



ATTACHMENT L

April 22, 2008

San Mateo Planning Commission
County of San Mateo—Planning and Building Department
County Office Building
455 County Center
Redwood, CA 94063

Via electronic mail & facsimile

RE: Consideration of a zoning text amendment adding Chapter 24.5 of Division VI, Part One, of the San Mateo County Ordinance Code to establish specific regulation for telecommunication facilities

Dear Planning Commission Members:

PCIA—The Wireless Infrastructure Association and the California Wireless Association (CalWA) write in response to the above-named discussion item on the April 23, 2008 Planning Board Agenda ("Amendment") to offer resources and information as the county of San Mateo embarks on revisions to its wireless facility siting policy. PCIA and CalWA can offer resources from our members' wireless industry expertise to create balanced solutions for local regulation of wireless facilities generally.

PCIA is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, broadcasting and telecommunications services. With a mandate to facilitate the deployment of wireless infrastructure, PCIA and its members have partnered with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of these communities. CalWA is a non-profit industry organization with a membership consisting primarily of individuals who are involved with the deployment, operation and maintenance of wireless networks in California.

The proposed Amendment, which is designed to comply with California Government Code on siting wireless telecommunication facilities, includes provisions that encourage robust wireless infrastructure development, and we applaud these efforts. Specifically, we agree that the purpose of the ordinance should be to "allow for the provision of commercially viable wireless



communications services within the County." Wireless communication is a "must-have" in our society, affecting the everyday lives of San Mateo residents as they live, work and play. Such communications depend on a backbone of robust wireless infrastructure, which the Amendment recognizes. The Amendment's provisions to streamline collocations by allowing for administrative review of collocations which are "ministerial in nature, shall not include conditions of approval, and shall not include a public hearing," will allow for a rapid and efficient deployment of wireless services in San Mateo.

There are some elements of the proposed Amendment, however, that place burdensome and vague requirements on siting that could hamper wireless deployment. One example is the requirement that, when applying to construct a new facility, the applicant must identify all existing facilities within a five-mile radius and explain why collocation is infeasible (Section 6512.5(B)(11)). Most wireless facilities are placed 1-2 miles apart to ensure adequate coverage, and the effective distance of a facility is particularly limited in areas with hilly terrain. A wireless facility five miles away from a proposed location would have very little bearing on the proposed site's coverage capabilities; a reduced radius search of one-half mile would effectively promote San Mateo's collocation goals in a less burdensome manner.

The requirements in Section 6513(B) of the Amendment also burden what should be a streamlined collocation process. While we commend the fact that collocations require only a building permit, the requirement that the collocating applicant "demonstrate compliance with the conditions of approval, if any, of the original use permit" for the facility will needlessly slow down the collocation process. This provision, including the associated "administrative review of the original use permit" wastes both private and public resources, takes away the advantage of collocation, and ultimately deprives San Mateo residents of needed wireless services during the time necessary to comply.

We are also concerned about the design standards included in the Amendment. As an initial matter, we believe that design and blending standards should be applied in a case-by-case basis where appropriate, instead of as a blanket requirement for permit approval. As there is significant expense required to meet the blending requirements for new telecommunication facilities in Section 6512.2(E-F) we recommend that, at a minimum, the blending requirements not apply to telecommunications facilities in industrial areas, and maintain the Community Development Director's discretion to waive the requirement in commercial areas. Further, the requirements are vague in that they do not articulate the criteria for deciding the appropriate blending design, which may lead to unnecessary and burdensome efforts and expenses in the siting process. Also, the design standards applied to collocation facilities in Section 6513.1(B-C) which require blending, screening, and painting for collocations could force a collocator to



adhere to design standards that are not applicable or enforceable for preexisting facilities. Though the Amendment allows these provisions to be waived at the Community Development Director's discretion, we recommend revising Section 6513.1(B) so that it reads, in relevant part, "by designing collocation facilities to blend in with the surrounding environment to the extent required of the existing collocation facility. . . ."

In Section 6512.5(B)(13), the Amendment requires applicants for new telecommunication facilities to submit a "Radio Frequency (RF) report describing the emissions of the proposed telecommunication facility and the increase in emissions associated with future collocation facilities." As you are aware, local regulation based on RF emissions is prohibited by Section 332(c)(7) of the Federal Communications Act. Accordingly, the requirement is superfluous. We recommend that a signed statement from the applicant that the RF emissions will not violate federal law is sufficient.

As indicated above, some provisions in the proposed zoning amendment place unreasonable and burdensome demands on applicants attempting to deploy wireless infrastructure in San Mateo County. The overly restrictive scheme of siting regulation will not encourage robust wireless infrastructure, which is critical for public safety and economic development through secure access to communications.

PCIA's model zoning ordinance (a copy of which is attached hereto) provides a balanced approach to wireless siting that allows for local government oversight of wireless facilities while still ensuring that jurisdictions benefit from the development and maintenance of robust wireless infrastructure for their community. We would welcome the opportunity to discuss our model ordinance with town staff and officials.

We appreciate the opportunity to provide comment to tonight's discussion and are keenly interested in participating in future opportunities to engage this process.

Thank you for your time and consideration.

Best Regards,

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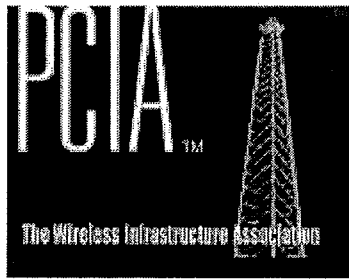


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A handwritten signature in black ink, reading "Matthew S. Yergovich". The signature is written in a cursive, flowing style. To the right of the signature is a vertical line.

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MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE

PCIA, THE WIRELESS INFRASTRUCTURE ASSOCIATION

December, 2006

About PCIA

PCIA is an association of companies that seek the advancement of the wireless communications industry through advocacy, technical and marketplace initiatives. PCIA supports programs and policies that expand the growth of the wireless network infrastructure and deployment industry. PCIA's goal is to create a better financial and business environment in which its members can grow and succeed. For more information, please go to www.pcia.com.

MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE

I. Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Ordinance is to ensure that residents and businesses in [the Municipality] have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to [the Municipality's] zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. [The Municipality] recognizes that facilitating the development of wireless service technology can be an economic development asset to [the Municipality] and a significant benefit to its residents. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws, and is consistent with [the Municipality's] land use policies, [the Municipality] is adopting a single, comprehensive, wireless telecommunications ordinance.

This Ordinance establishes parameters for the siting of Wireless Telecommunications Facilities. By enacting this Ordinance it is [the Municipality's] intent to:

- (1) Ensure access to reliable wireless communications services throughout all areas of [the Municipality];
- (2) Encourage the use of existing Monopoles, Towers, Utility Poles and other structures for the collocation of Telecommunications Facilities;
- (3) Encourage the location of new Monopoles and Towers in non-residential areas;
- (4) Minimize the number of new Monopoles and Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- (5) Encourage the location of Monopoles and Towers, to the extent possible, in areas where the adverse impact on the community will be minimal;
- (6) Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping and construction practices;
- (7) Ensure public health, safety, welfare, and convenience; and
- (8) Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

II. Definitions.

For the purposes of this Ordinance, the following terms shall be defined as:

Accessory Equipment -- Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval -- Zoning approval that the [Zoning Administrator] or designee is authorized to grant after Administrative Review.

Administrative Review -- The procedures established in Section IV E of this Ordinance.

Antenna -- Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

Collocation -- The act of siting Telecommunications Facilities in the same location on the same Support Structure as other Telecommunications Facilities. Collocation also means locating Telecommunications Facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

“Carrier on Wheels” or “Cell on Wheels” (“COW”) -- A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Ordinary Maintenance -- Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure’s foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas and Accessory Equipment on a like-for-like basis within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

Major Modifications -- Improvements to existing Telecommunications Facilities or Support Structures that result in a substantial change to the Facility or Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification. Major Modifications include, but are not limited to, extending the height of the Support Structure by more than twenty (20) feet or ten percent (10%) of its current height whichever is greater, and the Replacement of the structure.

Minor Modifications -- Improvements to existing Telecommunications Facilities and Support Structures, that result in some material change to the Facility or Support Structure but of a level,

quality or intensity that is less than a "substantial" change. Such Minor Modifications include, but are not limited to, extending the height of the Support Structure by less than twenty (20) feet or ten percent (10%) of its current height, whichever is greater, and the expansion of the compound area for additional Accessory Equipment.

Monopole --A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Replacement -- Constructing a new Support Structure of proportions and of equal height or such other height as would be allowed under the definition of Minor Modification to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

Stealth Telecommunications Facility -- Any Telecommunications Facility that is integrated as an architectural feature of a structure so that the purpose of the Facility for providing wireless services is not readily apparent to a casual observer.

Support Structure(s) – A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, Utility Poles and other freestanding self- supporting structures.

Telecommunications Facility(ies) -- Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consists of one or more Antennas and Accessory Equipment or one base station.

Tower -- A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

III. Approvals Required for Telecommunications Facilities and Support Structures.

- (A) Administrative Review. Telecommunications Facilities located on any existing support structure shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance. New Support Structures that are less than sixty (60) feet in height shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance. New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in any Industrial District after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance. Monopoles or replacement poles located in utility easements or rights-of-way shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance. Stealth Telecommunications Facilities shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

- (B) Special Permit. Telecommunications Facilities and Support Structures not permitted by Administrative Approval shall be permitted in any district upon the granting of a Special Permit from the [Zoning Board] in accordance with the standards set forth in this Ordinance.
- (C) Exempt. Ordinary Maintenance of existing Telecommunications Facilities and Support Structures, as defined herein, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance: (1) antennas used by residential households solely for broadcast radio and television reception ; (2) satellite antennas used solely for residential or household purposes; (3) COWs placed for a period of not more than one hundred twenty (120) days at any location within [The Municipality] after a declaration of an emergency or a disaster by the Governor or by the responsible official of [The Municipality]; and (4) television and AM/FM radio broadcast towers and associated facilities.

IV. Telecommunications Facilities and Support Structures Permitted by Administrative Approval.

A. Telecommunications Facilities Located on Existing Structures

- (1) Antennas and Accessory Equipment are permitted in all zoning districts when located on any existing structure, including, but not limited to, buildings, water tanks, utility poles, broadcast towers or any existing Support Structure in accordance with the requirements of this Part.
- (2) Antennas and Accessory Equipment may exceed the maximum building height limitations, provided the Antenna and Accessory Equipment are in compliance with the requirements and standards of this Part.
- (3) Each Antenna mounted on existing structures and any Accessory Equipment shall meet the following standards:
 - (a) Omnidirectional or whip Antennas shall not exceed twenty (20) feet in length and not exceed seven (7) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the Antenna and related Accessory Equipment visually unobtrusive.
 - (b) Directional or panel Antennas shall not exceed ten (10) feet in length and two (2) feet in width and shall be of a color that is identical or similar to the color of the supporting structure to make the Antenna and related Accessory Equipment visually unobtrusive.

- (c) Cylinder-type Antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the Antenna and related Accessory Equipment visually unobtrusive.
- (d) Satellite and microwave dishes shall not exceed ten (10) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached. This screening requirement shall not apply to dishes located upon Towers or Monopoles.
- (e) Other Antenna types not specifically mentioned above shall be permitted if they are not significantly greater in size and will have a visual impact no greater than the Antennas listed above. This provision is specifically included in this Ordinance to allow for future technological advancements in the development of Antennas.
- (f) Accessory Equipment must comply with Section VI (E).

B. New Support Structures

- (1) New Support Structure less than fifty (60) feet in height shall be permitted in all zoning districts in accordance with the requirements of this Part.
- (2) New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this Part. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage objectives of the Facility. The setback of the structure shall be governed by the setback requirements of the underlying zone.
- (3) In the case of a monopoles or replacement poles that will support utility lines as well as a Telecommunications Facility shall be permitted within utility easements or rights-of-way, in accordance with requirements of this Part.
 - (a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

- (c) The height of the Monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - (d) Monopoles and the Accessory Equipment associated there with shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - (e) Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - (f) Poles that use the structure of a utility tower for support are permitted under this Section. Such poles may extend up to twenty (20) feet above the height of the utility tower.
- (4) Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to Telecommunications Facilities shall be permitted in accordance with requirements of this Part. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.

C. Stealth Telecommunications Facilities

- (1) Stealth Telecommunications Facilities shall be permitted in all zoning districts after Administrative Review and Administrative Approval in accordance with the requirements below:
- (a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - (b) The structure utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - (c) Setbacks for the supporting structure shall be governed by the setback requirements of the underlying zoning district.

D. General Standards, Design Requirements, and Miscellaneous Provisions

- (1) Unless otherwise specified herein, all Telecommunications Facilities and Support Structures permitted by Administrative Approval are subject to

the applicable general standards and design requirements of Section VI and the provisions of Section VII.

E. Administrative Review Process

- (1) All Administrative Review applications must contain the following:
 - (a) Administrative Review application form signed by applicant.
 - (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application
 - (c) Zoning Drawings detailing proposed improvements. Drawings must depict improvements related to the requirements listed in this Part, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - (d) In the case of a new Support Structure:
 - (i) Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - (ii) The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower or monopole is listed among the alternatives, applicant must specifically address why the modification of such structure is not a viable option.
 - (iii) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered together as one application requiring only a single application fee.
 - (e) Administrative Review application fee.
- (2) Procedure.
 - (a) Within ten (10) business days of the receipt of an application for Administrative Review, the [Zoning Administrator] shall either:
 - (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or
 - (2) schedule an Administrative Review meeting

with the Applicant within thirty (30) days of the receipt of a complete application. This meeting is not a public hearing.

- (b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal without prejudice of the application. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (c) The Administrative Review meeting will be conducted to confirm that the proposed application is consistent with this Ordinance. The [Zoning Administrator] must issue a written decision granting or denying the request within fifteen (15) days of the meeting unless an extension of time is agreed to by the Applicant. Failure to issue a written decision within (15) days shall constitute a denial of the application. The applicant may appeal such a denial as provided in this Ordinance or applicable State or Federal Law.
- (d) Should the [Zoning Administrator] deny the application, the [Zoning Administrator] shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (f) Applicant may appeal any decision of the [Zoning Administrator] approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to [the Local Appeals Board] in accordance with this Ordinance.

V. Telecommunications Facilities and Support Structures Permitted by Special Permit.

A. Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section IV Shall Be Permitted by Special Permit in all Zoning Districts Subject to:

- (1) The submission requirements of Section V (B) below; and
- (2) The applicable standards of Sections VI and VII below; and
- (3) The requirements of the special permit general conditions at Code Section _____. [Insert cross reference to Municipality code section that establishes general conditions applicable to Special Permits.]

B. Submission Requirements for Special Permit Applications

- (1) All Special Permit applications for Telecommunications Facility and Support Structures must contain the following:
 - (a) Special Permit application form signed by applicant.
 - (b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application.
 - (b) Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials.
 - (c) Number and type of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure.
 - (d) When locating within a residential area, a written technical and operational analysis of why a Monopole or similar structure at a height of less than one hundred (100) feet cannot be used.
 - (e) Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
 - (f) A statement justifying why Collocation is not feasible. Such statement shall include:
 - (i) Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - (ii) The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower was listed among the alternatives, applicant must specifically address why the modification of such tower is not a viable option.
 - (g) A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.
 - (h) If required of other Special Permit applications, a property owner list that includes the name, address, and tax parcel information for each parcel entitled to notification of the application.

(j) Special Permit application fee.

(C) Procedure.

- (1) Within ten (10) business days of the receipt of an Application for a Special Permit, the [Zoning Administrator or the Zoning Board's designee] shall meet with the applicant to confirm that the application is complete or to inform the applicant in writing the specific reasons why the application is incomplete. This review meeting with staff is not a public hearing and is not subject to any public notification requirements.
- (2) If an application is deemed incomplete, an Applicant may submit additional materials to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal without prejudice of the application. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (3) Once an application is deemed complete, a review meeting shall be held within ten (10) days.
- (4) At this review meeting, staff shall provide applicant, in writing, a list of additional potential alternative structures, including readily-available identifying information (e.g., address, tax map identification, latitude and longitude) or such other information as will allow the applicant to identify the potential alternative structures. If, after investigation, the applicant concludes that the potential alternative structures identified by municipal staff are not acceptable or feasible, the applicant shall provide an explanation for its decision using technical, physical, or financial information at the hearing on the Special Permit.
- (5) A complete application for a Special Permit shall be scheduled for a hearing date at this review meeting in accordance with the requirements of this Ordinance.
- (6) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered as one application requiring only a single application fee.
- (7) The posting of the property and public notification of the application shall be accomplished in the same manner required for any Special Permit application under this Ordinance.

VI. General Standards and Design Requirements.

(A) Design.

(1) Monopoles shall be subject to the following:

- (a) Monopoles shall be designed to accommodate at least three (3) telecommunications providers.
- (b) The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for at least three (3) telecommunications providers.
- (c) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or [the Municipality], Monopoles shall have a galvanized silver or gray finish.

(2) Towers shall be subject to the following:

- (a) Towers shall be designed to accommodate at least four (4) telecommunications providers.
- (b) A compound area surrounding the Tower must be of sufficient size to accommodate Accessory Equipment for at least four (4) telecommunications providers.
- (c) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or [the Municipality], Towers shall have a galvanized silver or gray finish.

(3) Stealth Telecommunications Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the [Zoning Board] or [Zoning Administrator].

(4) Upon request of the Applicant, the [Zoning Board or Zoning Administrator] may waive the requirement that new Support Structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.

(B) Setbacks.

- (1) Property Lines. Unless otherwise stated herein, Monopoles and Towers shall be setback from all property lines a distance equal to their height measured from the base of the structure to its highest point. Other Support

Structures shall be governed by the setbacks required by the underlying zoning district.

- (2) Residential Dwellings. Unless otherwise stated herein, Monopoles, Towers and other Support Structures shall be setback from all off-site residential dwellings a distance equal to the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or Replacement utility poles shall not be subject to a set back requirement.
- (3) Unless otherwise stated herein, all Accessory Equipment shall be setback from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to a set back requirement.
- (4) The [Zoning Board or Zoning Administrator] shall have the authority to reduce or waive any required setback upon the request of the applicant if the Telecommunications Facility or Support Structure will be less visible as a result of the diminished setback. The [Zoning Board or Zoning Administrator] must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this Ordinance. The structure must still meet the underlying setback requirements of the zone.

(C) Height

- (1) In non-residential districts, Support Structures shall not exceed a height of one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- (2) In residential districts, Support Structures shall not exceed a height equal of one hundred fifty (150) feet from the base of the structure to the top of the highest point. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- (3) In all districts, the [Zoning Board] shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the [Zoning Board].

(D) Aesthetics.

- (1) Lighting and Marking. Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration (FAA).
 - (2) Signage. Signs located at the Telecommunications Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
 - (3) Landscaping. In all districts, the [Zoning Board or Zoning Administrator] shall have the authority to impose reasonable landscaping requirements surrounding the Accessory Equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The [Zoning Board or Zoning Administrator] may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the [Zoning Board or Zoning Administrator], landscaping is not appropriate or necessary.
- (E) Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunication Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.
- (1) An equipment building, shelter or cabinet must not exceed five hundred sixty (560) square feet and twelve (12) feet in height, including the support structure for the equipment building.
 - (i) Exception to size restriction. A single equipment building or shelter may exceed five hundred sixty (560) square feet, if it: is located at ground level; is used by more than one telecommunication provider; and does not exceed one thousand five hundred (1500) square feet.
 - (ii) Exception to height restriction. Upon the Applicant's request, the [Zoning Board or Zoning Administrator] may waive the height restriction to allow for the stacking of equipment on top of each other. The [Zoning Board or Zoning Administrator] must find that there is a practical necessity for the stacking of the equipment and that any resulting impact on adjoining properties is minimal or may be minimized by the requiring of appropriate screening. [The Zoning Board or Zoning Administrator] may also waive the height restriction where a higher support structure is needed to raise the Equipment above a slope or flood plains.

- (2) If the Accessory Equipment is at ground level in a residential zone, the [Zoning Board or Zoning Administrator] may require that the building or shelter be faced with brick or other suitable material on all sides and that the compound area be surrounded by landscaping providing a screen of at least three (3) feet in height at installation. The Accessory Equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the [Zoning Board or Zoning Administrator].

VII. Miscellaneous Provisions.

(A) Safety.

- (1) Ground mounted Accessory Equipment and Support Structures shall be secured and enclosed with fence not less than six (6) feet in height as deemed appropriate by the [Zoning Board] or [Zoning Administrator].
- (2) The [Zoning Board or Zoning Administrator] may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location..

(B) Abandonment and Removal.

- (1) Abandonment. Any Telecommunications Facility or Support Structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.
- (2) Removal. The owner of the Telecommunications Facility or Support Structure shall remove the Facility within six (6) months of its abandonment. The [Municipal Authority] shall ensure and enforce removal by means of its existing regulatory authority.

(C) Multiple Uses on a Single Parcel or Lot: Telecommunications Facilities and Support Structures may be located on a parcel containing another principal use on the same site.

VIII. Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.

- (A) Telecommunications Facilities and Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.
- (B) Non-Conforming Telecommunications Facility.

- (1) Non-conforming Antennas or Accessory Equipment: Ordinary Maintenance may be performed on Non-conforming Antennas and Accessory Equipment.
 - (2) Minor Modifications to non-conforming Telecommunications Facilities may be permitted upon the granting of Administrative Approval by the [Zoning Administrator].
 - (3) Major Modifications to non-conforming Telecommunications Facilities may be permitted only upon the granting of Special Permit approval by the [Zoning Board].
- (C) Non-Conforming Support Structures.
- (1) Non-conforming Support Structure: Ordinary Maintenance may be performed on a Non-conforming Support Structure.
 - (2) Collocation of Telecommunications Facilities on an existing non-conforming Support Structure is permitted upon the granting of Administrative Approval by the Zoning Administrator.
 - (3) Minor Modifications may be made to non-conforming Support Structures to allow for Collocation of Telecommunications Facilities. Such Minor Modifications shall be permitted by Administrative Approval granted by the [Zoning Administrator].
 - (3) Major Modifications may be made to non-conforming Support Structures only upon the granting of Special Permit approval by the [Zoning Board].

For Further Questions Please Contact:

Mike Saperstein
Public Policy Analyst
PCIA—The Wireless Infrastructure Association
901 N. Washington St., Suite 600
Alexandria, VA 22314
(703) 535-7401
Sapersteinm@pcia.com

May 20, 2008

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Matt Seubert, Project Planner
Planning Division
455 County Center Second Floor
Redwood City, CA 94063

Re: County File Number PLN 2008-00048 (Proposed zoning amendment)

Dear Mr. Seubert,

Thank you for the opportunity to review the proposed amendment to the Zoning Regulations pertaining to telecommunications facilities in unincorporated areas of the County. A large proportion of the unincorporated lands in central and southern San Mateo County are within the jurisdiction of Midpeninsula Regional Open Space District. The District owns and manages approximately 55,000 acres of open space land on the San Francisco Bay peninsula, including 16 preserves totaling more than 25,000 acres in San Mateo County. The District's mission is: *To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.* We respectfully submit the following comments on the proposed amendment and initial study/negative declaration.

Collocation

To minimize the aesthetic and environmental impacts of additional telecommunications facility construction in unincorporated San Mateo County, the District encourages the maximum use of existing facilities and/or to cluster development. Shared facilities, whether used by multiple businesses or various transmission types, are the most effective means of reducing the costs of these developments both from an environmental and business standpoint. Every effort to encourage collocation should be incorporated into the application and approval criteria; applicants should be required to document both their attempts to collocate new structures and the extent to which additional facilities can be accommodated within their proposed construction.

Sensitive Habitats

The proposed revision language states that "New telecommunication facilities shall not be located in a Sensitive Habitat," as defined in the General Plan and in the Local Coastal Program. The District encourages the broadest interpretation of these definitions, and recommends that a qualified biologist or ecologist evaluate each site on a project-by-project basis to determine the presence of Sensitive Habitat. In this fashion, the permanent environmental impacts to Sensitive Habitats associated with construction and operation of telecommunications facilities can be avoided to the fullest extent feasible.

ATTACHMENT

Viewshed Impacts and Facility Design

The text of the proposed ordinance provides that potential facilities in the Coastal Zone not be visible from a public location (Section 6512.4 A). We believe this protection should be afforded to public locations outside the Coastal Zone. The District's Open Space Preserves are primarily located in the unincorporated area of San Mateo County outside of the Coastal Zone. The District's preserves provide ecologically sensitive public enjoyment of natural areas, and offer the public spectacular views from ridgetops of the Santa Cruz Mountains. The viewsheds from these sites should also be protected through the approval process. We recommend addition of a requirement that sites visible from public parks and open space preserves both within and without the Coastal Zone be avoided (Section 6512.2). Because there is limited ability to adequately camouflage telecommunications towers, they should not be located within viewsheds of parks or preserves.

Where towers must be located within such a viewshed, novel and accurate facility design features must be incorporated to reduce visual impacts (pseudo-tree towers, for example, come in just a few limited "species" designs, and typically have an appearance that in no way resembles those trees actually found in the surrounding area). While non-reflective paint and matched colors are important steps toward blending into the context of the facility, the design of the structure itself should also be matched to its surrounding environment. Maximizing use of existing vegetation and natural features to cloak these structures is important, and not described thoroughly in the revised text. These methods, as well as careful use of planted native species, may help to lessen impacts to the visual and natural environments.

The potential proliferation of telecommunications facilities in rural San Mateo County represents risks to natural habitats, stellar landscape views, and to the public's enjoyment of open space lands. Please consider these issues seriously in weighing the proposed text amendment to the Zoning Regulations.

Again, thank you for the opportunity to review the text and initial study/negative declaration for the proposed zoning amendment. Please feel free to contact me at (650) 691-1200 if you would like to discuss these items further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Freeman', with a stylized, elongated horizontal stroke at the end.

Matthew Freeman
Planning Department Manager

cc: MROSD Board of Directors
MF:sc



Bay Conservation and Development Commission

ATTACHMENT N

May 19, 2008

Matt Seubert
County of San Mateo
Planning and Building Department
455 County Center, Second Floor, Redwood City, CA
94063

SUBJECT: Notice of Intent to Adopt a Negative Declaration, County of San Mateo,
Telecommunications Facilities Ordinance, Report, SCH #2008-042-080

Dear Mr. Seubert:

Thank you for the opportunity to comment on the Notice of Intent to Adopt a Negative Declaration for the County of San Mateo's Telecommunications Facility Ordinance distributed in April 2008 and received in our office on April 30, 2008. The San Francisco Bay Conservation and Development Commission (BCDC) has not reviewed the Notice of Intent to Adopt a Negative Declaration, but the following staff comments are based on the San Francisco Bay Plan (Bay Plan) as amended through February 2008, the McAteer-Petris Act and the staff's review of the Notice of Intent to Adopt a Negative Declaration.

As the Notice of Intent to Adopt a Negative Declaration is for a proposed text amendment to San Mateo County Zoning Regulations rather than a specific project the comments in this letter will refer to the broader effects of the proposed Telecommunications Facilities Ordinance and not to specific projects that may arise in the future. This letter should not be considered an endorsement of future projects which will be reviewed separately for conformance with the Commission's laws and policies.

Jurisdiction. BCDC jurisdiction includes Bay waters up to the shoreline, and the land area between the shoreline and the line 100 feet upland and parallel to the shoreline, which is defined as the Commission's 100-foot "shoreline band" jurisdiction. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. An essential part of BCDC's regulatory framework is the Commission's Bay Plan. The Bay Plan includes findings and policies that direct the Commission's review of proposed projects and priority land use designations. The Commission also has land use authority over priority use areas designated in the Bay Plan Maps. In San Mateo County, certain lands are designated in the Bay Plan for airport, port, wildlife refuge and waterfront park priority use. Any developments in priority use areas must be consistent with those designations and the Bay Plan policies that delimit what constitutes allowable uses.

ATTACHMENT

Other relevant findings and policies for any future project may include but are not limited to the following, bay filling, public access, sea level rise and appearance and scenic views.

Bay Fill. Based on the review of the proposed changes it appears that no new fill will occur in areas within the Commission's jurisdiction. However, the Bay Plan findings and policies regarding bay fill state, in part that, "A proposed project should be approved if the filling is the minimum necessary to achieve its purpose and if it meets one of the following three conditions: the filling is in accord with the Bay related purposes for which filling may be needed (i.e., ports, water related industry and water related recreation), the filling is in accord with the Bay Plan policies as to the purposes for which some fill may be needed if there is no other alternative or the filling is in accord with the Bay Plan policies as to minor fills for improving shoreline appearance or public access." Finally, the Bay Plan states that "all desirable high priority uses of the Bay and shoreline can be accommodated without substantial Bay filling and without loss of large natural resources." Therefore, any future projects should attempt to be consistent with the relevant findings and policies of the Bay Plan and the McAteer-Petris Act.

Public Access. The Commission can only approve a project within its jurisdiction, if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part that, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline....Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed....Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs.....Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...." Therefore, any future projects should attempt to be consistent with the relevant findings and policies of the Bay Plan and the McAteer-Petris Act.

Sea Level Rise and Safety of Fills. It appears that the proposed changes would not result in the facilities being placed in flood prone areas. However, Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "...structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project...Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Therefore, any future projects should attempt to be consistent with the relevant findings and policies of the Bay Plan and the McAteer-Petris Act.

Appearance, Design, Scenic Views, and Other Uses of the Bay and Shoreline.

Based on the review of the proposed changes to the zoning regulations it appears efforts will be made to minimize any adverse visual impacts of utility structures upon scenic resources. As noted in the Bay Plan, "the appearance of the Bay and the people's enjoyment of it as a scenic resource, contribute to the enjoyment of daily life in the Bay Area." The Commission aims to enhance the visual quality of the Bay and shoreline. Bay Plan findings and policies state, in part, "maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore." Therefore, any future projects should attempt to be consistent with the relevant findings and policies of the Bay Plan and the McAteer-Petris Act.

If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3667 or email timd@bcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Doherty', with a stylized flourish at the end.

Tim Doherty, Coastal Program Analyst

ATTACHMENT

0

From: "Trish Taylor" <tt415@sbcglobal.net>
To: <MSeubert@co.sanmateo.ca.us>
Date: 6/19/2008 12:15 AM
Subject: Subject: Fwd: Telcom Regs - PC Mtg of 6/25/08 Staff

CC: <alicia@torrenimer.org>

Hello, Matt:

The materials you sent to Alicia Torre were forwarded to other concerned residents of Palomar Park, so I had a chance to read them. First, let me thank you for your work on this! If passed, this ordinance revision will establish standards that are much needed and will ensure preservation of our precious environment while allowing for progress.

I do have one question about the DRAFT Ordinance, on Page 10, under Section 6513. A.1 & 2:

Shouldn't a fourth contingency be added that reads something like: "The use permit for the original telecommunication facility has expired."?

As you probably know, the use permit at 1175 Palomar had expired and had not been renewed by the time applications for additional new use permits were submitted. Even though that particular situation now seems to have been resolved, something like that could occur in the future, and it would seem reasonable to provide for it in the Ordinance.

Otherwise, I think nearly every possible concern of folks in residential areas has been addressed by the proposed revision, and I applaud you for doing such a thorough job.

Sincerely,
Trish Taylor
415 Palomar Drive

ATTACHMENT P

From: Rosario Fernandez
To: Matthew Seubert
Date: 6/25/2008 3:28 PM
Subject: Fwd: June 25 Planning Co. Consideration of Proposed Ordinance for Telecommunications Facilities

FYI

>>> "Jonathan Nimer" <preshopeful@gmail.com> 6/24/2008 4:36 PM >>>
Dear Commissioners Wong, Bomberer, Rankin, Slocum and Dworetzky,

We commend you on the development of a telecommunications facility ordinance. It will help protect residential and sensitive areas and guide the telecommunications companies, ultimately reducing controversy and increasing staff efficiency.

There is a loop-hole under the proposed ordinance for renewals that we believe undercuts the thrust of the ordinance and should be closed. It is significant in its impact because there are approximately 35 existing sites on residential property, per the staff report. Per section 6512.6, an existing facility seeking renewal must provide a 10 year build-out plan, but need not demonstrate that there are no other sites within 2.5 miles that could provide adequate coverage and that this site is needed for adequate coverage. There are also no provisions in the ordinance limiting square footage for such facilities or number of poles or height (under 150 feet) in residential areas. What this means is that where there is an existing facility the current draft ordinance actually increases the likelihood of a backyard becoming a cellular farm. The draft ordinance effectively grandfathered all existing sites and requires them to provide a build-out plan that the companies have every incentive to make as large as possible.

We would like to illustrate this concern with an example. The Palomar Park neighborhood opposed a plan proposed a year and a half ago for 1175 Palomar that proposed (through several linked permit proposals) four fenced enclosures, and approximately 7 poles and 13 transmitters that together, including buried cables, used about 25% of the property, about 6000 square feet. There is an existing T-Mobile facility at this site that will seek a renewal shortly. We think that the proposed ordinance if passed first, will actually increase the likelihood of the property becoming a cell farm. The proposed ordinance will require the existing permit holder to confer with other companies and propose a build-out that may be even larger than previously proposed. The ensuing analysis will not require consideration of any other sites or a demonstration that coverage is inadequate. And since there are no limitations in the proposed ordinance to limit square footage use, number of poles, or height of poles in residential areas, there is no specific basis (other than the very general CUP findings) for rejection of such a proposal.

That is just one example. There are approximately 35 sites on residential property, and the proposed ordinance allows all of them to seek renewal without facing the stringent provisions of 6512.5.

We therefore propose the following:

(1) The renewal of a use permit shall be subject to the provisions of 6512.5 (including the alternatives analysis) unless the original permit was issued under the new ordinance and provided an alternatives analysis at that time.

(2) Staff should be directed to propose restrictions that are appropriate for residential zoning including limits upon square footage and percentage

of lot coverage, limits on poles, and limits on heights. The staff report states that the 150 foot height limit is the one currently in use in the county so it is not a change. That is true, but the community is asking for a change and greater restrictions on what can be allowed on residential land! And we believe and hope that the Planning Commission was sensitive to this community viewpoint in requesting ordinance development. Other jurisdictions limit the number of antennas on residential property (e.g., San Carlos) and residential property often has limits on sheds or secondary buildings. We suggest the following limits for residential property:

- a. Square footage of enclosures, poles, buried cables and any associated equipment not to exceed 10 % of the lot or 1000 square feet
- b. No more than 1 pole
- c. Poles not to exceed 30 feet in height or 5 feet above the building envelope, whichever is less.

If there is any question of such restrictions not being enforceable if directed solely at telecommunications facilities, then I suggest that the ordinance be broadened to cover any antennas, poles and utility uses, not just telecommunications uses. In San Carlos poles and antennas are restricted on residential property, and these rules apply to any type of usage (TV, satellite, and telecommunications).

We applaud the direction to staff to propose a draft ordinance. We urge you to adopt these changes so that the ordinance does protect residential areas and not inadvertently worsen the situation.

Thank you for your attention to these details.

Sincerely yours,

Jonathan Nimer and Alicia Torre
1354 Pebble Drive, San Carlos



ATTACHMENT Q

June 24, 2008

San Mateo Planning Commission
County of San Mateo—Planning and Building Department
County Office Building
455 County Center
Redwood, CA 94063

Via electronic mail & facsimile

RE: Consideration of a zoning text amendment adding Chapter 24.5 of Division VI, Part One, of the San Mateo County Ordinance Code to establish specific regulation for telecommunication facilities

Dear Planning Commission Members:

PCIA—The Wireless Infrastructure Association and the California Wireless Association (CalWA) write in response to the above-named discussion item on the June 25, 2008 Planning Board Agenda ("Amendment") to offer additional information as the county of San Mateo continues to work on revisions to its wireless facility siting policy. PCIA and CalWA submitted their initial comments on the proposed ordinance on April 22, 2008, and thank the Planning Commission for the opportunity to provide further comment on the subject.

PCIA is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, broadcasting and telecommunications services. With a mandate to facilitate the deployment of wireless infrastructure, PCIA and its members have partnered with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of these communities. CalWA is a non-profit industry organization with a membership consisting primarily of individuals who are involved with the deployment, operation and maintenance of wireless networks in California.

After reviewing the proposed Amendment to the ordinance, PCIA and CalWA respectfully wish to add comments and further clarifications before the Planning Commission. Section 6512.5(B)(11) of the revised draft requires that applicants identify all telecommunications facilities within a 2.5 mile radius of the proposed facility, as well as an explanation as to why collocation on the identified facilities is not possible. PCIA commends the Commission for revising the identification radius down to 2.5 miles from 5.0 miles, as a collocation site 5 miles away would have little bearing on a proposed facility. PCIA would like to take the opportunity to clarify its earlier statement that a 0.5 mile search radius would be more appropriate. As noted in



its initial letter, the propagation characteristics of radio waves vary greatly depending upon the specific landscape, including topography, vegetation and the built environment. When a facility is proposed, it is done so with specific radio frequency objectives in mind, taking into account not only environmental factors, but also coverage goals based on population density, market demand characteristics, and traffic patterns. Once a coverage area is defined, then a search for a collocation site that would also meet those objectives begins. Collocation sites, to be a viable alternative, must be able to substantially match the radio frequency coverage goals that the proposed facility was designed to meet. Accordingly, a fixed value for a search ring does not necessarily adequately address the underlying issues involved with providing coverage in a specific area; identifying collocation possibilities based upon the goal of the facility is a more reliable way to effectively and efficiently determine alternative collocation possibilities. We suggest that the alternatives analysis section of the ordinance be amended to use the applicant's coverage objective as the driving element in evaluating alternate positions for proposed facilities.

Another area of concern is the mandate in Section 6512.3(E) that the applicant remove a facility when the "technology becomes obsolete." While we understand the Commission's desire to remove towers that are no longer operating, the use of this phrase empowers the Commission to dictate the business decisions of wireless carriers, which should not factor into the land use decision at hand. Further, it is unclear who would deem a technology obsolete or how this designation would be made. We believe the rest of the section effectively accomplishes the Commission's goals without this language, and that the language in question should be omitted.

Proposed Alternative Plans

PCIA and CalWA offer a suggestion to the Commission regarding the requirement of a 10-year buildout plan in Section 6512.5(B)(10). It is very difficult, if not impossible to accurately forecast a long term facility plan in the incredibly dynamic business environment of the wireless communications sector. The nature of the FCC auctions, business mergers/acquisitions, the emergence of new businesses and services, the development of new technology, advancing user and market demands and the growth of new wireless applications and services all contribute to a very dynamic and ever changing business environment. Accurate, long range, specific site related planning of infrastructure design is not possible, as the infrastructure remains in flux as the systems are continually being modified.

If the Commission feels that such a plan is necessary, we suggest that the Commission realize the dynamic nature of such information, and give consideration to a collocation review process that may help with the Commission's goal from Section 6510(B) of "[r]equir[ing], to the maximum extent feasible, the collocation of telecommunication facilities." PCIA and CalWA suggest that the buildout plan for a new build application would include general designs for future collocations at the facility, and that the Commission would review and approve the buildout plan along with the application for the new facility. Once the buildout plan has been approved,



collocations can then be administratively fast-tracked, requiring only a building permit, as the plans for such a design have already been reviewed and approved. Doing so would create a rapid and efficient system that incentivizes collocations and minimizes new facilities. For those collocations that represent a minor departure from the approved buildout plan, planning staff could review and comment on the plancheck process for building permit, to ensure compliance with codes. Those collocations that would represent a significant departure from the buildout plan might have a parallel administrative review process that would allow staff more direct involvement in the approval process.

We would also like to respond to Staff comments about blending requirements for collocations and propose an alternative process. We are sensitive to the fact that the Commission is interested in approving the appearance of some of the older towers that may not have been subject to blending and other aesthetic standards when approved, and that adding blended collocations can provide a good method of improving the existing aesthetics. Because of this, we request that the Commission create a more streamlined review of collocation applications that require further review, as outlined in Section 6513(A). In essence, this would create two categories of collocation review: an administrative review process as currently detailed for those applications which do not fall within the Section 6513(A) process, and a process that is more intensive than the administrative review, but does not require the same processes as required to build a new facility. Such an application system would encourage collocations on existing structures that may have a permitting defect or nonconformity, and thereby improve the appearance of these facilities when the collocation design improvements are implemented. This streamlining effort would further the collocation incentive and improve community aesthetics.

Conclusion

Opportunities exist to improve the proposed language to further encourage collocation, and to also add certainty and speed to the permitting process. The right balance of regulation and flexibility will allow industry to meet the community's needs while also being responsive to the community's aesthetic wishes. Towards those ends, we suggest:

- Focusing on the radio frequency objective to evaluate alternate siting locations is the best way to ensure that bona fide potential collocation opportunities are not missed.
- Allowing the industry to determine which technology is best applied within its network design is appropriate and is not a part of the land use decision at hand.
- The pre-approval of future collocations is an effective, proactive strategy to encourage and facilitate/expedite collocations while minimizing the proliferation of new sites.
- Lastly, by allowing collocations to nonconforming sites, the County maximizes the available sites for collocation consideration, while also ensuring that there are opportunities for the County to make enhancements to the nonconforming sites. Should



the County make it too difficult to collocate to nonconforming sites, the odds are high that those sites will remain static and unimproved for their useful life.

PCIA and CalWA greatly appreciate the opportunity for comment that the Commission and Staff have given it when considering its ordinance amendment. We look forward to working with you to ensure that San Mateo County has full access to the wireless future, and all of the public safety, economic and social benefits that the wireless future holds. Please let us know if we can offer any further assistance to you as you continue this important process.

Thank you for your time and consideration.

Best Regards,

Mike Saperstein, Esq.
Public Policy Analyst
PCIA/The Wireless Infrastructure Association
901 N. Washington St., Suite 600
Alexandria, VA 22314
(703) 535-7401
Sapersteinm@pcia.com

A handwritten signature in black ink, appearing to read "Matthew S. Yergovich", written over a vertical line.

Matthew S. Yergovich, Esq.
Regulatory Co-Chair
California Wireless Association
367 Civic Drive, Suite 7
Pleasant Hill, CA 94523
(415) 596-3474
Myergovich@fmhc.com

July 16, 2008

Subject: July 23, 2008 Planning Commission review of new Telecom regulations

Dear Commissioners Wong, Bomberger, Ranken, Slocum and Dworetzky,

There are three areas of the proposed Telecom regulations for cell sites pertaining to residential areas that I would like to provide comments on:

- 1) Lot coverage and footprint of a cell site
- 2) Antenna height limits in the public right of way
- 3) Section 6512.5 and its waiver for a Major Development Pre-Application

1) Lot coverage and footprint of a cell site.

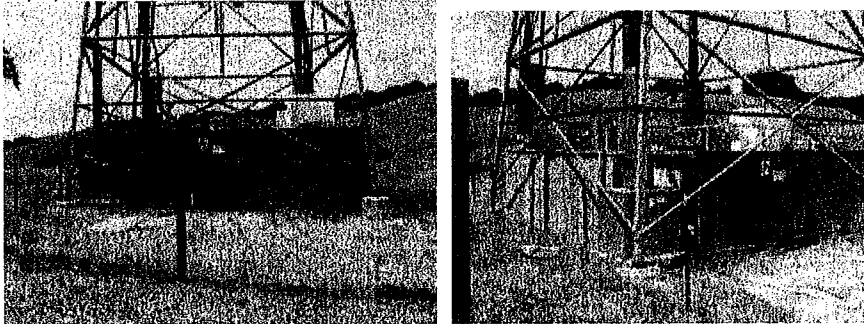
The interest of the unincorporated county residents would be best protected if the regulations state:

The maximum cell site footprint in a residential neighborhood is limited to:

- a) *A maximum of 900 square feet for a co-location site and 500 square feet for a single site.*
- b) *No more than 5% of lot coverage for either a single or co-located cell site and a maximum combined lot coverage of 35% for a cell site plus existing structures.*

These numbers are less than what Mr. Nimer and Ms. Torre proposed in their June 24, 2008 letter to the Planning Commission and discussed with the Planning Commission meeting on 6/25/2008, but the above proposal was determined from the following facts and rationale:

- i. 900 sq. ft. for a co-located site is based on a survey of an actual cell site at Highway 280 and Edgewood Road. This site currently has five providers co-located at the site. All of the equipment for the site is built within the fenced boundary of the tower footprint.



The tower is 25~30 feet on a side giving a footprint of between 625 to 900 sq. ft. Due to the barbed wire fencing an exact measurement was not possible.

For a residential neighborhood I believe the maximum 900 sq. ft. footprint is excessive, especially as future technology advances will reduce the size of the cell site equipment. That said, the 280 & Edgewood site clearly demonstrates that the 1500 sq. ft. limit requested by the Cellular Companies is not needed and co-location is very doable in less than 900 sq. ft.

The single site limit of 500 sq. ft. was derived by dividing the 900 sq. ft. by 5 (the number of operators at this site) for the square footage needed for the operators equipment and adding back in 120 sq. ft. to allow for general build out overhead of the site.

- ii. The 5% lot coverage is based on a minimum lot size of 10,000 sq. ft. for a 500 sq. ft. single site and 20,000 sq. ft. for a 900 sq. ft. co-located site. The 10,000 and 20,000 limits are identical with the building site breakpoints in Section 6300.7.60 (attached) in the zoning regulations for setting the maximum allowed floor area of a structures. The maximum combined coverage limit of 35% is stated for completeness to ensure that the total site development for both the cell site and residential structures are limited.

Palomar Property Owners

419 Palomar Drive, Palomar Park, CA 94062

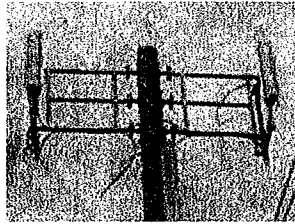
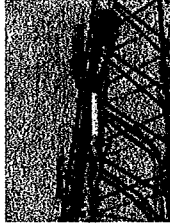
For illustration purposes the table below shows how the 5% limit for cell sites and 35% total coverage would work with the zoning limits of Palomar Park. A co-located site would be possible on a lot smaller than 20,000 sq. ft. with a decreased number of operators (based of the size of today's equipment).

| | | | | | |
|---|-------|-------|--------|--------|--------|
| Lot Size sq. ft. | 2,000 | 5,000 | 10,000 | 15,000 | 20,000 |
| 35% limit on total coverage in sq. ft. | 700 | 1,750 | 3,500 | 5,250 | 7,000 |
| Max floor area for residential structures including 400 sq. ft. garage in sq. ft. | 600 | 1,500 | 3,000 | 4,500 | 6,000 |
| Remaining square footage available for cell site development | 100 | 250 | 500 | 750 | 900 |
| Lot coverage of maximum size cell site | 5% | 5% | 5% | 5% | 4.5% |

2) Antenna height limits on existing poles in public right of way.

The height limit of the antenna should be the height of the exiting pole. Two reference points:

- i. Cellular antennas are not long "whip" antennas extending upward but are either round or shoe box like elements between 3 to 6 feet in length and are mounted directly to the pole. Below are two examples:



- ii. There is a request for a new cell site on a power pole at Edgewood and El Vanada Roads (PLN 2007-00481). This site is on a 62 foot tall pole and places the antennas at 44 feet on the pole in order to sit below the power lines at the top of the pole.

3) Section 6512.5 and its waiver for a Major Development Pre-Application

Section 6512.5 waives the need for a Major Development Pre-Application if there is an existing site within a 1 mile radius of the proposed site. This leaves open the potential for cell sites to be continually constructed through out the county from existing site to a new site then the new site becomes an existing site and so on without any Major Development Pre-Application needed.

I would argue that the intent of the exemption is to for allow a expansion from an existing "primary" site to "secondary" sites within 1 mile of the "primary" site and not to allow further expansion from the "secondary" site. To this end I would like to see language in the regulation text that designates and distinguishes existing "primary" sites from "secondary" sites allowed under the exemption. This would force new sites outside a 1 mile radius of a "primary" site to go through the Major Development Pre-Application process.

Please contact me if you wish to discuss my input.

Thank you for your attention to these details.

Kurt Oppenheimer

Vice President - Palomar Property Owners

632 Palomar Park Redwood City, CA 94062

650-430-2556

kurto@mabija.com

CC:

Matt Seubert

Rosario Fernandez

Palomar Property Owners

419 Palomar Drive, Palomar Park, CA 94062

Attachment:

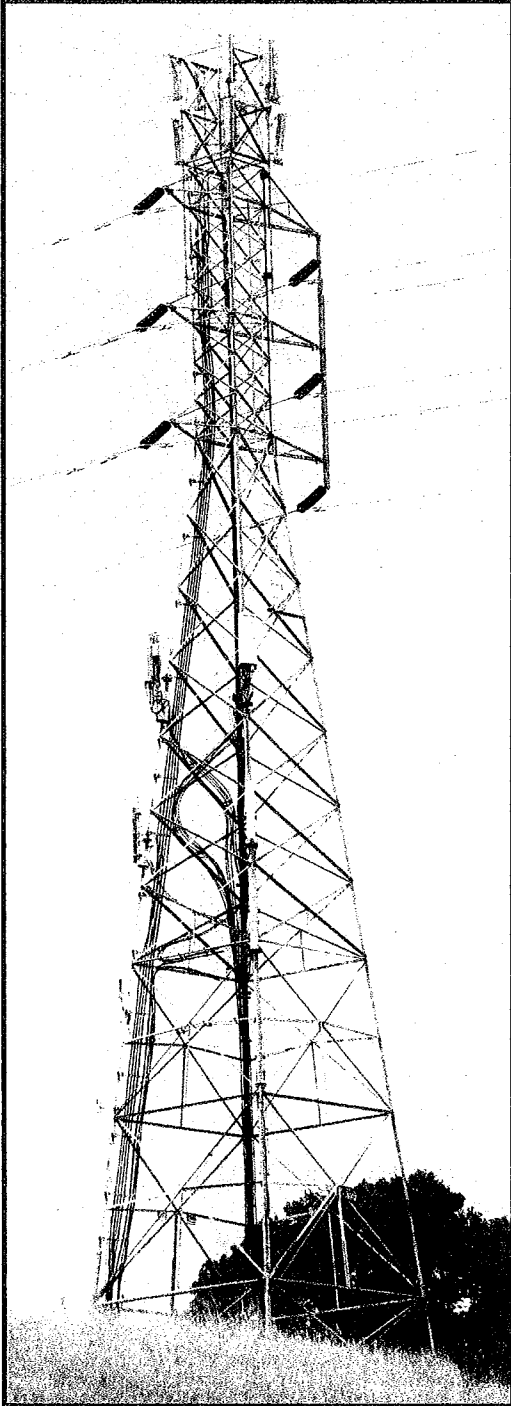
SECTION 6300.7.60. BUILDING FLOOR AREA.

The maximum building floor area shall be established according to the following table.

| Building Site Area | Maximum Floor Area |
|-------------------------|---|
| <=10,000 sq. ft. | 2,600 sq. ft. |
| 10,001 - 20,000 sq. ft. | .30 * (building site area - 10,000) + 2,600 sq. ft. |
| >20,000 sq. ft. | 5,600 sq. ft. |

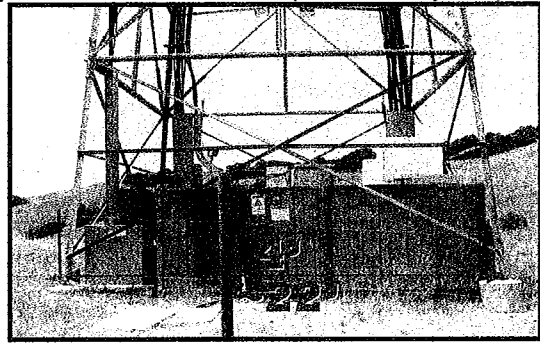
The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

Size limits of cell site in residential areas

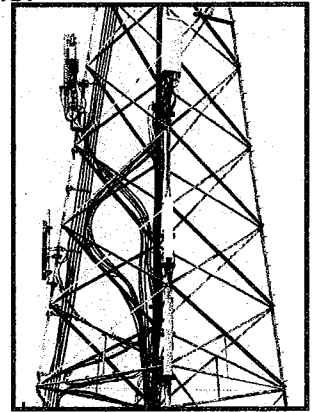
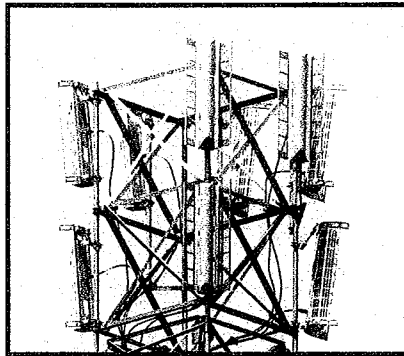


An example of a major co-location site
at Hwy 280 and Edgewood Road

- 5 carriers are co-located on this site
- All equipment for the carriers are sited within the footprint of the tower (~500 Sq Ft.)



- The cellular/data capacity that 500 Sq. Ft. of equipment is able to deliver requires this tower to be bristling with antennas.



- 1600 Sq. Ft. limit is suggested by the Cellular companies as it fits within the base perimeter of a 150' tower with a 40' x40' base.
- Another 1100 Sq. Ft. of equipment would require an even larger number of antennas.
- The current proposal of a 15% coverage limit would allow this site on a 3,333 Sq Ft lot.

Sites of this size or larger are not in keeping with Finding 7:
Commercial wireless communication facilities are commercial uses
and as such are generally incompatible with the character of
residential zones in the County

280 & Edgewood Cell site – ~500 Sq. Ft.



Impact on lot coverage with the proposed limit of 15% or 1600 Sq. Ft. maximum for a cell site

Table 1 – percentage of lot coverage with proposed regulations

| Lot Size (Sq. Ft.) | 2,000 | 5,000 | 10,000 | 15,000 | 20,000 |
|--|------------|------------|------------|------------|------------|
| Maximum building site coverage of 30% (Sq. Ft.) | 600 | 1,500 | 3,000 | 4,500 | 6,000 |
| Maximum cell site coverage - 15% or up to 1600 Sq. Ft. | 300 | 750 | 1,500 | 1,600 | 1,600 |
| Total coverage of area buildings (30%) and cell site (15% or max 1,600 Sq. Ft) (Sq. Ft.) | 900 | 2,250 | 4,500 | 6,100 | 7,600 |
| Total percentage of lot coverage | 45% | 45% | 45% | 41% | 38% |

Is the combined lot coverage of 45% for both residential structures and a cell site reasonable?

The following proposal of a 35% limit for total lot coverage provides a reasonable balance for footprint of the cell site and total lot coverage:

The maximum cell site footprint in a residential neighborhood is limited to:

- *A maximum of 900 square feet for a co-location site and 500 square feet for a single site.*
- *No more than 5% of lot coverage for either a single or co-located cell site and a maximum combined lot coverage of 35% for a cell site plus existing structures.*

Table 2 – impact 35% coverage limit and up to 900 Sq Ft for a cell site

| Lot Size (Sq. Ft.) | 2,000 | 5,000 | 10,000 | 15,000 | 20,000 |
|---|------------|------------|------------|------------|--------------|
| Maximum building site coverage of 30% (Sq. Ft.) | 600 | 1,500 | 3,000 | 4,500 | 6,000 |
| Maximum cell site coverage – 5% or up to 900 Sq. Ft. | 100 | 250 | 500 | 750 | 900 |
| Total coverage of area buildings and cell site limited to 35% of lot size (Sq. Ft.) | 700 | 1,750 | 3,500 | 5,250 | 7,000 |
| Total percentage of lot coverage | 35% | 35% | 35% | 35% | 34.5% |

Section 6512.5 and its waiver for a Major Development Pre-Application

We (PPO) believe that the intent of the exemption is:

- To allow for expansion from an existing “primary” site to “secondary” sites within 1 mile of the “primary” site
- Not to allow further expansion from the “secondary” site to a “tertiary” site

We would like to see language in the regulation text that:

- Designates and distinguishes existing “primary” sites from “secondary” sites allowed under the exemption.
- Forces new “tertiary” sites outside a 1 mile radius of a “primary” site to go through the Major Development Pre-Application process.

Antenna height limits on existing poles

Two points:

1. Cellular antennas are not long whip antennas. Rather they are boxes that need to be mounted to the pole.
2. Top of utility poles are reserved for high voltage power lines.
 - Below the high voltage lines are the 220v lines for home service
 - Below the 220v lines the phone and cable lines are run

From a safety and aesthetics concern:

Why would the county allow cellular antennas to be placed near or above the high voltage wires?



ATTACHMENT T

July 22, 2008

San Mateo Planning Commission
County of San Mateo—Planning and Building Department
County Office Building
455 County Center
Redwood, CA 94063

Via electronic mail & facsimile

RE: Consideration of a zoning text amendment adding Chapter 24.5 of Division VI, Part One, of the San Mateo County Ordinance Code to establish specific regulation for telecommunication facilities

Dear Planning Commission Members:

PCIA—The Wireless Infrastructure Association and the California Wireless Association (CalWA) write in response to the above-named discussion item on the July 23, 2008 Planning Board Agenda ("Amendment") to offer additional information as the county of San Mateo continues to work on revisions to its wireless facility siting policy. PCIA and CalWA have submitted two previous letters of comment, dated April 22, 2008, and June 24, 2008, respectively. After reviewing the most recent draft of the proposed Amendment to the ordinance, PCIA and CalWA respectfully wish to add selected comments as the Planning Commission finalizes its wireless siting ordinance. We appreciate the Commission's thorough consideration of our previous submissions. This consideration has led to changes and clarifications in the Amendment that better enable a workable solution to wireless siting in San Mateo County.

PCIA is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, broadcasting and telecommunications services. With a mandate to facilitate the deployment of wireless infrastructure, PCIA and its members have partnered with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of these communities. CalWA is a non-profit industry organization with a membership consisting primarily of individuals who are involved with the deployment, operation and maintenance of wireless networks in California.

The current version of the Amendment has added Section 6511(A) defining "Abandoned" as "[a] facility . . . not in use for six consecutive months." "Abandoned" facilities, under Section 6512.3(E), are to be removed within 90 days. We appreciate this distinction from the previous draft, which called for removal when the "technology becomes obsolete." We suggest, however,

that the definition of "Abandoned" be amended from six months to twelve months. It is not difficult to envision a situation where a provider overhauling its network would require a six month off-line period. Twelve months takes such projects into account, and in PCIA's experience, is more reflective of the nationwide trend in wireless facilities ordinances.

In Section 6412.2(E), the proposal calls for towers to be "no taller than necessary to provide adequate coverage." "Adequate coverage" is a subjective term that inquires into the business judgment of service providers. Furthermore, wireless carriers' coverage standards are designed with their obligations as FCC license-holders in mind. For these reasons, we suggest that the Commission instead substitute "no taller than necessary to meet the facility's coverage objectives."

Section 6512.2(I)(1-3) and Section 6513.1(F)(1-2) both describe exceptions to the normal 150-foot height limit. These provisions prohibit towers from "exceed[ing] the height of the forest canopy," and "exceed[ing] the maximum height for structures allowed in that district." The problem with such language is that it does not take into account how the technology works. Because radio frequency communications require "line of sight" between the antenna and wireless device, antennas need to be placed in a location taller than the surrounding clutter in order effectively send and receive signals. Placement at the same level as the surrounding trees and other buildings will not allow for effective coverage.

Further, according to the Staff Report (pg 15), facilities in residential areas will be limited to a 28-36 foot limit, with a 10% allowance for collocations. This language is represented in Section 6512.2(I)(2). Such a height limit is very low, and will have the effect of prohibiting wireless services in residential areas because of the same "line of sight" problems described above. In terms of the variance for collocations, as a practical matter a 10% variance on this height would equate to a 3.6 foot maximum allowance for collocations. Because of interference concerns, collocated antennas generally require 10 feet of separation, and therefore collocation would not be feasible if there were only a 3.6 foot maximum separation possible. The limitation effectively denies collocation opportunities in residential areas where they are most desired.

Other sections can also serve to have the effect of prohibiting wireless communications in residential areas. Section 6512.2(J)'s inclusion of equipment cabinets as "accessory buildings" provides such a prohibition. Each wireless provider needs its own individual equipment cabinet on site in order to provide service. Collocations would not be possible without an additional equipment cabinet. This section would have the effect of either denying wireless service or denying collocation capabilities in residential areas. Section 6512.2(K) also restricts collocation efforts by unnecessarily limiting the available ground space. Efforts to collocate on existing facilities, thereby minimizing the overall impact on the community, can require more space on a given facility—this should not be artificially restricted. Additionally, the newly added requirement in Section 6512.5(B)(16) that an applicant must demonstrate that a "combination of sites" places an unnecessary burden on service providers which can result in substantial economic costs.



We would also ask the county to reconsider Section 6512.2(L). While we understand the need to be environmentally sensitive, a requirement that a provider cannot use diesel generators in an emergency situation without first proving that renewable sources of energy are infeasible could jeopardize wireless communications in crucial emergency situations. Wireless communications are invaluable in an emergency for those in need of aid and first-responders alike. Any delay in providing these emergency services would not be in the public interest.

Section 6312.3(H) should also be revised to reflect the realities of the wireless business. Routine maintenance at wireless facilities is scheduled when the customer demand is at its lowest point, typically between the hours of 2-5 a.m. The limitations on the hours of accessibility would in turn greatly impact wireless customers and may serve to threaten public safety by cutting off service when it is most needed.

The ten-year plan, as stated in our previous letters, continues to be a matter of concern. Ten years is an extremely difficult range to forecast in wireless communications so the requirements of Section 6512.5(B)(10) remain problematic, as does the requirement that applicants attempt to determine future collocators at the time of the application. Other telecommunications facility operators may not have a clear picture of their future service needs and an application should not be held up determining speculative needs of the future.

We also remain concerned that Sections 6513.A, 6513.1(F-G, J) and 6513.2.E are impediments and limitations to collocation. These lessen the incentive for collocation and do not allow the efficient use of existing structures.

Finally, PCIA and CalWA appreciate the continued efforts to revise Section 6512.5(B)(11) to take into account that the potential collocation search area should be based on realistic coverage objectives. The Staff Report (pg 8) notes that "it would be difficult to determine the appropriate radius search and evaluate the applicant's coverage objective on a case by case basis" so it continues to use a 2.5-mile radius as the standard. The revised section, however, now includes a requirement for the applicant to provide its "radio frequency coverage objective" in its application. We suggest that an analysis of the proposed facility's RF objective would allow a realistic collocation search ring to be determined quickly and efficiently based upon the radius provided in this report. This would eliminate the need for the 2.5 mile radius standard and instead rely on actual objectives. Further, Section 6512.2(B) does not allow new facilities in residential areas unless the applicant has demonstrated "by a preponderance of the evidence" that no other site or combination of sites allows feasible service. The Amendment does not indicate who would be interpreting the "preponderance of the evidence" legal standard, and we ask that such a reference be stricken from the Amendment.

PCIA and CalWA appreciate the opportunity San Mateo County has given us for input and the hard work of the staff on this important matter. If there are any areas where we can provide more information please do not hesitate to contact us. We look forward to working with you to



ensure that San Mateo County has full access to the wireless future, and all of the public safety, economic and social benefits that the wireless future holds. Thank you for your time and consideration.

Best Regards,

Mike Saperstein, Esq.
Public Policy Analyst
PCIA/The Wireless Infrastructure Association
901 N. Washington St., Suite 600
Alexandria, VA 22314
(703) 535-7401
Sapersteinm@pcia.com

A handwritten signature in black ink, appearing to read "Matthew S. Yergovich", followed by a vertical line.

Matthew S. Yergovich, Esq.
Regulatory Co-Chair
California Wireless Association
367 Civic Drive, Suite 7
Pleasant Hill, CA 94523
(415) 596-3474
Myergovich@fmhc.com

ATTACHMENT U

Alicia Torre and Jonathan Nimer
1354 Pebble Drive
San Carlos, CA 94070
July 23, 2008

Commissioner David Bomberger
Commissioner Gail Slocum
Commissioner William Wong
Commissioner Steve Dworetzky
Commissioner Chris Rankin
San Mateo County Planning Commission
400 County Center
Redwood City, CA 94063

HAND DELIVERED AT THE COMMISSION MEETING 7/23/07

RE: Consideration of zoning text amendment concerning specific regulations for telecommunication facilities

Dear Sirs and Madams,

We have submitted comments to the Planning Commission on several prior occasions concerning your efforts to develop specific regulations for permitting telecommunications facilities in unincorporated areas of San Mateo County. Thus we recognize that the version of the proposed amendment to the Zoning Regulations that you are considering today reflects a thoughtful and successful effort by both the Commission and the Staff to address concerns raised not only by ourselves but by others in the community. We appreciate this effort and we thank you for it.

Our most important concerns have been addressed in a satisfactory way, in particular, the new language in Section 6512.6 which requires that if the use permit for an existing telecommunications facility has expired, then applications for co-location at that site, as well as after-the-fact renewals of use permits for existing facilities, will be subject to the same standards and procedures as for new facilities that are described in Sections 6512 – 6512.5. This new language removes the potential loophole that existing facilities, permitted long before any attention was paid to the idea of co-location, might be grandfathered in and completely end run the Commission's intention that co-locating telecommunications facilities in Residential zones be given a thorough and proper review.

We would like to bring one other issue to your attention – the ground coverage standards proposed in Sections 6512.K (for new facilities that are not Co-location facilities) and 6513.1.H (requirements for Co-location facilities). In our letter of June 25, 2008, we recommended that the square footage of enclosures, poles, buried cables and associated equipment not exceed the lesser of 10% of the lot or 1000 square feet. We have since become aware of the suggestion from the Palomar Property Owners group that the maximum cell site footprint in Residential zones be limited to:

- a) 900 square feet for a co-location site and 500 square feet for a single site; and
- b) No more than 5% of lot coverage for either a single or co-located cell site and a maximum combined lot coverage of 35% for a cell site plus existing structures.

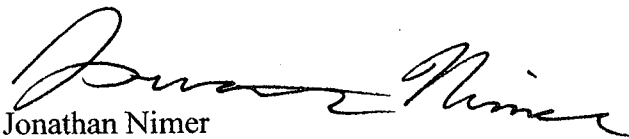
These upper limit conditions appear to be well reasoned – in addition to looking at actual foot prints the Palomar Property Owners group also considered the combined effects of cell-related and residential structures on the lot – and we support their proposal as set forth in their letter of July 16, 2008. We also think that the lot coverage limitation and square footage calculation for Section 6513.1F and G should include not only towers but also fenced enclosures containing wireless telecommunications equipment.

Thank you very much for your attention.

Sincerely yours,



Alicia Torre



Jonathan Nimer

MACKENZIE & ALBRITTON LLP

423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

October 23, 2008

VIA ELECTRONIC MAIL

Board of Supervisors
County of San Mateo
Redwood City, California

Re: Proposed Amendments to the San Mateo County Ordinance Code to
Establish Zoning Regulations for Wireless Telecommunication Facilities

Honorable Members of the Board:

We write to you on behalf of our client Verizon Wireless to provide comment on the proposed addition of Sections 6510 through 6513.3 to the San Mateo County Ordinance Code regarding wireless telecommunications facilities (the "Proposed Wireless Ordinance"). We regret that Verizon Wireless's comments are provided to you late in the review process, however, Verizon Wireless only became aware of these proposals within the last few weeks and after the Planning Commission had completed its deliberations. Notwithstanding the tardiness of these comments, we hope that you will agree that the Proposed Wireless Ordinance contains flaws that must be corrected before adoption.

Our specific comments to the Proposed Wireless Ordinance are contained in the attached marked copy, which also includes marginal comments explaining our proposed revisions. In general we encourage you to address the following concerns prior to adoption of the Proposed Wireless Ordinance:

The Proposed Wireless Ordinance is an Overreaction to the Provisions of SB 1627, which requires Administrative Review of Collocation Facilities.

SB 1627 was enacted in 2006 and subsequently codified as Government Code § 65850.6. The thrust of the legislation is to require local jurisdictions to approve collocation of wireless facilities through an administrative process. Intense lobbying by the League of California Cities limited the scope of the bill by only requiring administrative review of collocations if the original site approval included approval of specific future collocation and an environmental document was issued. Thus, the intent of SB1627 can be accomplished by including appropriate conditions of approval in any discretionary permit for a collocated wireless facility.

In contrast, the proposed Wireless Ordinance creates an entirely new and complicated wireless regulatory scheme that differentiates collocation from non-collocation sites in terms of application requirements and development, design and performance standards. This distinction is both impractical and irrelevant as wireless telecommunications companies move away from large macro multi-carrier sites toward smaller more discrete sites that lend themselves to better screening and camouflage techniques. Many jurisdictions are encouraging individual stealth facilities with fewer antennas or distributed antenna systems (DAS), in lieu of macro antenna farms, by allowing administrative review of the more discrete designs. In contrast, the proposed Wireless Ordinance requires applicants to seek out and negotiate with all wireless carriers serving the County prior to even applying for a permit and to show the potential ten year build-out for a collocated site, thereby foreclosing the possibility of installing discrete sites. Requiring such mega-proposals with each application will likely result in significant delay and probable environmental impacts that prevent sites from being approved at the outset. Finally, by forcing carriers to collaborate on every new site, the proposed Wireless Ordinance ignores the competitive nature of the cellular industry.

The Proposed Ordinance Sets Artificial Dimension Restrictions and Does Not Acknowledge the Special Needs of Collocation Facilities

The proposed Wireless Ordinance also appears to misunderstand the technology involved in creating collocated facilities. For both collocated and non-collocated sites, the Wireless Ordinance limits facilities to one "cabinet" or "structure" of 1,600 square feet *regardless of the number of carriers that may be located at the site*. First, no carrier operates with only one cabinet (while several operate with multiple cabinets on an equipment pad). Secondly, collocation facilities require vertical separation between antennas (e.g. taller towers) and radio equipment for each carrier. Finally, the more carriers collocated at a site, the more space is needed. The proposed Ordinance appears to ignore these issues by creating artificial size limitations.

The Proposed Wireless Ordinance Ignores the Applicable Federal Standards Limiting Local Review of Wireless Facilities.

Specific federal law limitations on the regulation of wireless facilities by local jurisdictions are imposed by the Federal Telecommunication Act of 1996, which, codified under 47 U.S.C. 332, makes it illegal for local jurisdictions to: prohibit the provision of wireless services, discriminate between functionally equivalent carriers or unreasonably delay wireless permitting decisions. In addition, the Telecommunications Act requires that decisions to deny wireless facilities be in writing and supported by "substantial evidence."

The Ninth Circuit Court of Appeals recently re-affirmed that the Telecommunications Act prohibits a jurisdiction from denying approval of a site where there is a "significant gap" in coverage and the proposed facility is the "least intrusive alternative" to fill that gap. *See Sprint Telephony v. County of San Diego*, 2008 U.S. App. LEXIS 19316 (citing *MetroPCS v. City of San Francisco*, 400 F.3d 715 (9th Cir. 2005)).

Rather than follow the Ninth Circuit standard, the proposed Wireless Ordinance attempts to create complete bans on facilities in certain areas¹ while in other circumstances requiring the applicant to show that a proposed site is the *only* alternative for meeting coverage needs (a standard specifically rejected in *Metro*)². Further, the proposed Wireless Ordinance enunciates a new "preponderance of the evidence" standard that would seem to supersede the "substantial evidence" standards enunciated in both the Telecommunications Act and state law as it applies to findings for conditional use permits. The proposed Wireless Telecommunications Ordinance should be revised to comply with federal law.

Retroactive Application of Proposed Wireless Ordinance Violates Carriers Vested Rights.

Finally, the apparent retroactive application of the Proposed Wireless Ordinance to existing sites in San Mateo County, and its proposed 10 year permit renewal requirements, violates the vested rights that carriers have in any site that was approved absent such renewal obligations. The County cannot unilaterally determine that valid use permits will now have an expiration date by legislative fiat.

Conclusion

As noted above, our specific comments appear in the marked draft attached to this letter. We ask that the Board of Supervisors allow the time for review of the above concerns and our proposed revisions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul Albritton", with a stylized, cursive script.

Paul B. Albritton

¹ See Proposed Wireless Ordinance Section 6512.2(A)

² See Proposed Wireless Ordinance Section 6512.4

DRAFT

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE ADDING CHAPTER 24.5 TO DIVISION VI, PART ONE, OF THE
SAN MATEO COUNTY ORDINANCE CODE (ZONING REGULATIONS) TO
ESTABLISH REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. The San Mateo County Ordinance Code, Division VI, Part One, is hereby
amended to add Chapter 24.5, Sections 6510 through 6513.3, as follows:

CHAPTER 24.5. WIRELESS TELECOMMUNICATION FACILITIES

SECTION 6510. PURPOSE. The purpose of this chapter is to establish
regulations for the establishment of wireless telecommunication facilities within
the unincorporated area of San Mateo County, consistent with the General Plan,
and with the intent to:

- A. Allow for the provision of wireless communications services adequate to
serve the public's interest within the County.
- B. Encourage, to the maximum extent feasible where it will reduce
environmental impacts, the co-location of telecommunication facilities.
- C. Encourage and require, to the maximum extent feasible, the location of new
telecommunication facilities in areas where negative external impacts will
be minimized.

Deleted: Require

Comment: This is an outdated objective.
Facilities have become smaller and more
readily concealed. Multiple discrete facilities
may have less environmental impacts than one
antenna farm. Case by case alternatives
analysis should determine the preferred site(s)
configuration.

- D. Protect and enhance public health, safety, and welfare.
- E. Conform to applicable Federal and State laws.

SECTION 6511. DEFINITIONS. For purposes of this chapter, the following terms shall have the meanings set forth below:

- A. "Abandoned." A facility shall be considered abandoned if it is not in use for six consecutive months.
- B. "Administrative review" means consideration of a proposed facility by staff for consistency with the requirements of this chapter, the consideration of which shall be ministerial in nature, shall not include conditions of approval, and shall not include a public hearing.
- C. "Co-location" means the placement or installation of wireless telecommunication facilities, including antennas and related equipment on, or immediately adjacent to, an existing wireless telecommunication facility.
- D. "Co-location facility" means a telecommunication facility that has been co-located consistent with the meaning of "co-location" as defined in Section 6511.C. It does not include the initial installation of a new telecommunication facility that will support multiple service providers.
- E. "Wireless Telecommunication facility" or "WTF" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems.
Telecommunication facility does not include radio or television broadcast facilities.

Comment: Administrative review is used by many jurisdictions for a variety of sites including those in industrial zones or approved distributed antenna systems ("DAS").
Deleted: co-location

Comment: This ordinance is limited to "Wireless" telecommunications. Use of the word "telecommunications" throughout the ordinance without this clarification creates confusing requirements in various sections.

Deleted: transmission

SECTION 6512. PERMIT REQUIREMENTS AND STANDARDS FOR NEW

WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. All new wireless telecommunication facilities that are not co-location facilities must meet the following standards and requirements:

SECTION 6512.1. PERMIT REQUIREMENTS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. A use permit will be required for the initial construction and installation of all new wireless telecommunication facilities, in accordance with requirements, procedures, appeal process, and revocation process outlined in Sections 6500 through 6505 of Chapter 24 of the Zoning Regulations, except as modified by this chapter.

SECTION 6512.2. DEVELOPMENT AND DESIGN STANDARDS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. All new wireless telecommunication facilities must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

- A. New wireless telecommunication facilities shall not be located in a Sensitive Habitat, as defined by Policy 1.8 of the General Plan (Definition of Sensitive Habitats) for facilities proposed outside of the Coastal Zone, and by Policy 7.1 of the Local Coastal Program (Definition of Sensitive Habitats) for facilities proposed in the Coastal Zone except where there is a significant gap in coverage with no feasible alternative for site location.
- B. New wireless telecommunication facilities shall not be located in areas zoned Residential (R), unless the applicant demonstrates, that a review has been conducted of other options, and no other sites or combination of sites that are not zoned Residential (R) allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility. See Section 6512.5.B.11 for additional application requirements.
- C. New wireless telecommunication facilities shall not be located in areas

Comment: The County should consider adopting policies that encourage the location of wireless telecommunications facilities in certain areas or of particular designs by permitting administrative review.

Comment: An ordinance that bans facilities in a wide area creating significant gaps in coverage will violate 47 USC § 253 even under the most recent decision of the 9th Circuit Court of Appeals in Sprint v. San Diego (2008).

Comment: Both State and Federal law utilize a "substantial evidence" test. Introducing a new evidentiary standard is likely to create confusion.

Deleted: by a preponderance of the evidence.

Deleted:

Comment: Wireless networks (and Federal law) has matured to require capacity for those seeking to use the network in addition to mere signal coverage as required to fill a significant gap.

where co-location on existing facilities would provide equivalent coverage with lesser environmental impacts.

Comment: Collocation may not be the least intrusive alternative.

- D. Except where aesthetically inappropriate, new wireless telecommunication facilities must be constructed so as to physically and structurally accommodate co-location, and must be made available for co-location unless technologically or economically infeasible.

Comment: Multiple stealth sites may be aesthetically superior to one multi-carrier site.

Deleted: N

- E. The adverse visual impact of utility structures shall be avoided by: (1) siting new wireless telecommunication facilities outside of public viewshed whenever feasible; (2) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (3) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening telecommunication facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing telecommunication facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. Landscaping shall be maintained by the property or facility owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.

Comment: The County cannot force a carrier to accept collocation if another carrier is not willing to pay the fair market rate or its fair share of operating costs and expenses.

Deleted: u

Comment: Wireless telecommunications facilities must be in line of sight of users and therefore can never be entirely out of view unless camouflaged.

- F. Paint colors for the wireless telecommunication facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the telecommunication facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

Comment: Newer tree pole designs make this requirement outdated.

- G. The exteriors of wireless telecommunication facilities shall be constructed of

non-reflective materials.

- H. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, Design Review in the DR district(s), Architectural Review in designated Scenic Corridors, and Coastal Development Permit regulations in the CZ or CD zones.
- I. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
1. In the PAD, RM, RM-CZ, TPZ, and TPZ-CZ districts, in forested areas, no structure or appurtenance shall significantly exceed the height of the forest canopy.
 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that co-locations on an existing structure and facilities in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district.
 3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district.
- J. In any Residential (R) district, one (1) accessory building, shelter, or cabinet pad in support of the operation of the telecommunication facility may be

Comment: Note that this appears to be a drafting error as this Section is for facilities that are NOT collocated.

Comment: An existing structure is an existing structure, so a percentage over height limits is irrelevant. Utilities in the right of way are regulated by the CPUC under CPUC Code Sec. 7901 and General Order 95, that supersede local authority.

Deleted: by 10% of the allowed height in that district.

constructed, provided it complies with the provisions of Sections 6410 through 6411 regarding accessory buildings. If a non-WTF accessory building already exists on the parcel, no accessory building, shelter, or cabinet pad in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building, shelter, or cabinet pad in support of the operation of the wireless telecommunication facility is constructed, no other non-WTF accessory buildings shall be constructed until the accessory building, shelter, or cabinet pad in support of the operation of that wireless telecommunication facility is removed.

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Comment: Accommodation for collocation must be made, particularly where it is required. This language would appear to prevent the use of radio cabinets on a pad and require carriers to use equipment shelters. No WTF operates with just one cabinet.

- K. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that, except where facilities are co-located they shall not cover, in combination with any accessory building, shelter, or cabinet in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft.

Comment: There needs to be an accommodation for collocation.

- L. Diesel generators shall not be used as an emergency power source unless the use of solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the use of a renewable energy source is not feasible.

SECTION 6512.3. PERFORMANCE STANDARDS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION

FACILITIES. No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Telecommunication facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

- B. The applicant shall file receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunication facility. The applicant shall supply the Planning and Building Department with evidence of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
- C. Once a use permit is obtained, the applicant shall obtain a building permit and build in accordance with the approved plans.
- D. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- E. The wireless telecommunication facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC license and registration are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
- F. Wireless telecommunication facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements visual resource protection requirements of Section 6512.2.E, and F above (e.g., landscape maintenance and painting), as well as all other applicable zoning standards and permit conditions.
- G. Road access shall be designed, constructed, and maintained over the life of

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~~Comment: Only evidence of license and registration should be required (not copies). A license is obtained from the FCC and registration with the CPUC. No individual approvals are required.~~

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the project to avoid erosion, as well as to minimize sedimentation in nearby streams in accordance with applicable state law.

- H. A grading permit may be required, per Sections 8600-8609 of the County Ordinance Code. All grading, construction and maintenance activities associated with the proposed project shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday or as further restricted by the terms of the use permit. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed 80-dBA at any time.
- I. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.

SECTION 6512.4. ADDITIONAL REQUIREMENTS AND STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES IN THE COASTAL ZONE.

- A. New wireless telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, unless no feasible alternative exists, the antennas and telecommunications equipment are not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. New telecommunication facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts.

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Comment: As drafted, the restriction entirely eliminates the possibility for a stealth or camouflaged site.

SECTION 6512.5. APPLICATION REQUIREMENTS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES.

- A. A Major Development Pre-Application will be required for all new wireless telecommunication facilities in accordance with the procedures outlined in

Sections 6415.0 through 6415.4 of the San Mateo County Zoning Regulations, unless there is an existing telecommunication facility within a 1-mile radius of the proposed facility. This requirement may be waived at the discretion of the Community Development Director or his/her designee.

- B. In addition to the requirements set forth in Chapter 24, Use Permits, applicants for new telecommunication facilities shall submit the following materials regarding the proposed wireless telecommunication facility:
1. A completed Planning Permit application form.
 2. A completed Use Permit for a Cellular or Other Personal Wireless Telecommunication Facility Form.
 3. A completed Environmental Information Disclosure Form.
 4. Proof of ownership or statement of consent from the owner of the property.
 5. A site plan, including a landscape plan (if appropriate under the provision of Section 6512.2.E), and provisions for access.
 6. Elevation drawing(s).
 7. Photo simulation(s) of the wireless telecommunication facility from reasonable line-of-sight locations from public roads or viewing locations.
 8. A construction and erosion control plan.
 9. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of the access road.
 10. A description of the planned maximum ten-year buildout of the site for

the applicant's wireless telecommunication facilities, including, to the extent possible, the full extent of wireless telecommunication facility expansion associated with future co-location facilities by other telecommunication facility operators. The applicant shall use best efforts to contact all other wireless telecommunication service providers in the County known to be operating in the County upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The County shall, upon receipt of an application, identify any known wireless telecommunications providers that applicant has failed to contact. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified. If future co-locations are not technically feasible, an explanation shall be provided of why this is so.

Comment: Wireless telephony remains a very competitive business. To require correspondence from a competitor in order to complete a permit application is inherently anti-competitive.

11. Identification of existing wireless telecommunication facilities within a 2.5-mile radius of the proposed location of the new telecommunication facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation why the alternatives considered were either unacceptable or infeasible. If an existing tower was listed among the alternatives, the applicant must specifically address why the modification of such tower is not a viable option. The written explanation shall also state the radio frequency coverage and/or capacity needs and objective(s) of the applicant.
12. A statement that the telecommunication facility is available for future co-location projects, or an explanation of why future co-location is not technologically feasible.

13. A Radio Frequency (RF) report describing the emissions of the proposed telecommunication facility and to the extent reasonable ascertainable, the anticipated increase in emissions associated with future co-location facilities.
14. The mandated use permit application fee, and other fees as applicable.
15. Depending on the nature and scope of the project, other application materials, including but not limited to a boundary and/or topographical survey, may be required.
16. Applications for the establishment of new wireless telecommunication facilities inside Residential (R) zoning districts and General Plan land use designations shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative non-residential sites or combination of non-residential sites available to eliminate or substantially reduce significant gaps in the applicant carrier's coverage or network capacity.

Comment: Applicable Federal case law (Metro v. SF) confirms that a site need not be the only alternative, but the "least intrusive" alternative.

SECTION 6512.6. USE PERMIT TERM, RENEWAL AND EXPIRATION. Use permits for wireless telecommunication facilities, including approval of the ten-year buildout plan as specified by Section 6512.5.B.10, shall be valid for a minimum of ten years following the date of final approval. The applicant shall file for a renewal of the use permit and pay the applicable renewal application fees six months prior to expiration with the County Planning and Building Department, if continuation of the use is desired. In addition to providing the standard information and application fees required for a use permit renewal, wireless telecommunication facility use permit renewal applications shall provide an updated buildout description prepared in accordance with the procedures established by Section 6512.5.B.10.

Comment: AB 1627 clearly establishes 10 years as a minimum.

Renewals where required for use permits for existing wireless telecommunication

facilities constructed prior to the effective date of this chapter [date] are subject to the provisions of Sections 6512 through 6512.5. Renewals of use permits approved after the effective date of this chapter shall only be approved if all conditions of the original use permit have been satisfied, and the ten-year buildout plan has been provided. If the use permit for an existing telecommunication facility has expired, applications for co-location at that site, as well as after-the-fact renewals of use permits for the existing wireless telecommunication facilities, will, at the discretion of the Community Development Director, be subject to the standards and procedures for new telecommunication facilities outlined in Sections 6512 through 6512.5.

Comment: The County cannot impose renewal requirements on permits that did not previously contain such restrictions. Permit expirations in less than 10 years would be "unreasonable" under the Government Code.

SECTION 6513. PERMIT REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES.

- A. Co-location Facilities Requiring a Use Permit. In accordance with Section 65850.6 of the California Government Code, applications for co-location will be subject to the standards and procedures outlined for new wireless telecommunication facilities, above (in Section 6512 through 6512.6), if any of the following apply:
1. No use permit was issued for the original wireless telecommunication facility,
 2. The use permit for the original wireless telecommunication facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project, or
 3. No Environmental Impact Report (EIR) was certified, or no Negative Declaration or Mitigated Negative Declaration was adopted for the location of the original telecommunication facility that addressed the environmental impacts of future co-location of facilities.
- B. Permit Requirements for Other Co-location Facilities. Applications for all other co-locations shall be subject to a building permit approval. Prior to the

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issuance of a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original use permit, by submitting an application to the Planning and Building Department for an administrative review of the original use permit, including all information requests and all associated application fees, including specifically those for administrative review of a use permit, which fee shall be equivalent to the fee established for a use permit inspection.

SECTION 6513.1. DEVELOPMENT AND DESIGN STANDARDS FOR CO-LOCATION FACILITIES.

- A. The co-location facility must comply with all approvals and conditions of the underlying use permit for the telecommunication facility.
- B. The adverse visual impact of utility structures must be minimized, in accordance with General Plan Policy 4.20 regarding utility structures, among other ways, by: designing co-location facilities to blend in with the surrounding environment; constructing towers no taller than necessary to provide adequate coverage; maximizing the use of existing vegetation and natural features to cloak telecommunication facilities; screening co-location facilities with landscaping consisting of non-invasive and/or native plant material; and by painting all equipment to blend with existing landscape colors. If the previously listed methods would not adequately comply with General Plan 4.20, the applicant may propose designs that camouflage towers and antennas as trees, chimneys, mansard-style roofs or other unobtrusive objects. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunication facility(ies) on the site. Landscaping shall be maintained by the owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- C. Paint colors for the co-location facility shall minimize its visual impact by

blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

- D. The exteriors of co-location facilities shall be constructed of non-reflective materials.
- E. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, and Coastal Development Permit regulations in the CZ or CD zones.
- F. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
1. In the PAD, RM, RM-CZ, TPZ and TPZ-CZ districts, in forested areas, no structure or appurtenance shall significantly exceed the height of the forest canopy.
 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that, an existing structure, or structures in the public right-of-way, shall be allowed to exceed the maximum height for structures allowed in that district.
 3. In any Residential (R) district, no monopole or antenna shall exceed

Comment: VZW to confirm 1,600 will accommodate collocation.

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Comment: An existing structure is an existing structure, so a percentage over height limits is irrelevant. Utilities in the right of way are regulated by the CPUC under CPUC Code Sec. 7901 and General Order 95, that supersede local authority.

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the maximum height for structures allowed in that district, except on an existing structure, or structures in the public right-of-way, shall be allowed to exceed the maximum height for structures allowed in that district.

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- G. In a Residential (R) district, one (1) accessory building, shelter, or cabinet pad in support of the operation of each wireless telecommunication facility may be constructed, provided it complies with the provisions of Sections 6410 through 6411 regarding accessory buildings. If a non-WTF accessory building already exists on the parcel, no accessory building, shelter, or cabinet pad in support of the operation of the wireless telecommunication facility may be constructed. If an accessory building, shelter, or cabinet pad in support of the operation of a wireless telecommunication facility is constructed, no other non-WTF accessory buildings shall be constructed until the accessory building, shelter, or cabinet pad in support of the operation of a wireless telecommunication facility is removed.

Comment: This provision appears to force carriers to locate in one accessory structure which may or may not be aesthetically preferable. This provision also appears to prohibit use of an equipment pad with radio cabinets and require the use of equipment shelters for radio equipment in residential neighborhoods (no facility can operate with one cabinet).

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Comment: These limitations are the same as those established for a single carrier and need to accommodate collocation.

- H. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building, shelter, or cabinet pad in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. for each such wireless telecommunications facility.

- I. Diesel generators shall not be used as an emergency power source unless the use of solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the use of a renewable energy source is not feasible.

- J. Expansion of co-location facilities beyond the footprint and height limit identified in the planned maximum ten-year buildout of the site as specified in Section 6512.5.B.10, or in the original use permit for the facility, shall not be subject to administrative review and shall instead comply with the use

permit provisions for new telecommunication facilities in Sections 6512 through 6512.5, unless expansion beyond these limits is determined to be a minor modification of the use permit by the Community Development Director. If the Community Development Director does determine that such expansion is a minor modification, the expansion shall instead be subject to the provisions of Sections 6513 through 6513.4.

SECTION 6513.2. PERFORMANCE STANDARDS FOR CO-LOCATION

FACILITIES. No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- B. The applicant shall file, receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the co-location facility. The applicant shall supply the Planning and Building Department with evidence of each of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
- C. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- D. The co-location facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC licenses required to operate the site are revoked or the facility is

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~~Comment: Rather than the entire license a certificate is generally provided.~~

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abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.

- E. Co-location facility maintenance shall implement visual resource protection requirements of Section 6513.1.B, and C above (e.g., landscape maintenance and painting).
- F. Road access shall be maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams in compliance with applicable state law.
- G. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.

SECTION 6513.3. ADDITIONAL REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES IN THE COASTAL ZONE.

- A. Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, shall only be allowed if the antennas and equipment are not readily visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. Co-location facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts, except that no public hearing shall be required.

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Comment: Camouflaged or stealth facilities should be permitted where not readily visible.

SECTION 6513.4. APPLICATION REQUIREMENTS FOR CO-LOCATION FACILITIES. Applicants that qualify for administrative review of co-location facilities in accordance with Section 6513 shall be required to submit the following:

- A. A completed Planning Permit application form.
- B. Proof of ownership or statement of consent from the owner of the property and/or the primary operator of the wireless telecommunication facility where the co-location is proposed.
- C. A site plan showing existing and proposed telecommunication facilities.
- D. Elevation drawing(s) showing existing and proposed telecommunication facilities.
- E. A completed Environmental Information Disclosure Form.
- F. A construction and erosion control plan.
- G. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunication facility or use permit.
- H. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment will not exceed the limits established by the Federal Communications Commission (FCC) and the use permit for the existing wireless telecommunication facility.
- I. The mandated administrative review fee, and other fees as applicable.
- J. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location equipment. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

SECTION 2. Outside of the Coastal Zone, this ordinance shall be in full force and effect 30 days after adoption by the San Mateo County Board of Supervisors. Within the Coastal Zones (CZ or CD), this ordinance shall take force and effect immediately upon final certification by the Coastal Commission.



ATTACHMENT W

October 27, 2008

San Mateo County Board of Supervisors
County Office Building
455 County Center
Redwood, CA 94063

Via electronic mail

RE: Consideration of a zoning text amendment adding Chapter 24.5 of Division VI, Part One, of the San Mateo County Ordinance Code to establish specific regulations for telecommunication facilities

Dear Board of Supervisors:

PCIA—The Wireless Infrastructure Association writes in response to the above-named discussion item on the October 28, 2008 Planning Board Agenda. PCIA and the California Wireless Association (CalWA) have submitted three previous letters ("Industry Submissions") detailing in full the wireless infrastructure industry's positions on the ordinance throughout the drafting process. We have very much appreciated the ability to comment on this ordinance as well as the Planning staff's notifications and responsiveness.

PCIA respectfully requests the Board of Supervisors to fully consider the points raised in the Industry Submissions, particularly on the proposed 10-year site plan. We continue to believe that in today's rapidly changing technological world, a ten-year plan is extremely difficult to accurately develop. We also ask that the Board of Supervisors focus on the need to have wireless facilities that can effectively rise above the height of their surroundings, which is necessary in order for a facility to be effective. Finally, it is important that the Board of Supervisors considers this ordinance with the wireless consumer in mind. People have come to fully rely on their wireless devices in all phases of life, and are likely to become even more dependent upon them in the future as technology develops. Wireless infrastructure is required to allow these services, and the County needs to ensure that its ordinance sufficiently allows for the growth of wireless, which in turn touches public safety, economics, and personal communications.

If there are any areas where we can provide more information please do not hesitate to contact us. We look forward to working with you to ensure that San Mateo County has full access to the wireless future. Thank you for your time and consideration.



Best Regards,

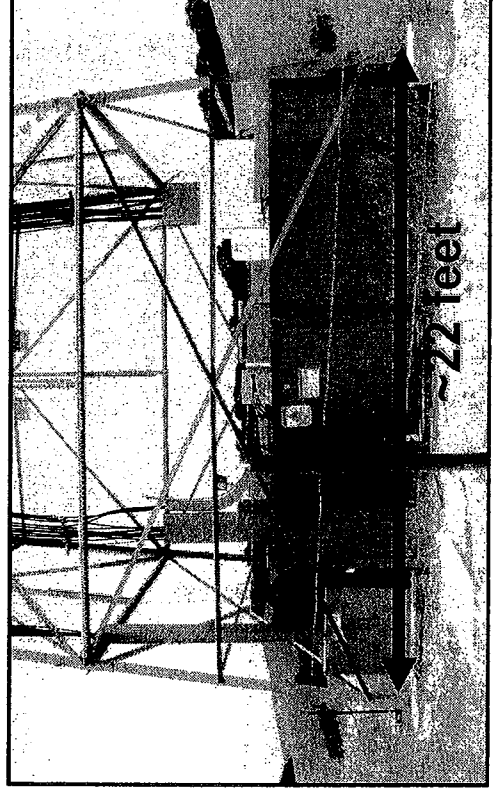
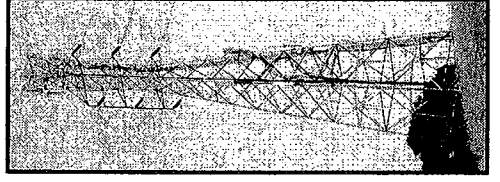
_____/s/____

Mike Saperstein, Esq.
Public Policy Analyst
PCIA/The Wireless Infrastructure Association
901 N. Washington St., Suite 600
Alexandria, VA 22314
(703) 535-7401
Sapersteinm@pcia.com

Request that the maximum footprint in residential areas for a cellular site be reduced from the proposed 1600 sq. ft. to 750 sq. ft.

1600 sq. ft. maximum footprint is unnecessarily large

- This size is not in keeping with Finding 7 of the study report:
“Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County”
- The 1600 sq. ft. limit is a holdover from the current regulations which require the cell site to fit within the base perimeter of a 150' tower with a 40' x40' base.
 - Per the discussion at the June 25th hearing – page 29 of today's hearing packet
- Cellular companies have demonstrated that a 5 carrier co-location site can be built within 500 sq. ft. - E.G. Major co-location site at Hwy 280 and Edgewood Road

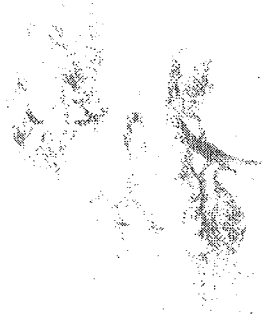


Comments on Cellular Sites in Residential Neighborhoods

Palomar Property Owners
a non-profit corporation

Palomar Property Owners
419 Palomar Drive
Palomar Park, CA 94062

Palomarnews@gmail.com
<http://palomarpark.org/>



ATTACHMENT Y

KURT OPPENHEIMER
Vice-President Palomar Park Owner Association
632 PALOMAR DRIVE, REDWOOD CITY, CA 94062
HOME (650) 366-7984
FAX (650) 368-3887
CELL (650) 430-2556
KURTO@MABIJA.COM

November 7, 2008

Cellular Business model

- Cellular Companies
 - Make money by selling out the capacity of their network
 - For growth, they must increase the capacity of their network through
 - More efficient use of their existing network – new technology
 - 2G -> 3G -> 4G
 - Increase the capacity by adding more cell sites

November 7, 2008

Impact on Residential Neighborhoods

- Growth of existing sites in residential neighborhoods with introduction of new technologies
 - More cabinets & more antennas
- More cell sites placed in residential neighborhoods to increase capacity
- State co-location bill encourages build out of existing sites in residential neighborhoods

November 7, 2008

How do we balance:

Quality of life and desirability of
our residential neighborhoods

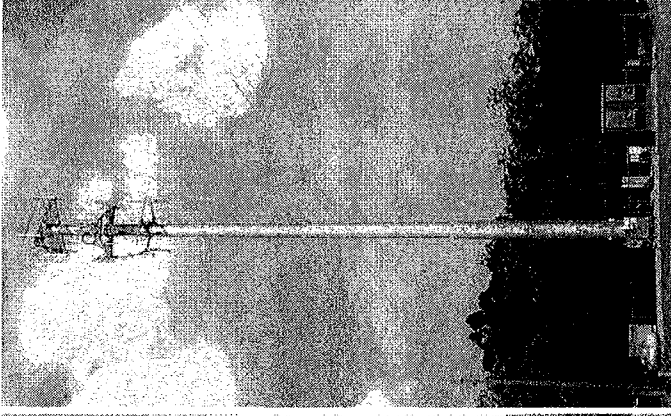
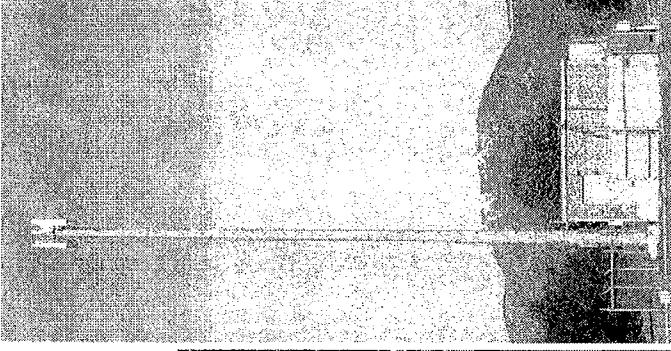
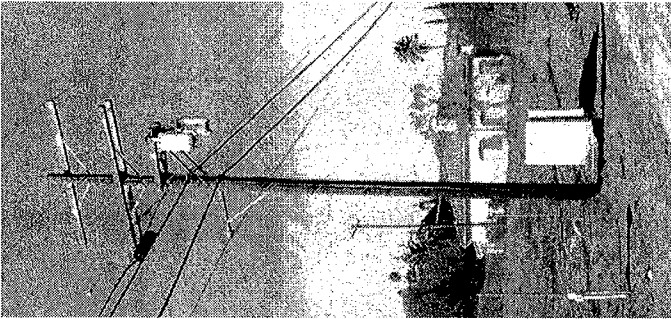
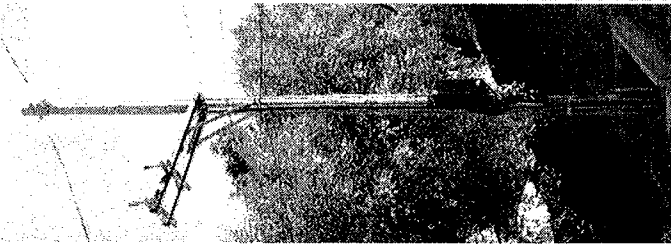
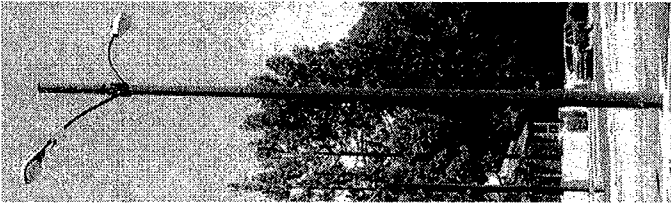
With

Growth needs of the Cellular Industry

November 7, 2008

Issues for Residential Neighborhoods

| | Examples of Issues – not exhaustive |
|--------------------------------------|---|
| Quality of life | |
| - Safety of site | <ul style="list-style-type: none"> - Hazard to children playing – guide wires, fencing, etc - Adequate access to site without blocking roads - Fuel Storage - Fire |
| - Visually | <ul style="list-style-type: none"> - Size and location of site - How does it blend into the neighborhood? - View rights? - Light pollution - security lights, status light (green glow), alarms |
| - Noise | <ul style="list-style-type: none"> - Constant noise from equipment – eg transformer hum or power line crackle - Alarms - Maintenance |
| - Smell | <ul style="list-style-type: none"> - Diesel generators - Fuel storage |
| - Pollution | <ul style="list-style-type: none"> - Diesel generators - Fuel storage |
| Desirability | |
| - Commercial operation next to homes | <ul style="list-style-type: none"> - Impact on quality of life - Size of site |
| - Discloser | <ul style="list-style-type: none"> - Does the site require disclosure to sell home? |
| - Value | <ul style="list-style-type: none"> - Does the site limit the appeal of neighborhood? - Decrease in home values? |



Micro

Small

Medium






Large

Extra Large

| Attributes | Micro | Small | Medium | Large | Extra Large |
|------------------|----------------------------------|--|--|--|---|
| Description | Single Box mount on utility pole | Multiple Boxes on or single cabinet next to utility pole | Low dedicated antenna pole with Single Cabinet | Tall dedicated antenna pole with fence enclosure | Tall multi-carrier antenna pole with very large fence enclosure |
| Coverage | <1000' - block | 1000s' - Section of Neighborhood | 1-2 Miles - Neighborhood | 2-5 Miles - Multiple neighborhoods | 5+ miles - regional area |
| Density of sites | Many | Many | Few | Sparse | Sparse |
| Foot print | None - on existing pole | None to very small | Footprint ok if <750 Sq Ft | Tower too tall, Footprint ok if <750 sq ft | Not compatible with residential area |
| Backup power | Battery | Battery | Battery or Generator | Generator | Generator |

November 7, 2008

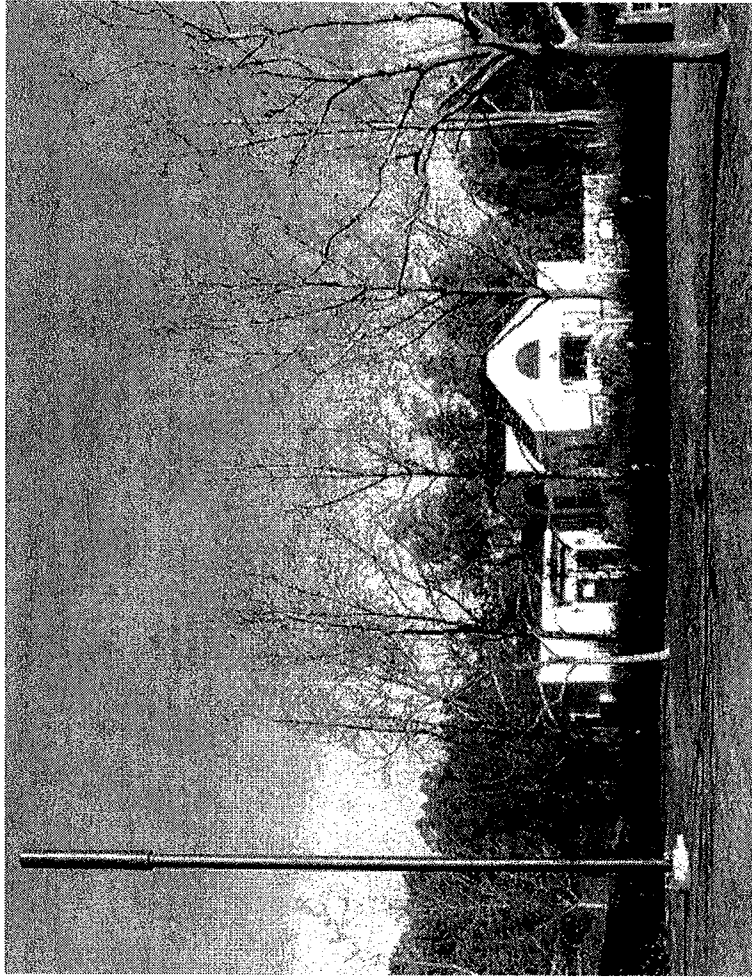
Impact on Residential Neighborhoods

| | Micro  | Small  | Medium  | Large  | Extra Large  |
|--------------------------------------|--|--|---|--|--|
| Quality of life | | | | | |
| - Safety of site | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Visually | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Noise | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Smell | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Pollution | ↓ | ↓ | ↓ | ↓ | ↓ |
| Desirability | | | | | |
| - Commercial operation next to homes | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Discloser | ↓ | ↓ | ↓ | ↓ | ↓ |
| - Value | ↓ | ↓ | ↓ | ↓ | ↓ |

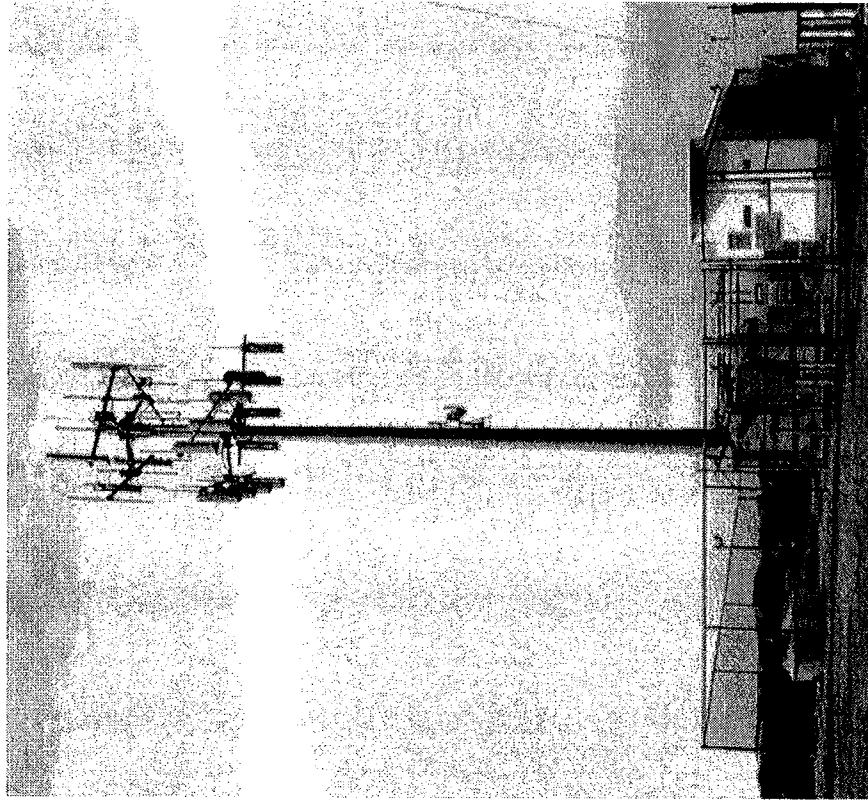
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Realtor Property Owners
419 Pioneer Drive
Palo Alto, CA 94301
Realtors@paloalto.com
http://www.paloalto.com

November 7, 2008



Residential Friendly



Commercial Friendly

Palomar Property Group
a non-profit corporation

Palomar Property Group
415 Palomar Drive
Palomar Park, CA 94022

Palomarnews@palomarpark.org
<http://palomarpark.org>

November 7, 2008

ATTACHMENT Z

NSA Wireless, Inc.

Site Acquisition • Planning • Political Advocacy • Construction Management

November 11, 2008

RECEIVED

2009 NOV 13 P 4:07

SAN MATEO COUNTY
PLANNING DIVISION

San Mateo County
Planning Department
C/o Matthew Seubert
455 County Center
Redwood City, CA 94063

RE: San Mateo County Draft Telecommunications Ordinance

Dear Mr. Seubert:

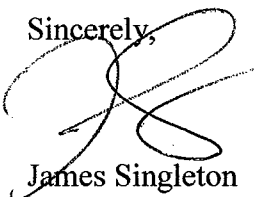
I want to thank you for taking the time to meet and discuss with us the proposed wireless telecommunications ordinance in San Mateo County, last Friday. While it is relatively late in the process to be making changes to what the Planning Commission has already reviewed, I encourage you to review and consider some of the comments provided in the marked-up copy I've attached.

While San Mateo County has not operated under a specific wireless ordinance over the years, it has utilized a very specific set of policies that has helped to ensure a comprehensive review and approval process. While many of the traditional policies are outlined under the performance standards in the new wireless ordinance, it is evident that there are many flaws that will make it increasingly difficult for a wireless carrier to even apply for a permit.

Carriers do not typically join forces in order to install "new" wireless facilities. When a wireless carrier has space on an existing tower or pole that offers similar advantageous coverage (or capacity) to another carrier, then a carrier will generally agree to work and establish a shared use (a co-location) of that tower or pole. The industry has traditionally utilized competing technology to market their products. Similarly, the industry has significant differences in terms of area and size that can accommodate space for a carrier's equipment and batteries. Limiting sites to 1,600 square feet for new and co-location sites does not account for the vertical separation requirements carriers must maintain between another carriers antennas.

In an effort to provide improved wireless service(s) to the many businesses and residents of unincorporated San Mateo County, I urge you to let us help the County in the establishment of a wireless ordinance that does not further limit the abilities of the carriers.

Sincerely,



James Singleton

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE ADDING CHAPTER 24.5 TO DIVISION VI, PART ONE, OF THE
SAN MATEO COUNTY ORDINANCE CODE (ZONING REGULATIONS) TO
ESTABLISH REGULATIONS FOR TELECOMMUNICATION FACILITIES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. The San Mateo County Ordinance Code, Division VI, Part One, is hereby amended to add Chapter 24.5, Sections 6510 through 6514, as follows:

CHAPTER 24.5. TELECOMMUNICATION FACILITIES

SECTION 6510. PURPOSE. The purpose of this chapter is to establish regulations for the establishment of wireless telecommunication facilities within the unincorporated area of San Mateo County, consistent with the General Plan, and with the intent to:

- A. Allow for the provision of wireless communications services adequate to serve the public's interest within the County.
- B. Require, to the maximum extent feasible, the co-location of telecommunication facilities.
- C. Encourage and require, to the maximum extent feasible, the location of new telecommunication facilities in areas where negative external impacts will be minimized.
- D. Protect and enhance public health, safety, and welfare.
- E. Conform to applicable Federal and State laws.

SECTION 6511. DEFINITIONS. For purposes of this chapter, the following terms shall have the meanings set forth below:

- A. "Abandoned." A facility shall be considered abandoned if it is not in use for six consecutive months.
- B. "Administrative review" means consideration of a proposed co-location facility by staff for consistency with the requirements of this chapter, the consideration of which shall be ministerial in nature, shall not include conditions of approval, and shall not include a public hearing.
- C. "Co-location" means the placement or installation of wireless telecommunication facilities, including antennas and related equipment on, or immediately adjacent to, an existing wireless telecommunication facility.
- D. "Co-location facility" means a telecommunication facility that has been co-located consistent with the meaning of "co-location" as defined in Section 6511.C. It does not include the initial installation of a new telecommunication facility that will support multiple service providers.
- E. "Telecommunication facility" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems. Telecommunication facility does not include radio or television transmission facilities.

SECTION 6512. PERMIT REQUIREMENTS AND STANDARDS FOR NEW TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. All new telecommunication facilities that are not co-location facilities must meet the following standards and requirements:

SECTION 6512.1. PERMIT REQUIREMENTS FOR NEW TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. A use permit will be required for the initial construction and installation of all new telecommunication facilities, in accordance with requirements, procedures, appeal process, and revocation process outlined in Sections 6500 through 6505 of Chapter 24 of the Zoning Regulations, except as modified by this chapter.

SECTION 6512.2. DEVELOPMENT AND DESIGN STANDARDS FOR NEW TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES. All new telecommunication facilities must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

- A. New telecommunication facilities shall not be located in a Sensitive Habitat, as defined by Policy 1.8 of the General Plan (Definition of Sensitive Habitats) for facilities proposed outside of the Coastal Zone, and by Policy 7.1 of the Local Coastal Program (Definition of Sensitive Habitats) for facilities proposed in the Coastal Zone.
- B. New telecommunication facilities shall not be located in areas zoned Residential (R), unless the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combination of sites allows feasible service or adequate coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility. See Section 6512.5.B.11 for additional application requirements.
- C. New telecommunication facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage.
- D. New telecommunication facilities must be constructed so as to physically and structurally accommodate co-location, and must be made available for co-location unless technologically unfeasible.

- E. The adverse visual impact of utility structures shall be avoided by: (1) siting new telecommunication facilities outside of public viewshed; (2) maximizing the use of existing vegetation and natural features to cloak telecommunication facilities; and ~~(3) constructing towers no taller than necessary to provide adequate coverage.~~ When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening telecommunication facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing telecommunication facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. Landscaping shall be maintained by the property or facility owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- F. Paint colors for the telecommunication facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the telecommunication facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- G. The exteriors of telecommunication facilities shall be constructed of non-reflective materials.
- H. The telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, Design Review in the DR district(s), Architectural Review in designated Scenic Corridors, and Coastal Development Permit regulations in the CZ or CD zones.

- I. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot ~~nor have an area at the base greater than 1,600 sq. ft.~~; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
 1. ~~In the PAD, RM, RM-CZ, TPZ, and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less. Alternatively, there needs to be some measure of pruning that the carrier is allowed to conduct for maintenance of signal strength and/or propagation of signal. This shall be subject to standard SMC land-clearing and/or tree cutting/pruning permitting standards.~~
 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that co-locations on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district by 10% of the height of the existing structure, or by five feet, whichever is less.
 3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district.
- J. In any Residential (R) district, accessory buildings, shelters, or cabinets in support of the operation of the telecommunication facility may be constructed, provided that they comply with the provisions of Sections 6410 through 6411 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings, shelters, ~~and cabinets in aggregate,~~ rather than individually. If an accessory building not used in support of a telecommunication facility already exists on a parcel,

no accessory building, shelter, or cabinet in support of the operation of the telecommunication facility may be constructed. If an accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility is constructed on a parcel, no other accessory buildings not used in support of a telecommunication facility shall be constructed until the accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility is(are) removed.

Cabinets are stand alone with no roof and shall not be calculated towards FAR. Cabinets account for lot coverage only.

- K. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility, more than 15% in area of the lot ~~nor an area greater than 1,600 sq. ft.~~ Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.

Too subjective, 1600 sq. ft. is insufficient for co-location needs; the property owner will limit how much area we can or cannot occupy. Is the 1600 sq. ft. inclusive of generator area, access easements and utilities for power/telco?

- L. ~~Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible.~~ If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

SECTION 6512.3. PERFORMANCE STANDARDS FOR NEW TELECOM-MUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES.

No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below.

Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Telecommunication facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- B. The applicant shall file receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the telecommunication facility. ~~Upon receipt of each of these approvals,~~ the applicant shall supply the Planning and Building Department with copies of evidence of these licenses and registrations. If these approvals are ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
- C. Once a use permit is obtained, the applicant shall obtain a building permit and build in accordance with the approved plans.
- D. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- E. The telecommunication facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC ~~permits~~ are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
Substitute permits with license and registration.
- F. Telecommunication facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements visual resource protection requirements of Section 6512.2.E, and F above (e.g., landscape maintenance and painting), as well as all other applicable zoning standards and

permit conditions.

- G. Road access shall be designed, constructed, and maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.
- H. A grading permit may be required, per Sections 8600-8609 of the County Ordinance Code. All grading, construction and generator maintenance activities associated with the proposed project shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday or as further restricted by the terms of the use permit. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed 80-dBA at any time.
- I. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.

SECTION 6512.4. ADDITIONAL REQUIREMENTS AND STANDARDS FOR TELECOMMUNICATION FACILITIES IN THE COASTAL ZONE.

- A. New telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, unless no feasible alternative exists, ~~the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.~~ Insert "and substantially screened from view."
- B. New telecommunication facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts.

SECTION 6512.5. APPLICATION REQUIREMENTS FOR NEW TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES.

- A. A Major Development Pre-Application will be required for all new telecommunication facilities in accordance with the procedures outlined in Sections 6415.0 through 6415.4 of the San Mateo County Zoning Regulations, unless there is an existing telecommunication facility within a 1-mile radius of the proposed facility. This requirement may be waived at the discretion of the Community Development Director or his/her designee.
- B. In addition to the requirements set for in Chapter 24, Use Permits, applicants for new telecommunication facilities shall submit the following materials regarding the proposed telecommunication facility:
1. A completed Planning Permit application form.
 2. A completed Use Permit for a Cellular or Other Personal Telecommunication Facility Form.
 3. A completed Environmental Information Disclosure Form.
 4. Proof of ownership or statement of consent from the owner of the property.
 5. A site plan, including a landscape plan (if appropriate under the provision of Section 6512.2.E), and provisions for access.
 6. Elevation drawing(s).
 7. Photo simulation(s) of the telecommunication facility from reasonable line-of-sight locations from public roads or viewing locations.
 8. ~~A construction and erosion control plan.~~
Substitute with "A preliminary erosion control plan shall be submitted with the Use Permit application. The construction and erosion control plan shall be submitted at the time of building permit.

9. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of the access road.
10. ~~A description of the planned maximum ten-year buildout of the site for the applicant's telecommunication facilities, including, to the extent possible, the full extent of telecommunication facility expansion associated with future co-location facilities by other telecommunication facility operators. The applicant shall contact all other telecommunication service providers in the County to determine the demand for future co-locations at the proposed site, and shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified. If future co-locations are not technically feasible, an explanation shall be provided of why this is so.~~
At a minimum "The applicant shall be entitled to submit for minor changes to the ten-year build-out plan subject to the review and approval of the Community Development Director." This provision is far too complicated to adequately maintain. A carrier(s) build-plan can change on an annual basis.
11. Identification of existing telecommunication facilities within a 2.5-mile radius of the proposed location of the new telecommunication facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation why the alternatives considered were either unacceptable or infeasible. If an existing tower was listed among the alternatives, the applicant must specifically address why the modification of such tower is not a viable option. The written explanation shall also state the radio frequency coverage and/or capacity needs and objective(s) of the applicant.

12. A statement that the telecommunication facility is available for future co-location projects, or an explanation of why future co-location is not technologically feasible.
13. A Radio Frequency (RF) report describing the emissions of the proposed telecommunication facility and the anticipated increase in emissions associated with future co-location facilities.
14. The mandated use permit application fee, and other fees as applicable.
15. Depending on the nature and scope of the project, other application materials, including but not limited to a boundary and/or topographical survey, may be required.
16. Applications for the establishment of new telecommunication facilities inside Residential (R) zoning districts and General Plan land use designations shall be accompanied by a detailed alternatives analysis that demonstrates that there are no alternative non-residential sites or combination of sites available to eliminate or substantially reduce significant gaps in the applicant carrier's coverage or capacity network.

Some consideration of capacity needs to be inserted.

SECTION 6512.6. USE PERMIT TERM, RENEWAL AND EXPIRATION. Use permits for telecommunication facilities, including approval of the ten-year buildout plan as specified by Section 6512.5.B.10, shall be valid for ten years following the date of final approval. The applicant shall file for a renewal of the use permit and pay the applicable renewal application fees six months prior to expiration with the County Planning and Building Department, if continuation of the use is desired. In addition to providing the standard information and application fees required for a use permit renewal, telecommunication facility use permit renewal applications shall provide an updated buildout description prepared in accordance with the procedures established by Section 6512.5.B.10.

~~Renewals for use permits for existing telecommunication facilities constructed prior to the effective date of this chapter [November 27, 2008] are subject to the provisions of Sections 6512 through 6512.5.~~ Renewals of use permits approved after the effective date of this chapter shall only be approved if all conditions of the original use permit have been satisfied, and the ten-year buildout plan has been provided. If the use permit for an existing telecommunication facility has expired, applications for co-location at that site, as well as after-the-fact renewals of use permits for the existing telecommunication facilities, will be subject to the standards and procedures for new telecommunication facilities outlined in Sections 6512 through 6512.5.

SECTION 6513. PERMIT REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES.

- A. Co-location Facilities Requiring a Use Permit. In accordance with Section 65850.6 of the California Government Code, applications for co-location will be subject to the standards and procedures outlined for new telecommunication facilities, above (in Section 6512 through 6512.6), if any of the following apply:
1. No use permit was issued for the original telecommunication facility,
 2. The use permit for the original telecommunication facility did not expressly allow for future co-location facilities or the extent of site improvements involved with the co-location project, or
 3. No Environmental Impact Report (EIR) was certified, or no Negative Declaration or Mitigated Negative Declaration was adopted for the location of the original telecommunication facility that addressed the environmental impacts of future co-location of facilities.

- B. Permit Requirements for Other Co-location Facilities. Applications for all other co-locations shall be subject to a building permit approval. Prior to the issuance of a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original use permit, by submitting an application to the Planning and Building Department for an administrative review of the original use permit, including all information requests and all associated application fees, including specifically those for administrative review of a use permit, which fee shall be equivalent to the fee established for a use permit inspection.

SECTION 6513.1. DEVELOPMENT AND DESIGN STANDARDS FOR CO-LOCATION FACILITIES.

- A. The co-location facility must comply with all approvals and conditions of the underlying use permit for the telecommunication facility.
- B. The adverse visual impact of utility structures shall be avoided by: (1) maximizing the use of existing vegetation and natural features to cloak telecommunication facilities; and ~~(2) constructing towers no taller than necessary to provide adequate coverage.~~ When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening co-location facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing co-location facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other telecommunication facility(ies) on the site. Landscaping shall be maintained by the owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.

- C. Paint colors for the co-location facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- D. The exteriors of co-location facilities shall be constructed of non-reflective materials.
- E. The telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, and Coastal Development Permit regulations in the CZ or CD zones.
- F. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot ~~nor have an area at the base greater than 1,600 sq. ft.~~; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.

Too subjective, 1600 sq. ft. is insufficient for co-location needs; the property owner will limit how much area we can or cannot occupy. Is the 1600 sq. ft. inclusive of generator area, access easements and utilities for power/telco?

1. ~~In the PAD, RM, RM-CZ, TPZ and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less.~~

Alternatively, there needs to be some measure of pruning that the carrier is allowed to conduct for maintenance of signal strength and/or propagation of signal.

2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that

co-locations on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district by 10% of the height of the existing structure, or by five feet, whichever is less.

3. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that co-locations on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district by 10% of the allowed height in that district.

- G. In an Residential (R) district, accessory buildings, shelters, or cabinets in support of the operation of the telecommunication facility may be constructed, provided that they comply with the provisions of Sections 6410 through 6411 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings, shelters, and cabinets in aggregate, rather than individually. ~~If an accessory building not used in support of a telecommunication facility already exists on a parcel, no accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility may be constructed. If an accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility is(are) constructed on a parcel, no other accessory buildings not used in support of a telecommunication facility shall be constructed until the accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility is(are) removed.~~
- H. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) in support of the operation of the telecommunication facility, more than 15% in area of the lot ~~nor an area greater than 1,600 sq. ft.~~ Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.

- I. ~~Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible.~~ If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

Propane is the only alternative used to diesel.

- J. ~~Expansion of co-location facilities beyond the footprint and height limit identified in the planned maximum ten-year buildout of the site as specified in Section 6512.5.B.10, or in the original use permit for the facility, shall not be subject to administrative review and shall instead comply with the use permit provisions for new telecommunication facilities in Sections 6512 through 6512.5, unless a minor change or expansion beyond these limits is determined to be a minor modification of the use permit by the Community Development Director. If the Community Development Director does determine that such change or expansion is a minor modification, the change or expansion shall instead be subject to the provisions of Sections 6513 through 6513.4.~~

Too subjective, we cannot account for changes to our(s) or anyone else(s) build-plan. Also, the County has proposed a 15% or 1600 sq. ft. limitation upon co-location sites in general. At a minimum "The applicant shall be entitled to submit for minor changes to the ten-year build-out plan subject to the review and approval of the Community Development Director." This provision is far to complicated to adequately maintain. A carrier(s) build-plan can change on an annual basis.

SECTION 6513.2. PERFORMANCE STANDARDS FOR CO-LOCATION

FACILITIES. No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

- B. The applicant shall file receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the telecommunication facility. ~~Upon receipt of each of these approvals,~~ the applicant shall supply the Planning and Building Department with copies of evidence of these licenses and registrations. If these approvals are ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
- C. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- D. The co-location facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC ~~permits~~ are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
Substitute permits with license and registration.
- E. Co-location facility maintenance shall implement visual resource protection requirements of Section 6513.1.B, and C above (e.g., landscape maintenance and painting).
- F. Road access shall be maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.
- G. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.

SECTION 6513.3. ADDITIONAL REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES IN THE COASTAL ZONE.

- A. ~~Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, shall only be allowed if the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.~~
- B. Co-location facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts, except that no public hearing shall be required.

SECTION 6513.4. APPLICATION REQUIREMENTS FOR CO-LOCATION FACILITIES. Applicants that qualify for administrative review of co-location facilities in accordance with Section 6513 shall be required to submit the following:

- A. A completed Planning Permit application form.
- B. Proof of ownership or statement of consent from the owner of the property and/or the primary operator of the telecommunication facility where the co-location is proposed.
- C. A site plan showing existing and proposed telecommunication facilities.
- D. Elevation drawing(s) showing existing and proposed telecommunication facilities.
- E. A completed Environmental Information Disclosure Form.
- F. A construction and erosion control plan.

- G. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing telecommunication facility or use permit.
- H. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC) and the use permit for the existing telecommunication facility.
- I. The mandated administrative review fee, and other fees as applicable.
- J. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location equipment. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

SECTION 6514. SEVERABILITY. If any provision of this Chapter 24.5 to Division VI, Part One, of the San Mateo County Ordinance Code (Zoning Regulations) or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 2. Outside of the Coastal Zone, this ordinance shall be in full force and effect 30 days after adoption by the San Mateo County Board of Supervisors. Within the Coastal Zones (CZ or CD), this ordinance shall take force and effect immediately upon final certification by the Coastal Commission.

From: "Kurt Oppenheimer" <kurto@mabija.com>
To: "Matthew Seubert" <MSeubert@co.sanmateo.ca.us>, "Lisa Grote" <LGrote...
CC: <reception@mallp.com>, "James Singleton" <james.singleton@nsawireless...
Date: 11/18/2008 10:20 AM
Subject: RE: San Mateo County draft telecommunications ordinance

November 17, 2008

Dear Matt, Lisa, Steve,

After reviewing the status of the telcom regulations with the Palomar Property Owners board, we wanted to clearly restate the residential neighborhood wishes:

- 1) We agree with Finding 7 of the study report which states "Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County".
- 2) Placement of these facilities in residential neighborhoods should be allowed only if there is no other technically viable site or combinations of sites in a non-residential area.
- 3) Here are examples of issues that our residents have with respect to the impact to the quality of life and desirability of our neighborhoods. We are requesting that these type of issues be addressed before any facility is allow in a residential neighborhood:

Examples of Issues - not exhaustive

Quality of life

- Safety of site
- Hazard to children playing - guide wires, fencing, etc
- Adequate access to site without blocking roads

- Fuel Storage
- Fire
- Visually
- Size and location of site
- How does it blend into the neighborhood?
- View rights?
- Light pollution - security lights, status light (green glow), alarms
- Noise
- Constant noise from equipment - eg transformer hum or power line crackle
- Alarms
- Maintenance
- Smell
- Diesel generators
- Fuel storage
- Pollution
- Diesel generators
- Fuel storage

Desirability

- Commercial operation next to homes
- Impact on quality of life
- Size of site
- Discloser
- Does the site require disclosure to sell home?

- Value
- Does the site limit the appeal of neighborhood?
- Decrease in home values?

4) Facilities that apply for approval for placement in a residential area need to provide:

- a. Define in detail the initial site build out
- b. Provide block diagram level site usage and co-location build out for 10 years.
- c. Provide a site plan which:
 - o Takes into account existing structures and trees.
 - o Minimizes removal or topping of trees.
 - o Complies with existing design, siting, and building regulations that apply to the residential neighborhood.

5) The smaller the facility is, the better. Our preference is for sites which can be placed on existing utility poles with a small equipment cabinet.

- a. We still maintain that a 1600 Sq. Ft. limit is too large given the evidence that there are existing sites much smaller than this.
- b. In residential neighborhoods, wireless companies owe the neighborhood their most efficient (compact) design to be good neighbors.

In reviewing the proposal as written for the Board of Supervisors, we feel most of our requirements were met. But a review of Verizon's edits reveals that much of the protections provided to the residential neighborhoods are removed.

We urge the planning staff to uphold for our residential neighborhoods the protection which was determined through Planning Commission's public hearing process.

Sincerely,

Kurt Oppenheimer

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Palomar Property Owners

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