of the maximum height and the existing front yard setback, the existing facility meets the requirements of the zone, as indicated in the table below.

	Minimum Required	Existing Facility
Front Yard Setback	20'	14'-6"
Right Side Yard Setback	5'	9'
Left Side Yard Setback	5'	~120'
Rear Yard Setback	20'	~280'
Maximum Height	36'	36'-6" (Existing) 37'-9" (Proposed)

5. Compliance with Wireless Telecommunication Facilities Ordinance

Staff has determined that the project complies with the applicable standards of the Wireless Telecommunication Facilities Ordinance, as discussed below.

a. <u>Development and Design Standards</u>

Sections 6512.2.A, 6512.2.B, 6512.2.C, and 6512.2.D require new wireless telecommunication facilities to be located outside of Sensitive Habitats, outside of Residentially (R) zoned properties (unless no other option exists), and to co-locate when possible.

The site contains a commercial utility building located in a mapped sensitive habitat area and within a Residential (R) zone. However, this facility has existed since 2002 and no new development or environmental impact will result from the renewal nor the proposed antenna replacement.

Sections 6512.2.E, 6512.2.F and 6512.2.G seek to minimize and mitigate visual impacts by siting new facilities outside of the public view, using natural vegetation for screening, painting equipment to blend with existing landscaping (such as non-reflective materials), and designing the facility to blend in with the surrounding environment.

The existing and proposed antennas are not visible from the Goulson Street public right-of-way since the facility is located at the end of the road. Further, the facility is not visible from Pescadero Creek Road, a County Scenic Corridor, due to mature vegetation along Pescadero Creek which parallels the roadway. The antennas and related equipment will be conditioned to be painted neutral colors that blend in with the background.

Section 6512.2.H requires the facility to comply with all the requirements of the underlying zoning district.

As discussed in Section A.4, the facility complies with the R-1/S-7 Zoning District development standards with the exception of height, which is permitted because the Federal preemption criteria are met.

Sections 6512.2.I, 6512.2.J, and 6512.2.K include requirements for facilities developed in PAD, RM, RM-CZ, TPZ, TPZ-CZ, or any Residential (R) District.

This site is within a Residential District, however the facilities are existing and no changes are proposed that would increase the area or intensity of development.

Section 6512.2.L requires that diesel generators are only installed when the use of electricity, natural gas, solar, wind, or other renewable energy sources are not feasible.

A generator currently exists with the existing facility equipment. No new generators are proposed with this application.

b. Performance Standards

As conditioned, the proposed project meets the required standards of Section 6512.3 (*Performance Standards for New Wireless Telecommunication Facilities that are Not Co-Location Facilities*) for lighting, licensing, provision of a permanent power source, timely removal of the facility, and visual resource protection. There is no new lighting proposed, visual impacts will continue to be minimal, existing

road access will be used, and the conditions of approval will require maintenance and/or removal of the facilities when they are no longer in operation.

6. Compliance with Use Permit Findings

The Zoning Hearing Officer must make the following findings in order to approve the Use Permit Renewal:

a. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

This facility has been in operation since 2003 and, to date, no complaints have been received regarding this operation. Additionally, the applicant has complied with the conditions of approval and has maintained valid licenses from the California Public Utilities Commission and Federal Communication Commission. The Pescadero Municipal Advisory Committee reviewed the application and indicated that they did not have any comments. Therefore, staff has not determined that allowing the continued operation of this cellular facility will not adversely affect coastal resources or the welfare of the neighborhood and that this finding can be made.

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

Staff has determined that the continued use of this project will continue to provide the necessary clarity, range, and capacity of the existing cellular network and will continue to provide communication services for the public. Contiguous cellular coverage is important, not only in the conduction of day-to-day business and conversations, but also provides important assistance in emergency situations. By utilizing this site, missed or "dropped" calls will be eliminated and seamless coverage will be possible between areas to the north and south of this site for residents, commuters, and emergency response.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features,

involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination

C. <u>REVIEWING AGENCIES</u>

Pescadero Municipal Advisory Committee California Coastal Commission Building Inspection Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans

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County of San Mateo - Planning and Building Department

ATTACHMENT A

County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2001-00728 Hearing Date: September 5, 2019

Prepared By: Kelsey Lang For Adoption By: Zoning Hearing Officer

Project Planner

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is categorically exempt from environmental review, per Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing public or private structures.

Regarding the Use Permit, Find:

- 2. That the establishment, maintenance, and/or conducting of the use will not, under the circumstances of the particular case, result in significant adverse impact to coastal resource or be detrimental to the public welfare or injurious to the property or improvements in said neighborhood because the projects will meet current Federal Communications Commission (FCC) standards as shown in the radio frequency radiation reports and have been conditioned to maintain valid FCC and California Public Utilities Commission (CPUC) licenses.
- 3. That the telecommunication facility is necessary for the public health, safety, convenience, or welfare of the community in that continued operation of a cellular facility in this location will provide increased and improved cellular coverage in the area for residents, commuters, and emergency personnel.

RECOMMENDED CONDITIONS OF APPROVAL

<u>Current Planning Section</u>

 This approval applies only to the proposal, documents and plans described in this report and materials approved by the Zoning Hearing Officer on September 5, 2019. The Community Development Director may approve minor revisions or

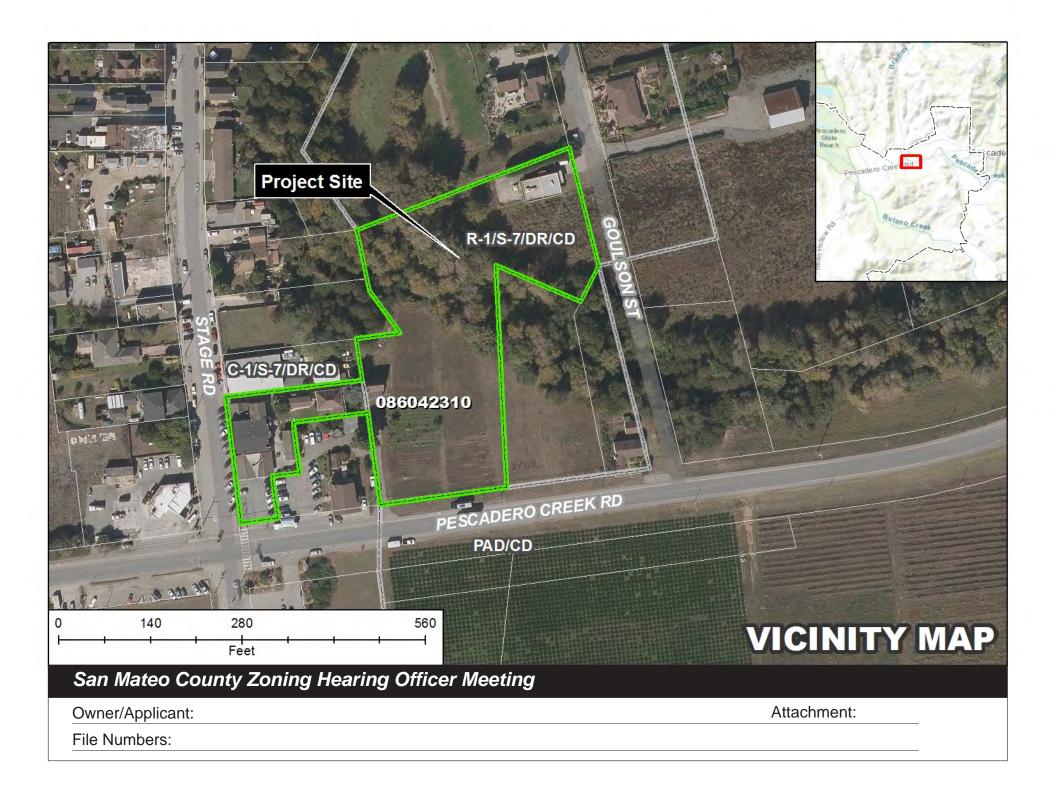
- modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.
- 2. This permit shall be valid for 10 years from the date of approval. Renewal of this permit shall be applied for 6 months prior to its expiration to the Planning and Building Department and shall be accompanied by the renewal application and fees applicable at that time.
- 3. The applicant shall maintain the structures in neutral colors that blend with the surroundings.
- 4. This Use Permit shall be for the proposed project only. Any change in intensity of use shall require an amendment to the Use Permit. Amendment of this use permit requires an application for amendment, payment of applicable fees, and consideration at a public hearing.
- 5. This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety days if the FCC license and registration are revoked or if the facility is abandoned or no longer needed. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility.
- 6. The applicant shall maintain all necessary licenses and registrations from the Federal Communications Commission (FCC) and any other applicable regulatory bodies for the operation of the subject facility at this site. The applicant shall supply the Planning Department with evidence of such licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning Department of the revocation within 10 days of receiving notice of such revocation.
- 7. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
- 8. There shall be no external lighting associated with this use. Wireless telecommunication facilities shall not be lighted or marked unless required by the FCC or Federal Aviation Administration (FAA).

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County of San Mateo - Planning and Building Department

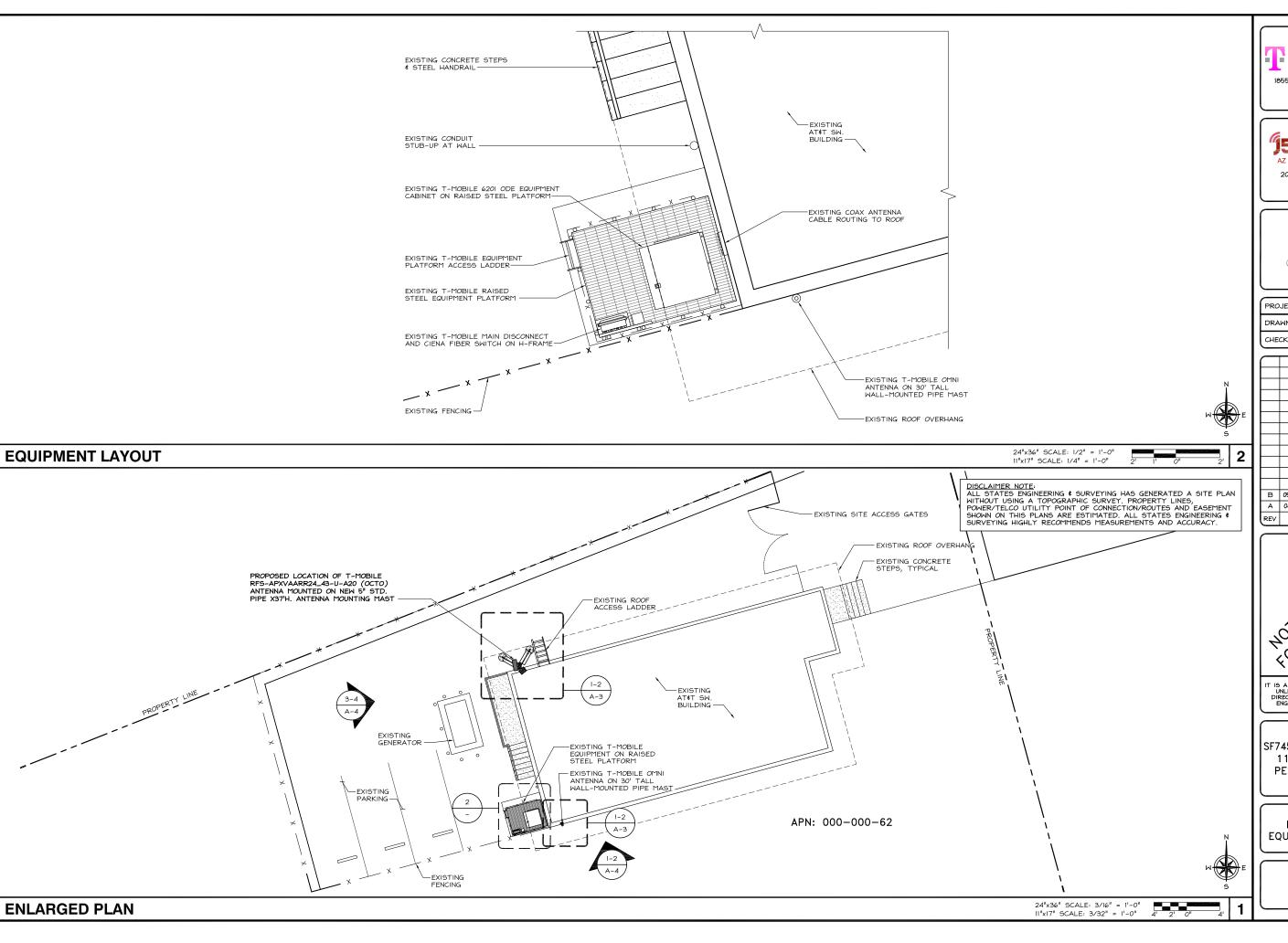
ATTACHMENT B





County of San Mateo - Planning and Building Department

ATTACHMENT C



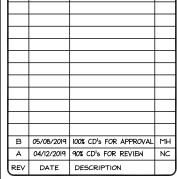




2030 MAIN STREET, STE 200 IRVINE, CALIFORNIA 92614



PROJECT NO:	SF03745A
DRAWN BY:	NC
CHECKED BY:	DW



NOT CONSTRUCTOR

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SF03745A
SF745 PESCADERO AT&T COLO
115 GOULSON STREET
PESCADERO, CA 94060
L600 PROJECT

SHEET TITLE

ENLARGED PLAN & EQUIPMENT LAYOUT PLAN

SHEET NUMBER

A-2

NOTE TO CONTRACTOR:

RRU RRU EQUIP.

1 ERICSSON RRU

PROPOSED RRU KEY - ON TOWER

MODEL NO.

4449 B71+B12

EQUIP. CENTER

ANTENNAS TMA TWIN STYLE 1A-PCS ANTENNAS 1 PROPOSED

STATUS 1 PROPOSED

CONTRACTOR IS TO REFER TO T-MOBILE'S MOST CURRENT RADIO FREQUENCY DATA SHEET (RFDS) PRIOR TO CONSTRUCTION

	PROPOSED ANTENNA KEY													
TOR	O STATUS AI	ANTENNA	BEAM	ANTENNA	ANTENNA MODEL	AZIMUTH	ELECTRICAL	MECHANICAL	RAD	TYPE	COAXIAL FEEDER		FIBER/HYBRID CABLE FEEDER	
SEC	SIAIUS	NUMBER	WIDTH	VENDOR	ANTENNA WODEL	AZIMOTA	DOWNTILT DOWNTILT CENTE		CENTER	11172	SIZE	LENGTH	SIZE	LENGTH
¥	EXISTING	A-1	-	DBSPECTRA	DB360-L2H9-D (DUAL)	OMNI- DIRECTIONAL	0	0	29'-3"	L1900/G1900	(2) 7/8" COAX	31'	-	-
Ą	PROPOSED	A-2	65*	RFS	APXVAARR24_43-U-NA20	260°	0	0	29'-3"	L600/L700	(4) COAX JUMPER	10'	(1) FIBER JUMPER	35*

	EXISTING ANTENNA KEY													
STATUS		. ANTENNA	BEAM	ANTENNA	ANTENNA MODEL	AZIMUTH	ELECTRICAL	MECHANICAL	RAD	TYPE	COAXIAL FEEDER		HYBRID CABLE FEEDER	
SEC	SIAIUS	NUMBER	WIDTH	VENDOR	ANTENNA MODEL	AZIMUTH	DOWNTILT	DOWNTILT	CENTER	ITPE	SIZE	LENGTH	SIZE	LENGTH
ALPHA	EXISTING	A-1	-	DBSPECTRA	DB360-L2H9-D (DUAL)	OMNI- DIRECTIONAL	0	0	29'-3"	L1900 L700 G1900	(2) 7/8" COAX	31'-0"	1	-
ALF	EXISTING	A-2	-	DBSPECTRA	DB360-L2H9-D (DUAL)	OMNI- DIRECTIONAL	0	0	29'-3*	L1900 L700 G1900	(2) 7/8" COAX	31'-0"	-	-

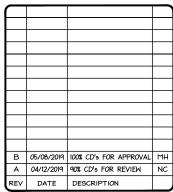


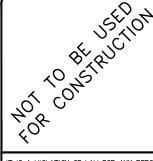


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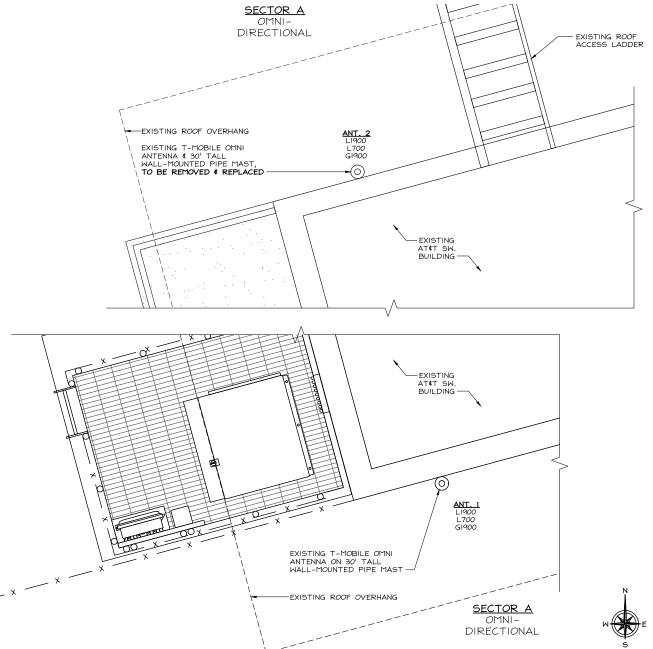
SF03745A SF745 PESCADERO AT&T COLO 115 GOULSON STREET PESCADERO, CA 94060 L600 PROJECT

> SHEET TITLE ANTENNA LAYOUT & SCHEDULE

SHEET NUMBER

A-3

PROPOSED (1) T-MOBILE RFS-APXYAARR24_43-U-A20 (OCTO) ANTENNA MOUNTED ON NEW 5" STD. PIPE x37'H. ANTENNA MOUNTING MAST - PROPOSED T-MOBILE CONCRETE PIER (KICKER FOUNDATION), TYP. OF 2	EXISTING ROOF ACCESS LADDER
PROPOSED DOUBLE-ANGLE KICKER EXISTING ROOF OVERHANG SECTOR A AZIMUTH	
260°	PROPOSED (1) T-MOBILE 4449 B7I+B12 RRUS MOUNTED D-I EXISTING AT\$T SN. BUILDING
X X X X X X X X X X X X X X X X X X X	- EXISTING AT\$T SW. BUILDING
X X X X X	PROPOSED (1) T-MOBILE GENERIC TWIN STYLE IA-PCS TMA, MOUNTED UNDER EXISTING ANTENNA
EXISTING T-MOBILE OMNI ANTENNA ON 30' TALL WALL-MOUNTED PIPE MAST— EXISTING ROOF OVERHANG	SECTOR A OMNI- DIRECTIONAL
PROPOSED ANTENNA LAYOUT	24"x36" SCALE: 3/4" = 1'-0"



EXISTING ANTENNA LAYOUT

24"x36" SCALE: 3/4" = 1'-0" 11"x17" SCALE: 3/8" = 1'-0"

