



CITY OF SAN MATEO

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Administrative Report

Agenda Number: 2., Status: New Business

File ID: 2019-097

TO: Sustainability and Infrastructure Commission

FROM: Brad B. Underwood, Director of Public Works

PREPARED BY: Public Works Department

MEETING DATE: Wednesday, February 13, 2019

SUBJECT:

Protest of Minor Wireless Permit Approval at 201 North Amphlett Boulevard

RECOMMENDATION

Hold a public hearing to consider a protest of a minor wireless permit and uphold the Director of Public Works' decision.

BACKGROUND

On August 12, 2018, City staff held a pre-application meeting with Modus, Inc., working on behalf of AT&T Mobility, for installation of a wireless communications facility (small cell) on a utility pole within the public right-of-way at 201 North Amphlett Boulevard. As required by the San Mateo Municipal Code (SMMC) 17.10, "Wireless Communications Facilities in the Public Right-of-Way", Modus, Inc. mailed notices to nearby residents for the opportunity to have an informational neighborhood meeting. Such a meeting was requested and held on October 11, 2018 at the Martin Luther King Community Center. The meeting included photo simulations, a scaled three-dimensional mock-up of the installation, and responses to questions posed by attendees.

A formal Wireless Communications Facilities Permit Application was submitted on November 8, 2018 by Modus, Inc. on behalf of AT&T Mobility. Based on the review of all the submitted documents, staff determined that the application and proposed installation meet the required conditions of approval as outlined in SMMC 17.10.070(a). Conditional approval of the application was given on January 8, 2019. As required by the SMMC 17.10.060, a notice was mailed on January 10, 2019 to residents within a 500-foot radius of the proposed location and posted at the site. The notice advised residents of the Director of Public Works' (Director's) decision and allows a 10-day protest period.

The City received one protest within the 10-day protest period. As required by SMMC 17.10.070(d), the Sustainability and Infrastructure Commission shall hold a public hearing to consider and act on the protest in accordance with the required findings. A copy of the protest is attached as Attachment 1.

The protest outlined the following code sections, with which the appellant felt the applicant was not in compliance:

- SMMC 17.10.07(a)(3) - Project failed to show the public a comparative analysis for location.

Staff Response: The wireless communications permit, which is attached as Attachment 2, contains the project's technical objective, gap coverage maps, and alternate sites analysis.

- SMMC 17.10.09 - Project is located within a lot distance of single and multi-family housing units.

Staff Response: The project is located within a C-4, Service Commercial Zone, which is the fifth (5th) most preferred location under SMMC Section 17.10.090(a) in which nine (9) zones are listed.

- SMMC 17.10.100(a)(1) - The proposed project will cause discomfort and annoyance as it is taller than the freeway sound wall and adjacent building, it will be within continuous view from the adjacent pedestrian bridge, and it is viewable from neighboring residential buildings.

Staff Response: The proposed facility complies with all applicable site location guidelines.

- SMMC 17.10.100(a)(4) - The proposed facility may grow once sited without a public appeal. The current wattage may grow to a buzzing 40,000 watts and still comply with FCC limits.

Staff Response: The facility must comply with SMMC 17.10.100(a)(4) Noise, which states that the facility shall not exceed the applicable ambient noise level in the subject zoning district. For a C-4, service commercial zoning, the night time ambient noise level is 60 dB and the day time ambient noise level is 65 dB.

Staff recommends upholding the Director's decision to approve this facility based on SMMC 17.10.070(a)(1-4):

(a) Required Findings for Approval. The approval authority may approve or conditionally approve an application for a minor wireless permit or major wireless permit submitted under this chapter when the approval authority finds all of the following:

- (1) The proposed wireless facility complies with all applicable site location guidelines in Section 17.10.090 <http://qcode.us/codes/sanmateo/view.php?cite=section_17.10.090&confidence=6> and design regulations in Section 17.10.100 <http://qcode.us/codes/sanmateo/view.php?cite=section_17.10.100&confidence=6>; and
- (2) The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions; and
- (3) The applicant has proposed to place the wireless facility in the most-preferred location or, if the wireless facility is not proposed in the most-preferred location, the applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations through a meaningful comparative analysis; and
- (4) The applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative designs identified in the administrative record are either technically infeasible or unavailable.

Attachment 3 provides two views of photo simulations for the proposed small cell located at 201 N. Amphlett Blvd.

BUDGET IMPACT

Holding a Public Hearing will not have a direct impact on the City's Budget.

ENVIRONMENTAL DETERMINATION

This application is exempt from the California Environmental Quality Act (CEQA) per Sections 15301(existing facility), 15303 (new construction of small structures), and 15311 (accessory structures) as it is an installation of equipment that is under nine cubic feet on an existing utility pole.

NOTICE PROVIDED

Notice was mailed to all residents and properties within a 500-foot radius of the location and posted at the site. In addition, notice of this meeting was emailed to individuals signed up for notification and posted on the Small Cell Infrastructure webpage.

ATTACHMENTS

Att 1 - Protest of Wireless Communication Permit

Att 2 - Wireless Communications Permit

Att 3 - Photo Simulations

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