



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**PLANNING AND BUILDING DEPARTMENT**

**DATE:** August 31, 2009  
**BOARD MEETING DATE:** September 15, 2009  
**SPECIAL NOTICE/HEARING:** 10 days, within 300 ft.  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Lisa Grote, Director of Community Development *L.G.*

**SUBJECT:** EXECUTIVE SUMMARY: Re-consideration of a Use Permit Renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County.

**RECOMMENDATION**

Approve the use permit renewal, County File No. PLN 2000-00497, by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

The permit holder (Sprint Spectrum L.P.) is requesting re-consideration of the Board's decision to deny renewal of its use permit for an existing wireless communications facility located in the rear yard of an existing single-family residence at 1175 Palomar Drive. The system consists of two monopoles and one equipment cabinet enclosure. The cellular antennas are attached to the two 13-foot tall monopoles located on the southeast and northwest sides of the parcel. The equipment cabinet is located in the rear portion of the yard, adjacent to an existing T-Mobile cellular facility. The total area of the cabinet enclosure is 270 sq. ft., and is surrounded by a 6-foot high chain-link fence with green plastic slats.

## **DISCUSSION**

At the public hearing on December 18, 2007, the Board denied the appeal of this permit, in effect revoking the use permit. The Board took this action after consideration of the alternative site study submitted by the permit holder. On January 8, 2008, the permit holder (Sprint Spectrum) filed suit in the United States District Court in Oakland, alleging permit denial was not based on substantial evidence and violated the Telecommunications Act of 1996 by effecting a prohibition of wireless services. The County answered the lawsuit, denying all claims. On March 31, 2009, the Board authorized a settlement of the litigation by agreeing to hold a new public hearing to consider additional evidence presented by the permit holder.

The permit holder has submitted a revised alternative site study, which considers four different locations within the project area. No one site was identified as ideally suited to replace the existing Palomar Drive site. Each of the alternative sites would provide only limited coverage within the project area and present potentially significant visual impacts to surrounding areas.

The renewal of this use permit will allow continued operation of a wireless communications facility, which contributes to the Livable Communities 2025 Shared Vision because it is consistent with the County's land use regulations, including the General Plan, and Zoning Regulations. The site is located within a high traffic area and provides cellular coverage for both convenience and emergency situations.

## **FISCAL IMPACT**

None.