



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



DATE: June 6, 2025
NFOCC MEETING DATE: June 26, 2025
SPECIAL NOTICE/HEARING: 10 Days, within 300 feet
VOTE REQUIRED: Majority

TO: North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: Consideration for a new Cell Site Use Permit, pursuant to Sections 6510, and 6512 of the San Mateo County Zoning regulations.

County File Number: PLN2025-00040

PROPOSAL

Consideration of a Use Permit, pursuant to Sections 6510 and 6512 of the San Mateo County Zoning Regulations, to install a new wireless radio and antenna facility, along with associated equipment on a new utility pole consisting of three 5G radios and antennas, one 4G radio, and one 4G antenna.

RECOMMENDATION

That the North Fair Oaks Community Council provide a recommendation to the Director of Planning and Building on the proposed new cellular facility located atop a utility pole in the North Fair Oaks Neighborhood.

BACKGROUND

Report Prepared By: Randall Cohen, Project Planner

Owner/Applicant: Jason Camarena for Crown Castle Fiber LLC

Location: Near the residential address of 403 Seventh Avenue, Menlo Park within the right of way.

APN: Nearby APN 060-073-160

Parcel Size: Not applicable as the utility pole is located on the sidewalk within the right of way.

Existing Zoning: R-1/S-73 (Single-Family Residential / 5,000 sq. ft. Minimum Parcel Size)

General Plan Designation: Residential, Medium Density Residential

Existing Land Use: Single-Family Residence

Water Supply: California Water Service – Bear Gulch

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Zone X (Area of Minimal Flood Hazard); FEMA Panel No. 06081C0302E, Effective October 16, 2012

Environmental Evaluation: This project is categorically exempt under provisions of Class 3, Section 15303, of the California Environmental Quality Act (CEQA) Guidelines for construction of a new, small structure and installation of small new equipment and a facility in a small structure.

Setting: The project site is flat and is adjacent to both multi-family housing and single-family residences along a traffic-calming section of Seventh Avenue. All surrounding parcels in the neighborhood are developed.

Chronology:

<u>Date</u>	<u>Action</u>
February 25, 2025	- Application for a Use Permit received to operate a new cellular facility.
February 28, 2025	- All fees paid, project deemed complete.
June 26, 2025	- North Fair Oaks Community Council Meeting

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Urban Land Use Policies

Policy 4.21 (Visual Qualities) Utility Structures to minimize the adverse visual quality of utility structures, including roads, roadway and building signs, overhead wires, utility poles, T.V. antennae, distributed energy resources, solar water heaters, and satellite dishes.

This proposed cell site will be located on an existing joint utility pole in the public right-of-way within a residential zoning district. The proposed cellular facility will blend with the existing environment as many utility poles are located nearby carrying various utility services to customers. To mitigate the visual impact of the proposed projects, the antennas and utility boxes shall be painted to match the existing utility pole.

Policy 8.9 (Designation of Existing Urban Communities) of the General Plan identifies North Fair Oaks as an urban community and the North Fair Oaks Community Plan has designated the land use density as Single-Family Residential. Policy 8.36 (Uses) seeks to allow uses in zoning districts that are consistent with the overall land use designation and to adopt the land use designations of the North Fair Oaks Community Plan.

The subject project location is zoned R-1/S-73 (One-Family Residential / 5,000 sq. ft. minimum parcel size). The proposed facility will utilize a utility pole owned by Pacific Gas and Electric Company (PG&E) and will include associated equipment such as a fiber panel, power disconnect switch, 60A CT-rated smart pole meter, and two 2-inch risers for fiber and power. The project will involve excavation and installation as part of the construction process, however, it does not introduce any new or incompatible uses to the zoning district.

2. Compliance with the North Fair Oaks Community Plan

New demands and required upgrades.

Appendix D: Infrastructure Analysis of the North Fair Oaks Community Plan provides, in part, an overview of current and future telecommunication needs. It recommends that the County partner with wireless service providers to help bring modern wireless technology to North Fair Oaks.

The telecommunication distribution system in North Fair Oaks currently offers a range of services, including cellular phone and data, cable television, and internet access. While there are no confirmed deficiencies in the existing system, the plan notes that as technology advances, new sites should be identified to improve cellular telecommunications reliability in the neighborhood.

3. Compliance with Zoning Regulations

The project is located in the unincorporated area of North Fair Oaks in San Mateo County and is zoned R-1 / S-73. The project complies with the R-1 / S-73 standards as discussed below.

Development Standards

The proposed project site is located within the public right of way in the R-1/S-73 Zoning District. Zoning district standards, with the exception of height are not applicable to projects located within the public right of way. The maximum height allowed in the S-73 Zoning District is 28 feet. The proposed project will add approximately 10 feet to the existing utility pole to exceed the maximum height allowed in said Zoning District. General Order No. 95 (GO-95), mandated by the California Public Utilities Commission, requires a 6-foot vertical separation between all cellular antennas and the nearest adjacent power supply lines and a 2-foot vertical separation from communication conductors and equipment. The applicant has proposed to extend the height of the utility pole to comply with the State-required 6-foot and 2-foot safety separation distance mandates.

4. Compliance with Wireless Telecommunication Facilities Ordinance

Staff has determined that the project complies with applicable standards of the Wireless Telecommunications Facilities Ordinance, Chapter 24.5 of the San Mateo County Zoning Ordinance, as discussed below.

a. Development and Design Standards

Section 6512.2

(A) New wireless telecommunication facilities shall be prohibited 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 when all of the following written findings are made by the reviewing authority: (1) There is no other feasible location(s) in the area; and (2) There is no alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas; and (3) Prohibiting such facility would be inconsistent with federal law; and (4) Adverse impacts to the sensitive habitat are minimized to the maximum extent feasible; and (5) Unavoidable impacts are mitigated so that there is no loss in habitat quantity or biological productivity.

No sensitive habitat is present at this location as the environment is completely urbanized and located within the North Fair Oaks Neighborhood.

(B) New wireless 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 24.5.2 combination of sites 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.

This proposed cell site will be located on an existing joint utility pole in the public ROW within a residential zoning district. Small cell technology requires sites to be much closer together than larger macro sites. These sites are not meant to increase the coverage of an area but to assist with unloading traffic from the macro site network to provide increased data speeds and decrease dropped calls for the surrounding residences and transient traffic. As such, small cell facilities are frequently located in residential neighborhoods where data traffic is high. Additionally, although the County's WTF Ordinance requires applicants to demonstrate the need for wireless facilities through the submittal of propagation maps and alternative analyses, wireless providers have a state mandated right to place their facilities in the public ROW (California Public Utilities Code Section 7901), and recent legal developments indicate that wireless providers are not required to consider alternatives outside of the ROW, nor prove the need for their facilities when they are located in the right-of-way. Consequently, the County's ability to request further information demonstrating the need for proposed facilities in the public ROW is limited.

(C) New wireless telecommunication facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact.

The small cell technology proposed by the applicant is the least environmentally impactful wireless technology currently available. As small cell technology requires sites to be located in close proximity to one another and closer to targeted service areas, co-locating small cell sites on macro cell towers (which are often located far outside service areas) is often infeasible. As local jurisdictions cannot require wireless providers to locate outside of the right-of-way, an alternative locations analysis becomes a moot point. The applicant has indicated that the subject location is the best location to serve the identified target area.

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

Future co-locations would be technically feasible as long as the proposed facilities comply with GO-95 engineering requirements. As pole top-mounted facilities cannot accommodate additional wireless facilities in a manner that complies with both PG&E and GO-95 requirements, the applicant does not expect future co-locations given the equipment configuration of the utility poles.

(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 wireless 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 wireless 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.

The proposed cellular facility will blend with the existing environment as many utility poles are located nearby carrying various utility services to customers. To mitigate the visual impact of the proposed projects, the antennas and utility boxes shall be painted to match the existing utility poles (Condition No. 9). No trees or vegetation are proposed for removal to accommodate the proposed project.

(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 wireless 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.

The proposed colors will be similar to already existing utility components located on similar poles nearby.

(G) The exteriors of wireless telecommunication facilities shall be constructed of nonreflective materials.

The proposed colors are non-reflective and will be painted or coated with a non-reflective finish.

(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.

The utility pole is located in the public right of way. As discussed above, zoning district standards (with the exception of height) are not applicable to wireless facilities located in the right-of way.

(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.

The wood utility pole will be 34 feet tall, with a max antenna height of 38 feet – 10 inches. The new facility complies with the requirements of the zoning district as discussed in Section A.2 above, with the exception of height. Upon securing the subject Use Permit, the proposed height will comply.

(J) In any Residential (R) district, accessory buildings in support of the operation of the wireless 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 in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.

No accessory structures are required or proposed.

(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) or other above-ground equipment used 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. Buildings,

shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.

The proposed cellular facility will occupy approximately 5 square feet of area within the right of way.

(L) Prohibits the installation of backup diesel generators unless the applicant can provide written documentation of why alternative energy sources such as solar is not feasible.

The applicant has evaluated alternative energy sources for viability. Natural Gas: Natural Gas is not available at the proposed wireless telecommunications facility (WTF). Electricity: The WTF is not powered by backed up batteries. Wind: There are space constraints. Additionally, a windmill does not produce sufficient power to keep the WTF on air during an outage. Solar: There are space constraints for solar panels to adequately power the wireless telecommunications facility. The WTF will remain offline in the event of a power outage.

b. Performance Standards

The proposed project meets the required standards of Section 6512.3 (Performance Standards for New Wireless Telecommunication Facilities that are not Co-Location Facilities) for lighting, licensing, provision of a permanent power source, timely removal of the facility, and visual resource protection. There is no lighting proposed, proper licenses will be obtained from both the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC), and power for the facilities will be provided by PG&E. Visual impacts will be minimal, and conditions of approval will require ongoing maintenance and/or removal of the facilities when they are no longer in operation. Access to the proposed project site is existing and no noise in excess of the limits established by the San Mateo County's Noise Ordinance will be produced.

5. Compliance with Use Permit Findings

The applicant is seeking a Use Permit to construct a new wireless communications facility. The granting of a Use Permit is subject to the following findings:

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

The site of the telecommunications facility is in an existing urbanized area frequented by the public. The Radio Frequency Report by Waterford

Consulting (dated February 5, 2025) shows that at the nearest walking/working surfaces, the public will be exposed to only 6.657 percent of the FCC's general public limit for RF radiation. The antennas are designed to direct energy toward the horizon and not the ground so exposure at ground level will not exceed maximum permissible exposure. Therefore, the installation of the new telecommunications facility will not be injurious to public welfare.

b. That this telecommunications facility is necessary for the public safety, convenience, and or welfare of the community.

The telecommunications facility will provide service to the densely populated North Fair Oaks neighborhood and surrounding areas enabling communication access to emergency services, and thereby, enhancing public safety and welfare of the community.

ENVIRONMENTAL REVIEW

The project is categorically exempt under the provisions of Class 3, Section 15303 of the California Environmental Quality Act (CEQA) Guidelines for the construction of new, small structures and the installation of small new equipment in small structures. The project will meet all FCC guidelines for the emission of radio frequencies. Therefore, the project qualifies for the Class 3 exemption.

ATTACHMENTS

- A. Location Map
- B. Project Site Image
- C. Menlo Park Fire Protection District Approved Plans

Location Map



Project Site Image



Menlo Park Fire Protection District Approved Plans

