

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

**DATE:** June 17, 2021

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Renewal and Amendment and Resource Management Permit, pursuant to Sections 6500, 6512.6, and 6313, respectively, of the San Mateo County Zoning Regulations to for the continued operation of a co-located cellular facility operated by T-Mobile and Verizon Wireless and the addition of a new emergency backup diesel generator and concrete pad within the existing fenced equipment area located at 335 Sears Ranch Road in the unincorporated La Honda area of San Mateo County.

County File Number: PLN 2007-00137 (Wilson/American Tower)

**PROPOSAL**

The applicant is proposing to continue the operation of a co-located macro-cellular facility that consists of an 80-foot monopine, 15 panel antennas (Verizon Wireless and T-Mobile), a 240 sq. ft. equipment shelter, three GPS antennas, and a 210-gallon emergency diesel generator to serve the existing Verizon Wireless facility. The applicant is also proposing an additional 466-gallon emergency diesel generator and associated concrete pad to serve the T-Mobile facility on site. The second generator will be located within the fenced equipment area of the cellular facility and no trees will be removed for this project.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Renewal and Amendment and Resource Management Permit, County File Number PLN 2007-00137, by making the required findings and adopting the conditions of approved listed in Attachment A.

**BACKGROUND**

Report Prepared By: Laura Richstone, Project Planner; [LRichstone@smcgov.org](mailto:LRichstone@smcgov.org)

Applicant: John Merritt, American Tower

Owner: Steve and Judy Wilson

Location: 335 Sears Ranch Road, La Honda

APNs: 083-361-070; 083-361-090. The project site is located on one legal parcel with two assessor's parcel numbers. The two parcels were combined through a subdivision Planning File No. X6E-3147, recorded on March 3, 1972.

Size: 50 acres

Existing Zoning: Resource Management (RM)

General Plan Designation: General Open Space

Williamson Act: Not contracted

Existing Land Use: Open range, pasture

Water Supply: N/A

Sewage Disposal: N/A

Flood Zone: Zone X (area of minimal flood hazard); FEMA Panel Nos. 06081C0384E and 06081C0383E; effective date October 16, 2012.

Environmental Evaluation: Categorically exempt under the provision of Section 15303, Class 3, of the California Environmental Quality Act (CEQA) related to the new construction of small structures.

Setting: The project site is accessed through APN 083-361-070 (415 Sears Ranch Road) in unincorporated La Honda and adjacent to the La Honda Road County Scenic Corridor. Relatively flat and elevated approximately 15-20 feet above Sears Ranch roadway, existing topography and vegetation provide natural screening of the project site. The project site is across from the La Honda Elementary School and adjacent to the La Honda Open Space Preserve.

Chronology:

<u>Date</u>	<u>Action</u>
March 20, 2008	- Use Permit and Resource Management Permit for a new cellular facility approved.
October 19, 2014	- Minor Modification for three additional antennas approved.
October 13, 2016	- Minor Modification to collocate a T-Mobile facility including 6 additional panel antennas approved.

- October 5, 2020 - Use Permit Renewal, Use Permit Amendment and Resource Management Permit submitted.
- April 14, 2021 - Application deemed complete.
- June 17, 2021 - Zoning Hearing Officer public hearing.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Compliance with Conditions of Last Approval**

The conditions from the last approval by the Zoning Hearing Officer on March 20, 2008 are assessed below for project compliance and if 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 March 20, 2008. The Community Development Director may approve minor adjustments to the project in the course of applying for building permits if they are consistent with the intent of and in substantial conformance with this approval.

*Compliance with Condition? Yes.*

*Recommended to Retain Condition? Yes.*

- b. This use permit shall be valid for ten years following the date of approval. The applicant shall file for a renewal of this permit six months prior to expiration with the County Planning and Building Department, if continuation of this use is desired.

*Compliance with Condition? Partial, the use permit expired in March 2018. Upon discovering that the Use Permit was expired, the applicant submitted for a renewal in October 2020.*

*Recommended to Retain Condition? Yes, but modified to reflect the new Use Permit terms and dates as follows:*

This Resource Management Permit and Use Permit shall be valid for ten (10) years following the date of final approval, valid through June 17, 2031. The applicant shall file for a renewal of this Use Permit six (6) months (December 17, 2030) prior to expiration with the County Planning and Building Department if continuation of the use is desired. Any change in use or intensity may require an amendment to

this Resource Management Permit and Use Permit. Resource Management and Use Permit amendments require an application for amendment, payment of applicable fees, and consideration at a public hearing.

- c. Prior to the issuance of a building permit, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:
- (1) Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - (2) Minimize the area of bare soil exposed at one time (phased grading).
  - (3) Clear only areas essential for construction.
  - (4) Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
  - (5) Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - (6) Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- (7) Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- (8) Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- (9) Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- (10) Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- (11) Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50 percent full (by volume).
- (12) Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly, and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- (13) Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.  
Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

- d. The applicant shall reseed all disturbed areas (beyond the improved portions the project site) with a native vegetation mix applied in conjunction with mulch and tackifier, as directed and overseen by the applicant's biologist, as soon as grading activities are completed. Such actions shall be indicated on the site plan for any subsequently submitted Building Permit. Planning staff shall confirm that such revegetation/reseeding has been adequately applied prior to the Planning Department's final approval of the project's building permit.

Compliance with Condition? Yes.

Recommended to Retain Condition? No. This condition has been met and is no longer applicable.

- e. Preconstruction surveys for nesting birds shall be conducted by a qualified biologist no more than 30 days prior to the start of construction for activities occurring during the breeding season (February 1 to August 31). The biologist shall submit a written report summarizing the findings of this survey prior to the issuance of the building permit. If work is to occur within 300 feet of active raptor nests or 100 feet of all other types of active bird nests, a non-disturbance buffer shall be established at a distance sufficient to minimize nest disturbance based on the nest location, topography, cover, and species' tolerance to disturbance. If rescheduling of work around active nests of white-tailed kites and other sensitive bird species is infeasible, a biologist shall be on-site to monitor active nests for signs of nest disturbance. If it is determined that construction activities are resulting in nest disturbance, work shall cease immediately and the California Department of Fish and Game and the U.S. Fish and Wildlife Service Migratory Bird Regional Permit Office (Region 1) shall be contacted.

Compliance with Condition? Yes.

Recommended to Retain Condition? No. This condition has been fulfilled. The addition of a new generator within the fenced disturbed area of the cellular facility will not require the removal of any trees, will be short in duration (1-2 weeks for installation), and will not require a nesting bird survey.

- f. The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a building permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:
  - (1) Water all active construction areas at least twice daily.
  - (2) Minimize the area of bare soil exposed at one time (phased grading).
  - (3) Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- (4) Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- (5) Apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- (6) Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
- (7) Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- (8) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- (9) Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
- (10) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- (11) Replant vegetation in disturbed areas as quickly as possible.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

- g. All grading, and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holidays. Noise levels produced by construction activities shall not exceed 80-dBA level at any one moment.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes, but modified to reflect the current Noise Ordinance language below:

Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).

- h. The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of application for a building permit. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off-site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities. The on-site drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to the issuance of building permits. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section shall ensure that the approved plan is implemented prior to the project's final building and/or grading inspection approval.

Compliance with Condition? Yes.

Recommended to Retain Condition? No. This condition has been met and is not applicable for the installation of the proposed generator.

- i. Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Department.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.



- j. Prior to the issuance of a building permit, the applicant shall submit color samples for the antennas, monopine, and equipment shelter. All equipment and structures shall be painted in natural colors to match the existing trees in the vicinity. Paint colors shall be subject to the review and approval of the Planning Department. Color verification by the Planning Department shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes, but modified to reflect the following:

The applicant shall maintain the approved natural colors of the antennas, monopine, and equipment shelter for the life of the project. Additionally, prior to the issuance of a building permit, the applicant shall submit color samples for the generator. All equipment and structures shall be painted in natural colors to match the existing trees in the vicinity and shall be constructed of non-reflective materials. Paint colors shall be subject to the review and approval by the Planning Department. Color verification by the Planning Department shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final building inspection.

- k. The monopine shall be shaped conical at the upper portion of the tower and branches shall be placed randomly in order to mimic natural vegetation. The panel antennas shall be mounted to the pole of the monopine, not branches.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

- l. The applicant shall obtain a building permit and develop in accordance with the approved plans.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

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

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes, but modified to reflect updated wireless ordinance language.

This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety (90) days if the Federal Communications Commission (FCC) license and registration are revoked or if the facility is abandoned or no longer needed and subject to a building permit as required by the Building Inspection Section. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility.

- n. Any change in use or intensity shall require an amendment to the use permit. Amendments to this use permit require an application for amendment, payment of applicable fees, and consideration at a public hearing.

Compliance with Condition? Yes.

Recommended to Retain Condition? No, this language is incorporated into revised condition b above.

- o. The applicant shall receive and maintain approval from the FCC and the CPUC concerning the operation of the project at this site. Upon receipt of each of these approvals, the applicant shall supply the Planning Department with proof of approval. If these approvals are ever revoked, the applicant shall inform the Planning Department of the revocation.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes, but modified to reflect current wireless ordinance language:

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 (10) days of receiving notice of such revocation.

- p. The cellular facility shall not be put into operation until permanent power is provided by PG& E. The power generator may only be used on an emergency basis or in the case of power outages.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes, but modified to the following:

All generators on site shall only be used on an emergency basis or in the case of power outages and shall not be considered a permanent long-term source of power for the facility.

- q. Prior to the issuance of a building permit for this facility, the applicant shall submit a copy of their BAAQMD permit to operate the proposed diesel generator. For maintenance or testing purposes, the applicant shall not operate the generator more than 50 hours per year.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

- r. In the case of an accidental spill of diesel fuel, the applicant shall immediately contact the County Environmental Health Services and comply with all state and local clean-up regulations and policies.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

- s. The property owner shall contact and coordinate with the Building Inspection Section in order to provide addresses to all existing and new structures on the related properties.

Compliance with Condition? Yes.

Recommended to Retain Condition? No. This condition has been fulfilled and is no longer applicable.

- t. All utilities necessary to serve this facility shall be installed underground from the nearest existing utility pole. No new utility poles are permitted to be installed.

Compliance with Condition? Yes.

Recommended to Retain Condition? Yes.

2. Conformance with the General Plan

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

## Visual Quality

Policy 4.1 (*Protection of Visual Quality*) Policy 4.21 (*Utility Structures*), Policy 4.22 (*Scenic Corridors*) and Policy 4.24 (*Rural Design Concept*) seek to promote and enhance good design, site relationships, and other aesthetic considerations, minimize the adverse visual quality of utility structures, protect the visual quality of scenic corridors, and encourage clustering of development and the use of fences to minimize visual impacts.

The project site is located adjacent to the La Honda Road County Scenic Corridor and utilizes an existing driveway off Sears Ranch Road. Existing development on the parcel includes a single-family residence, detached garage/storage building, barn, roofed and unroofed corals, cattle fencing, the subject facility, and a separate adjacent ground mounted cellular facility. There are two large pine trees (approximately 92-ft. tall) immediately adjacent to the existing monopine cellular structure and a large number of smaller trees (approximately 33-ft. tall) surrounding the project site. These trees screen the monopine from view and help the structure to blend in with its surroundings. The distance of the project site from Sears Ranch Road and La Honda Road and the topography of the parcel further screen the existing monopine and lease area from public viewpoints on these roads. It is not expected that the addition of a second generator within the fenced equipment area would create additional visual impacts beyond existing conditions as the generator would not increase the footprint of the lease area, would be located in a previously disturbed area, and would be screened from view by the surround fencing and topography.

## General Land Use

This parcel is designated as General Open Space by the County's General Plan. The operation of the existing cellular facility is compatible with this parcel's Open Space land use designation as the facility utilizes existing road infrastructure, is unmanned and does not generate a significant increase of traffic to the site beyond routine maintenance (1-2 times per month), and as the leased area for the operation of the cellular facility is only approximately 1,579 sq. ft. in size, leaving the remaining 50-acre parcel open, except for existing residential use, to continue its use as a cow pasture.

### 3. Conformance with the Zoning Regulations

The project parcel is zoned Resource Management (RM). Wireless telecommunication facilities are an allowed use in this district subject to the issuance of a Use Permit. The initial Use Permit for this site was granted in 2008 for a term of ten years. The applicant has proposed to renew and amend the subject use permit to install a new 466-gallon diesel generator on a concrete pad within the existing fenced leased area of the cellular facility.

The project site is located on one legal parcel with two assessor’s parcel numbers. The two parcels were combined through a subdivision to form a single legal developable parcel that was processed under Planning File No. X6E-3147, recorded on March 3, 1972. While the two parcels were merged, they retained two separate assessor’s parcel numbers (APNs) due to each being located in a separate tax rate assessment area. While the property may have two APNs, this has no impact on the boundaries of the overall parcel. Staff has determined that the project complies with all applicable RM Development Regulations, including:

a. Development Review Standards

The following table summarizes the project’s conformance with Section 6310(A)(B) of the RM Zoning District regulations:

	Required	Existing Lease Area* (No Change)	Generator**
Minimum Front Yard Setback (Sears Ranch Road)	50 ft.	218 + ft.	260 + ft.
Minimum Rear Yard Setback	20 ft.	957 + ft.	955 + ft.
Minimum Left Side Yard Setback	20 ft.	589 + ft.	623+ ft.
Minimum Right Side Yard Setback	20 ft.	635 + ft.	640 + ft.
Maximum Height	36 ft.	83*** ft. (Monopine-to top of branches)	3.8 ft. (Generator)
<p>*Setback measurements taken from the edge of the fenced lease area.  **Setback measurements taken from the proposed generator.  ***See discussion below for height exception.</p>			

As noted in the table above, the existing permitted monopine exceeds the District’s 36 ft. height limit. Section 6405 (*Height: General Provisions and Exceptions*) of the Zoning Regulations permits relief from the maximum height limitations within a given zoning district for radio and television towers and other similar structures subject to a Use Permit. Per Section 6405, the facility may not exceed 15 percent lot coverage, have a base greater than 1,600 sq. ft., and may not exceed 150 feet in height. With the diameter of the monopine measuring approximately 25 sq. ft., a lease area of 1,579 sq. ft. (0.0007 percent lot coverage), and a monopine height that does not exceed 150 feet, the subject facility and height of the existing monopine adheres to the provisions of Section 6405.

b. Resource Management Development Review Criteria

Staff has determined that the project complies with all applicable Development Review Criteria of Chapter 20A, including the following:

Section 6324.1 (*Environmental Quality Criteria*) seeks to cluster development, minimize grading, and prohibit the generation of long-term noise levels.

The existing facility is unstaffed and utilizes exiting road infrastructure for access. The proposed 466-gallon generator would be located within the existing fenced leased area, clustered next to existing cellular equipment, and require minimal grading to install. Though the generator would only operate on an emergency basis during power outages to ensure the continued operation of cellular and emergency services, the generator could have a potential impact in terms of noise, particulate emissions, and fossil fuel consumption.

While the combustion of diesel fuel can produce unpleasant odors that can have a negative effect on air quality and the generation of long term noise levels, the use of the diesel generator exclusively for emergencies and maintenance testing, as well as its distance from the nearest residence, and requirement to obtain a permit from and adhere to the regulations of the Bay Area Air Quality Management District (BAAQMD)<sup>1</sup>, would limit and minimize odor and noise impacts from the use of the generator to less than significant levels.

Regarding fossil fuel consumption and storage of hazardous materials (diesel) on site, the proposed generator is intended for emergency use only and is not intended to power the facility on a permanent basis. While maintenance and testing of the generator will be required, such use is limited to a maximum of 50 hours per year by the Statewide Air Toxics Control Measure for Stationary Diesel Engines. Furthermore, fuel for operation is stored within the generator itself. If a fuel leak were to occur, a containment basin within the generator would capture potential spills and a built-in alarm system would notify maintenance personnel so repairs could occur. As such, the maintenance, testing, and emergency operation of the subject generator would not represent a significant consumption of fossil fuels and adequately stores and manages the fuel (hazardous materials) on site.

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<sup>1</sup> All stationary internal combustion engines larger than 50 hp, such as the proposed, must obtain a permit to operate from the Bay Area Air Quality Management District (BAAQMD) and comply with the "Statewide Air Toxics Control Measure for Stationary Diesel Engines" established by the California Air Resources Board

Section 6324.2 (*Site Design Criteria*) and Section 6325.1 (*Primary Scenic Resources Areas Criteria*) seek to ensure that development is sited and designed to be subordinate to the existing natural characteristics of the site, avoid substantially detracting or negatively affecting the quality of public views within and from scenic corridors, and utilize colors and materials that blend in with the natural surrounding environment.

The existing monopine antenna is designed to camouflage the monopole and mounted antennas by replicating the appearance of natural vegetation to blend in with the adjacent trees and minimize the facility's visual impacts. As previously stated, two large pine trees and a large number of smaller trees both partially screen the existing monopine from view and help the structure to blend in with its surroundings. The distance of the facility from Sears Ranch Road (200+ feet), La Honda Road (1,300+ feet), and the La Honda Open Space Preserve (800+ feet), the topography of the parcel, and natural colors of the facility, make the monopine and lease area minimally visually intrusive from these viewpoints.

The proposed generator would be similarly screened from view as it is only 3.8 feet in height, would be located within the lease area behind a 6-foot tall fence, would not require the removal of trees, and is conditioned to utilize colors to blend in with the surrounding environment.

Section 6324.3 (*Utilities*) seeks to minimize the bulk, height, and appearance of utility structures so they remain subordinate to their surroundings.

The monopine design of the existing cellular facility is intended to blend in with the natural environment with the branches and foliage of the facility serving as camouflage for the existing panel antennas on the structure. While the monopine structure is 83 feet in height, it is not disproportionate to its surroundings as taller trees are located immediately adjacent to the project site. The proposed generator will be constructed within the fenced lease area of the facility, will not require the removal of additional trees, follow the topography of the site, and will not be visible from surrounding parcels.

#### 4. Conformance with the Wireless Telecommunication Ordinance

According to Section 6512.6 of the Wireless Telecommunication Facilities Ordinance, renewals of existing facilities built prior to January 9, 2009 are subject to the provisions of the Ordinance related to new facilities. Staff has reviewed the project against the provisions of the Wireless

Telecommunication Facilities Ordinance and determined that the project complies with the applicable standards discussed below.

a. Development Standards

**Section 6512.2 A prohibits location in a Sensitive Habitat as defined by Policy 1.8 of the General Plan for facilities proposed outside the Coastal Zone.**

The project site is not located in a mapped sensitive habitat as defined by Policy 1.8 of the General Plan.

**Section 6512.2.B prohibits wireless facilities to be 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.**

The existing wireless telecommunication facility is located in the RM-Zoning District and not within a residentially zoned area. Furthermore, the monopine structure currently provides colocation opportunities for two cellular carriers (T-Mobile and Verizon)

**Section 6512.2.C prohibits wireless telecommunication facilities to be located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact.**

This facility was established in 2008 and has been in operation since. The applicant (American Tower) along with T-Mobile is proposing to continue their utilization of this facility, install an emergency generator, and is not proposing to relocate. If a different location for the cellular facility were proposed, there would be the potential for new environmental impacts depending on the location of the new site and construction of a new facility elsewhere. Maintaining and upgrading the current facility minimizes potential environmental impacts while continuing to provide consistent coverage. Conditions of approvals requiring the facility to maintain all applicable FCC licenses and/or remove the facility in its entirety within 90 days if any such licenses are revoked have been included in the recommended conditions of approval to ensure that this facility will have as little environmental impact as possible.

A radio frequency (RF) report prepared by Lawrence Behr Associates, Inc. (Attachment E) included an analysis of the cumulative RF emissions from the subject site. The measured public exposure level



of any person at ground level is 1.65 percent of the most restrictive public limit. Higher emission levels are expected at 51-feet to 63-feet above grade immediately adjacent to the existing panel antennas. While these emission levels exceed general public exposure levels, they fall within acceptable occupational exposure limits and are considered safe areas for trained professionals to work within. The general public will not be exposed to these higher emission levels as cellular facilities concentrate RF emissions toward the horizon, public access to the site is restricted, and no tall structures near the 51-foot to 63-foot height of the panel antennas surround the facility. In addition, per FCC regulations warning signs exist on site to inform all those who have access to the facility that there may be RF levels in excess of the FCC general public maximum permissible exposure limits.

**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.**

Co-location by T-Mobile and Verizon Wireless occur at the subject monopine facility. Though at this time no further co-location opportunities by other carriers are proposed, additional co-location opportunities may be feasible in the future.

**Sections 6512.2.E-G seek to minimize and mitigate visual impacts from public views by ensuring that appropriate vegetative screening, painting of equipment, or other methods of blending equipment in with the surrounding environment are implemented and requiring facilities to be constructed of non-reflective materials.**

As discussed previously, the monopine design of the existing facility is intended to camouflage the facility to the maximum extent possible by replicating the appearance of a tree to blend in with the adjacent trees and vegetation and minimize the facility's visual impacts. The monopine design of the facility coupled with the topography, existing vegetation, and distance from La Honda Road, Sears Ranch Road, and the La Honda Open Space Preserve reduce the visual impacts of the facility and enable it to blend in with its surroundings to the maximum extent possible. The addition of the proposed generator would similarly blend with its surroundings and would not impact public views. Located within the lease equipment area, the 3.8-foot tall generator is conditioned to utilize natural colors to blend with the surroundings. Furthermore, the generator would be screened from public view by a 6-foot tall fence and would not contribute to the bulk of the facility or increase its footprint.

**Section 6512.2.H requires compliance with the underlying zoning district.**

The project site is located within the Resource Management (RM) District. Refer to Section 2.a above for further discussion.

**Section 6512.2.I(1) requires that no structure or appurtenance shall exceed the height of the forest canopy by more than 10 percent or five feet, whichever is less in forested areas of the Resource Management District.**

The existing monopine tower is partially screened by existing trees and vegetation. Though relatively tall at 83 feet, the structure does not exceed the canopy of the surrounding trees (approximately 92 feet). Similarly, the addition of the proposed generator within the fenced ground lease area would not impact the canopy or views of the RM District.

**Section 6512.2.K requires the overall footprint of a facility to be as minimal as possible and not cover more than 15 percent in area of the lot or an area greater than 1,600 sq. ft. in residential districts.**

Though not located within a residential district, the existing lease area of the facility measures approximately 1,579 sq. ft. which equates to an approximate lot coverage of 0.0007 percent. The addition of the proposed generator will occur within the fenced lease area and no expansion of the lease area footprint of the monopine is proposed.

**Section 6512.2.L prohibits diesel generators as emergency power sources unless electricity, natural gas, solar, wind or other renewable energy sources are not feasible**

Though the applicant is proposing to install an emergency diesel generator, the facility's primary source of power will continue to be from PG&E. The facility would only be powered by the generator during such times as power to the facility is turned off (such as during a high wind advisory) or during a power failure. The generator would operate on an emergency basis only to ensure the continuation of cellular and emergency services in the area. Other renewable and reliable energy sources that can operate on an emergency basis are not feasible at this time and would require the construction of additional infrastructure and further site disturbance and development.

b. Performance Standards

The project, as proposed and conditioned, meets the required performance standards of Section 6512.3 for lighting, licensing, provision of a permanent power source, timely removal of the facilities, and visual resource protection. There is no lighting proposed, proper licenses have been obtained from both the FCC and CPUC, power for the facilities will be provided by PG&E, there will be minimal visual impacts, and the conditions of approval require maintenance and/or removal of the facilities when necessary or no longer in use.

Furthermore, access to the site is existing and the facility will generate no noise in excess of the County's Noise Ordinance.

5. Compliance with the Use Permit Findings

Under the provisions of Section 6500 and 6512.6 of the Zoning Regulations, wireless telecommunication facilities are permitted in the RM Zoning District subject to the issuance of a Use Permit. In order to approve the subject Use Permit renewal and amendment, the following findings must be made:

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

Wireless telecommunication facilities, including the proposed subject renewal, require the submittal of a radio frequency report (RF) and compliance with applicable FCC public exposure limits. As previously discussed, the submitted report identified emission levels exceeding 100 percent of the General Public Maximum Permissible Exposure (MPE) for the areas in front of the panel antennas (at 51 feet – 63 feet above grade). Although these levels exceed the maximum public exposure limit, the public is restricted from accessing this location, no tall structures are adjacent to the facility, and the occupational MPE for this site is within the acceptable range for trained professionals. The RF report concluded that the site complies with all applicable FCC Rules and Regulations.

Furthermore, the existing facility has been designed to be camouflaged and is a significant distance away from surrounding properties which helps to ensure that public viewpoints are protected. The facility will not cause significant increases in traffic to access the site as the facility is unmanned and requires maintenance only once or twice a month. The diesel generator as proposed and conditioned will operate on an emergency basis only, is screened from public views, is

not located in the coastal zone, and does not pose a significant impact to the surrounding area. Additionally, the facility has maintained compliance with its Use Permit conditions of approval. Therefore, there is no evidence to suggest that the continued operation of the facility and addition of a second generator will impact nearby property or public improvements.

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

Staff has determined that the continued operation of the subject facility and installation of an emergency generator is necessary for the public health, safety, convenience, or welfare as it will allow for increased clarity, range, and capacity of the existing cellular network and will enhance service for the public in general. Contiguous cellular coverage is important for conducting day-to-day business and provides increased reliability and network coverage for law enforcement and other public safety personnel.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt pursuant to Section 15303. Class 3 of the California Environmental Quality Act (CEQA), related to the new construction of small structures.

C. REVIEWING AGENCIES

Building Inspection Section  
County Fire Department  
Environmental Health Services  
Drainage Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans – Existing Facility/Monopole
- D. Project Plans –Proposed Generator
- E. Radio Frequency Report, prepared by Lawrence Behr Associates, Inc., August 5, 2020
- F. Site Photos

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2007-00137      Hearing Date: June 17, 2021

Prepared By:      Laura Richstone,      For Adoption By: Zoning Hearing Officer  
                         Project Planner

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the project is categorically exempt pursuant to Section 15303 Class 3 of the California Environmental Quality Act (CEQA), for the construction of new small structures.

For the Use Permit, Find:

2. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of this particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood, since the proposed improvements will comply with all applicable Federal Communications Commission (FCC) Rules and Regulations regarding public and occupational radio frequency exposure limits and will not be visible from public view points. Furthermore, the site is not located in the coastal zone, will continue to require only minimal routine service visits of the otherwise non-staffed facility, will not generate additional traffic, is located on private property which is not accessible by the general public, and the amendment to add the proposed generator will not intensify the use of the property.
3. That the project is necessary for the public health, safety, convenience or welfare by enhancing and increasing the capacity and network coverage to the surrounding area to accommodate the growing demand from private citizens and public agencies, including emergency services. Furthermore, there is no evidence to suggest that the operation or proposed modification to this facility has or would cause a detriment to the public health or safety. The benefits provided by cellular coverage outweighs any impacts caused by adding an emergency generator within the fenced lease area. The proposed modification will be screened from public viewpoints by the surrounding fence, vegetation, and topography.

For the Resource Management Permit, Find:

4. That the project as proposed and conditioned, is consistent with the goals, objectives, and regulations of the Resource Management District Development Standards for setbacks, height limits, and Development Review Criteria as stipulated in Chapter 20A of the San Mateo Zoning Regulations as the monopine is designed to blend with the natural environment and is clustered near existing development, does not protrude above the existing canopy, is not visible from public viewpoints, will utilize the existing road infrastructure, and will not generate an increase in traffic to the site due to its unmanned nature and minimal maintenance visits (1-2 times per month). Furthermore, the RF emissions of the site comply with FCC regulations regarding public and occupational exposure and the 466-gallon diesel generator will be installed behind an existing fence, will not be visible from public viewpoints, will operate on an emergency basis only, and as proposed and conditioned poses no significant impact to the area.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. 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, 2021. 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.
2. This Resource Management Permit and Use Permit shall be valid for ten (10) years following the date of final approval, valid through June 17, 2031. The applicant shall file for a renewal of this Use Permit six (6) months (December 17, 2030) prior to expiration with the County Planning and Building Department if continuation of the use is desired. Any change in use or intensity may require an amendment to this Resource Management and Use Permit. Resource Management and Use Permit amendments require an application for amendment, payment of applicable fees, and consideration at a public hearing.
3. Prior to the issuance of a building permit, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall

adhere to the San Mateo County Wide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for construction.
- d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50 percent full (by volume).
- l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter

strips should have relatively flat slopes and be vegetated with erosion-resistant species.

- m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.
4. The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a building permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:
- a. Water all active construction areas at least twice daily.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - d. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - e. Apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - f. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - g. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - h. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - i. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
  - j. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - k. Replant vegetation in disturbed areas as quickly as possible.



5. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).
6. Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Department.
7. The applicant shall maintain the approved natural colors of the antennas, monopine, and equipment shelter for the life of the project. Additionally, prior to the issuance of a building permit, the applicant shall submit color samples for the generator. All equipment and structures shall be painted in natural colors to match the existing trees in the vicinity and shall be constructed of non-reflective materials. Paint colors shall be subject to the review and approval by the Planning Department. Color verification by the Planning Department shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final building inspection.
8. The monopine shall be shaped conical at the upper portion of the tower and branches shall be placed randomly in order to mimic natural vegetation. The panel antennas shall be mounted to the pole of the monopine, not branches.
9. The applicant shall apply for and obtain a building permit and develop in accordance with the approved plans prior to any construction and/or installation activity associated with this project approval.
10. 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 ten (10) days of receiving notice of such revocation.

11. This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety (90) days if the FCC license and registration are revoked or if the facility is abandoned or no longer needed and subject to a building permit as required by the Building Department. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility.
12. All generators on site shall only be used on an emergency basis or in the case of power outages and shall not be considered a permanent long-term source of power for the facility.
13. Prior to the issuance of a building permit for this facility, the applicant shall submit a copy of their BAAQMD permit to operate the proposed diesel generator. For maintenance or testing purposes, the applicant shall not operate the generator more than 50 hours per year.
14. In the case of an accidental spill of diesel fuel, the applicant shall immediately contact the County Environmental Health Services and comply with all state and local clean-up regulations and policies.
15. All utilities necessary to serve this facility shall be installed underground from the nearest existing utility pole. No new utility poles are permitted to be installed.
16. 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).
17. Appropriate warning signs shall be posted at the base of the tower regarding the potential risks of radio frequency exposure. The applicant shall submit photos to the Current Planning Section for verification after the required signage has been posted, but before a final building inspection is scheduled.
18. This permit does not allow for the removal of any trees. Removal of any tree with a diameter of 12 inches or greater, as measured 4.5 feet above the ground, shall require additional review by the Planning Department prior to removal.

#### San Mateo County Fire Department

19. Addressing for the facility shall be provided and maintained to the satisfaction of the San Mateo County Fire Department.
20. Vegetation clearing around the facility shall be maintained to the satisfaction of the San Mateo County Fire Department.

21. Above ground fuel storage shall meet California Fire and Building Code requirements.
22. Because of limited access into your property, the authority having jurisdiction require 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.
23. Permanent signage shall be posted on the disconnecting means. Such signage shall be red in color and read "WARNING - This premise is provided with an alternate power source (Generator). Disconnecting of power at this location may not disable the electrical power source." Lettering shall be contrasting to the red background and be a minimum 1/2-inch-tall and shall be permanently affixed on each electrical panel subject to back feed from the alternate power source. Any and all disconnects shall require signage as stated herein.
24. Any electrical panel subject to back feed shall have an additional permanent sign, red in color, stating location of alternate power source. Lettering shall be contrasting to the red background and be a minimum 1/2-inch-tall and shall be permanently affixed on each electrical panel subject to back feed from the alternate power source.
25. All alternate power sources shall have permanent signage, red in color, posted in a conspicuous place. Lettering shall be contrasting to the red background and be a minimum 1/2-inch tall and shall be permanently affixed. Such signage shall state instructions on how to disconnect power feeding other electrical panels. Shut off switches shall be clearly labeled.

#### Environmental Health Services

26. At the building permit stage, the applicant shall contact Dirk Jensen ([djensen@smcgov.org](mailto:djensen@smcgov.org)) with the Hazardous Materials Business Plan and CUPA Permitting Program to obtain (if required) any necessary permits.

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