## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** January 19 2017

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Renewal pursuant to Section 6512.6 of

the County Zoning Regulations, to allow the continued operation of an existing wireless telecommunications facility. The project is located at 8425 Cabrillo Highway in the unincorporated Montara area of San Mateo

County.

County File Number: PLN 2013-00052 (AT&T/Montara Lodging LLC)

#### **PROPOSAL**

The applicant is proposing to renew the Use Permit for an existing wireless telecommunication facility which consists of panel antennas enclosed within a 20 sq. ft. faux chimney mounted on the roof, a 155 sq. ft. ground level equipment lease area on the west side of the building and a secondary ground level equipment area on the north side of the existing 3-story bed and breakfast building. The larger lease area is located below an existing deck and is screened by lattice and the secondary equipment area consists of two (2) equipment cabinets screened by lattice and vegetation.

A minor modification was approved for this facility and a building permit was finalized (BLD2016-00212) for new panel antennas within the faux chimney and new equipment within the 155 sq. ft. lease area. No modifications were made to the equipment on the north side of the building.

#### RECOMMENDATION

Approve the Use Permit Renewal, County File No. PLN 2013-00052, by making the required findings and adopting the conditions of approval in Attachment A.

#### **BACKGROUND**

Report Prepared By: Olivia Boo, Telephone: 650/363-1818

Applicant: Kristy Andres (AT&T)

Owner: Montara Lodging Group, LLC

Location: 8425 Cabrillo Highway, Montara

APN: 036-054-100

Size: 10,890 sq. ft.

Existing Zoning: C-1/S-3/DR/CD (Neighborhood Commercial District/S-1/Design

Review/Coastal Development Combining District)

General Plan Designation: Neighborhood Commercial

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Bed and Breakfast (3-story building), deli/café (1-story building) and associated parking lot, two wireless telecommunications facilities (AT&T and T-Mobile)

Water Supply: Existing connection from Montara Water and Sanitary District

Sewage Disposal: Existing service from Montara Water and Sanitary District

Flood Zone: Zone X (area of minimal flooding); Community Panel No. 06081C0117E, Effective Date: October 12, 2012.

Environmental Evaluation: Categorically exempt pursuant to Class 1(b), Section 15301 of the California Environmental Quality Act Guidelines, ongoing operation of existing facilities.

Setting: The subject property is located on the west side of Main Street, between 7th Street and 8th Street. The site is developed with a 3-story bed and breakfast and a separate one-story deli/café building. T-Mobile also has an existing roof top wireless facility with equipment cabinets located at ground level along the north side of the building. Adjacent properties include a gas station, café, neighborhood mart, commercial uses and single-family residences.

#### Chronology:

Date Action
 July 6, 2000 - Initial Use Permit Approved, PLN2000-00151
 October 7, 2002 - Minor Modification Approved, (under County File Number: PLN2002-00471)
 October 12, 2005 - Use Permit Renewal Approved

February 7, 2013 - Received Application for Use Permit Renewal and

Amendment (new County File Number assigned, PLN2013-

00052)

March 23, 2016 - Planning Approved Minor Modification (BLD2016-00212)

April 20, 2016 - Project Scope Revised to Use Permit Renewal,

no Amendment Proposed.

August 2, 2016 - Project Deemed Complete

January 19, 2017 - Zoning Hearing Officer public hearing.

#### **DISCUSSION**

#### A. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVAL

All of the previous Use Permit Conditions of Approval are assessed below with regard to compliance and whether they should be retained or revised. Staff is also recommending additional conditions of approval in Section B, below.

1. The Coastal Development Permit shall be valid for one (1) year from the date of approval. If a building permit has not been issued by the end of the 12 month period, this Coastal Development Permit is no longer valid. Any extension of this permit shall require submittal of a request and payment of the applicable extension fee 30 days prior to expiration.

Compliance with Condition? Yes.

<u>Recommend to Retain Condition</u>? No. The building permit was issued and the facility was constructed in 2000. No development or modifications is proposed at this time, therefore no Coastal Development permit is required. Future modifications to the facility will require either a Coastal Development permit or a Coastal Development Exemption, as appropriate.

2. This approval applies only to the proposal as described in this report and plans dated April 5, 2000. Minor adjustments to the project, in the course of applying for the building permits, may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with this approval.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to reflect current language: This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning

Hearing Officer on January 19, 2017. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.

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

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to: The applicant shall obtain a building permit for any future modification to the facility and construct in accordance with the approved plans.

4. This Use Permit shall be valid for a 5-year period and shall expire on January 19, 2022. The applicant shall file for a renewal of this permit six (6) months prior to the expiration with the County Planning and Building Division, if continuation of this use is desired.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes but modified to: This permit shall be valid for ten (10) years until January 19, 2027. The applicant shall file for a renewal of this permit six (6) months prior to expiration with the County Planning Department, by submitting the applicable application forms and paying the applicable fees, if continuation of this use is desired. Any modifications to this facility will require a use permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.

5. The equipment cabinet shall be painted the same color as the existing building and the fiberglass radome shall be painted to look like a chimney. Samples of both shall be submitted to the Planning Department prior to construction. The applicant shall include the file/case number with all color samples. Color verification by a County Building Inspector shall occur in the field after the applicant has painted the equipment cabinet and the fiberglass radome an approved color, but before the applicant schedules a final inspection.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to: All equipment along the north exterior building wall shall be painted and maintained a color to match the existing building. Screening of the lease area facing Cabrillo Highway shall be maintained. The faux chimney shall also continue to be

painted to match the building. Any change in color will require review and approval by the Planning Department prior to implementation.

6. Construction hours shall be Monday through Friday, 7:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no construction will be allowed on Sundays or national holidays.

Compliance with Condition? Yes.

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

7. Noise levels produced by the proposed construction activity shall not exceed 80 dBA level at any one moment.

Compliance with Condition? Yes.

Recommend to Retain Condition? No, compliance with the County's Noise Ordinance is captured under A.6., above.

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

Compliance with Condition? Yes.

<u>Recommend to Retain Condition?</u> Yes, but modified to reflect current language: This installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is discontinued for 180 consecutive days.

#### B. ADDITIONAL RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends the following additional conditions of approval be imposed on this Use Permit in order to ensure consistency with other cell facility approvals.

- 9. There shall be no external lighting associated with this use. Wireless telecommunication facilities shall not be lighted or marked unless required by the FCC or Federal Aviation Administration (FAA).
- 10. The applicant shall maintain all necessary licenses and registrations from the Federal Communications Commission (FCC) and any other applicable regulatory bodies for the operation of the subject facility at this site. The

applicant shall supply the Planning Department with evidence of such licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning Department of the revocation within ten (10) days of receiving notice of such revocation.

- 11. This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety (90) days if the FCC license and registration are revoked or if the facility is abandoned or no longer needed. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility.
- 12. The applicant shall not enter a contract with the landowner or lessee which reserves for one company exclusive use of the apartment building or the site for telecommunication facilities.
- 13. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
- 14. Noise sources associated with demotion, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).

#### C. COMPLIANCE WITH ZONING REGULATIONS

The project site is located within the C-1/S-3 (Neighborhood Commercial District/S-3 Combining District) Zoning District. The proposed amendment complies with the development criteria set forth by the County Zoning Regulations for the C-1/S-3 District as noted by the following table.

		Existing
	Required	Antenna
Minimum Front Yard Setback	O ft.	17 ft.
Minimum Side Yard Setback	0 ft.	32 ft.
Minimum Rear Yard Setback	O ft.	31 ft.
Maximum Height	36 ft.	53 ft.*

<sup>\*</sup> Permitted by Section 6512.2(I) 3, Wireless Telecommunication Facilities Ordinance.

The maximum allowed height limit in the C-1/S-3 District is 36 feet. The existing building height is 46 feet as measured from grade to rooftop ridge and is a legal non-conforming building. The existing AT&T antennas and faux chimney are

also legal non-conforming at 53 feet in height from grade. The Wireless Telecommunication Facilities Ordinance allows building-mounted antennas to a maximum height allowed in the Zoning District or 16 feet above the building roofline, whichever is greater. The current facility is compliant at 7 feet above the roofline where 16 feet is the maximum allowed.

#### D. <u>CONFORMANCE WITH USE PERMIT FINDINGS</u>

Under the provisions of Section 6500 (Use Permits), wireless telecommunications facilities are permitted in the C-1 Zoning District after issuance of a Use Permit. In order to continue the operation of this facility, the following Use Permit Findings are necessary.

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

The impacts from the existing facility continue to be minimal. The radio frequency report prepared by OSC Engineering accounts for AT&T's existing facility as well as T-Mobile's existing facility and measures the total cumulative emission limit at ground level calculated to be 8.70% which is below the Maximum Permissible Exposure (MPE). The report concludes, therefore, that the operation of both wireless facilities will meet emission criteria as required by the California Public Utilities Commission and the Federal Communications Commission. The continued operation of the AT&T Wireless facility has minimal impacts on coastal resources, there are no sensitive habitats in the vicinity and no modifications are proposed to the cellular facility.

2. That the use is necessary for the public health, safety, convenience or welfare.

The use is for the continued operation of a wireless telecommunications facility. The FCC has established the desirability and need for wireless telecommunications facilities to enable communication between mobile units and the existing wire-dependent telephone system. This facility contributes to an enhanced wireless network for increased clarity, range, and system capacity, and therefore is a benefit to both public and private users. The wireless network is considered necessary for public health, safety, convenience, and welfare. Staff believes no adverse effects to public health and safety would result from the continued operation of this facility.

#### E. <u>ENVIRONMENTAL REVIEW</u>

The proposed renewal is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1(b), Section 15301 of the California Environmental Quality Act Guidelines, ongoing operation of existing facilities.

#### F. <u>REVIEWING AGENCIES</u>

Building Department
Department of Public Works
Environmental Health Division
Coastside Fire Protection District

#### **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Location Map
- C. Site Plan
- D. Enlarged Site Plan
- E. Equipment Plan
- F. Antenna Plan
- G. Elevations
- H. Elevations
- I. Site Photo

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## County of San Mateo Planning and Building Department

#### RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2013-00052 Hearing Date: January 19, 2017

Prepared By: Olivia Boo, Project Planner For Adoption By: Zoning Hearing Officer

#### **RECOMMENDED FINDINGS**

#### For the Environmental Review, Find:

1. That the proposed renewal is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Class 1(b), Section 15301 of the California Environmental Quality Act Guidelines, ongoing operation of existing facilities.

#### For the Use Permit, Find:

- 2. That the establishment, maintenance, and conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The radio frequency (RF) report concludes that the operation of all existing and proposed wireless facilities will meet emission criteria as required by the California Public Utilities Commission and the Federal Communications Commission.
- 3. That the use is necessary for the public health, safety, convenience, or welfare. This facility contributes to an enhanced wireless network for increased clarity, range, and system capacity, and therefore is a benefit to both public and private users. The wireless network is considered necessary for public health, safety, convenience, and welfare.

#### RECOMMENDED CONDITIONS OF APPROVAL

#### <u>Current Planning Section</u>

1. This use permit shall be valid for ten (10) years until January 19, 2027. The applicant shall file for a renewal of this permit six (6) months prior to expiration with the County Planning Department, by submitting the applicable application forms and paying the applicable fees, if continuation of this use is desired. Any

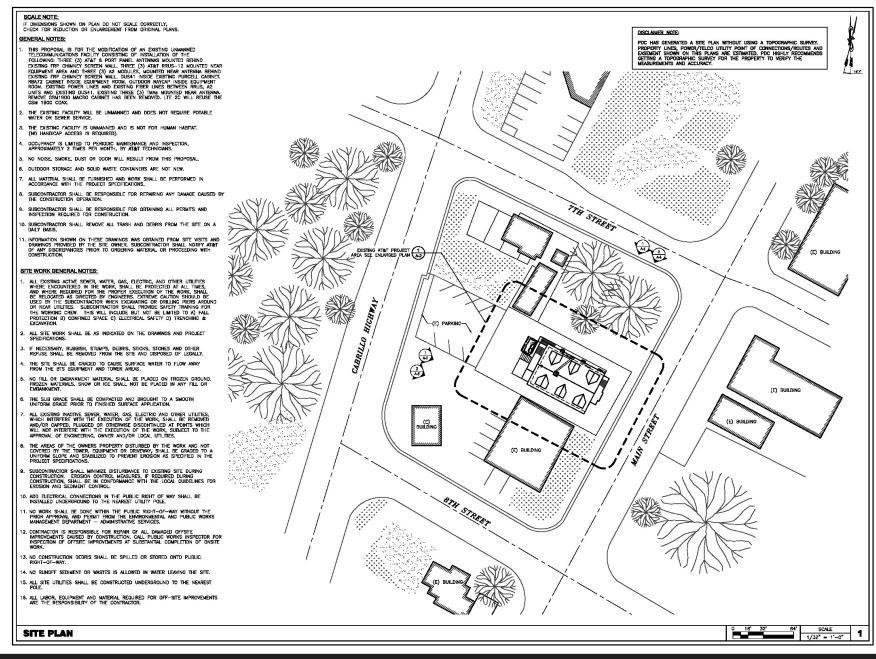
- modifications to this facility will require a use permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.
- 2. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer on January 19, 2017. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
- 3. The applicant shall obtain a Coastal Development permit or Coastal Development Exemption and a building permit for any future modification to the facility and construct in accordance with the approved plans.
- 4. All equipment along the north exterior building wall shall be painted and maintain a color to match the existing building. Screening of the lease area facing Cabrillo Highway shall be maintained. The faux chimney shall also continue to be painted to match the building. Any change in color will require review and approval by the Planning Department prior to implementation.
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- 6. This installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is discontinued for 180 consecutive days.
- 7. There shall be no external lighting associated with this use. Wireless telecommunication facilities shall not be lighted or marked unless required by the FCC or Federal Aviation Administration (FAA).
- 8. The applicant shall maintain all necessary licenses and registrations from the Federal Communications Commission (FCC) and any other applicable regulatory bodies for the operation of the subject facility at this site. The applicant shall supply the Planning Department with evidence of such licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning Department of the revocation within ten (10) days of receiving notice of such revocation.
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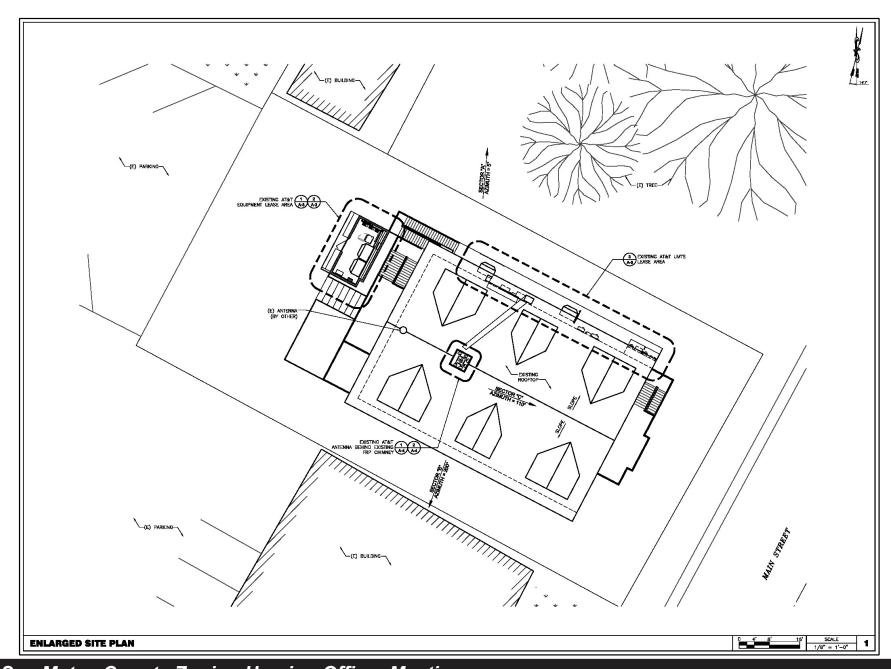
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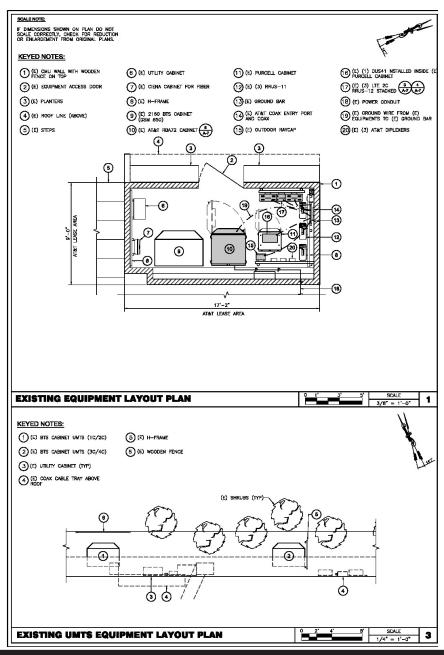
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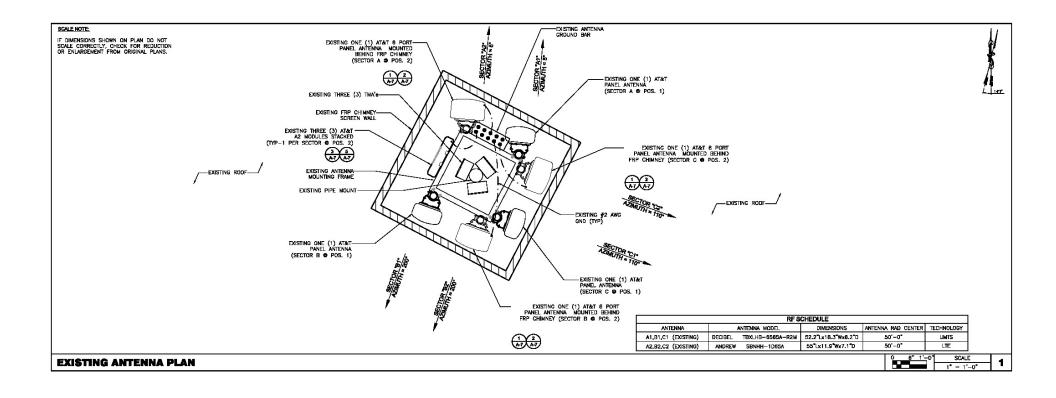
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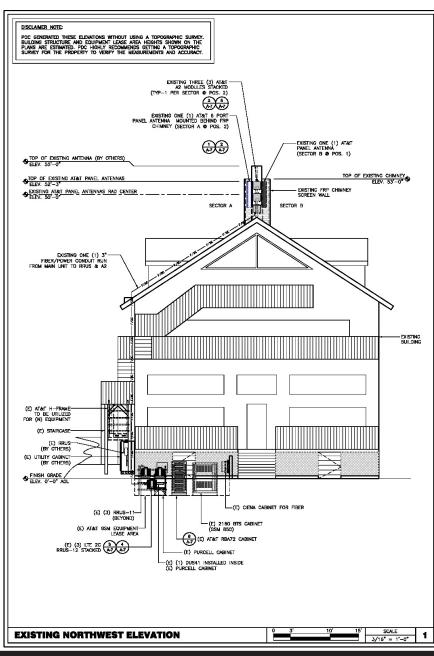
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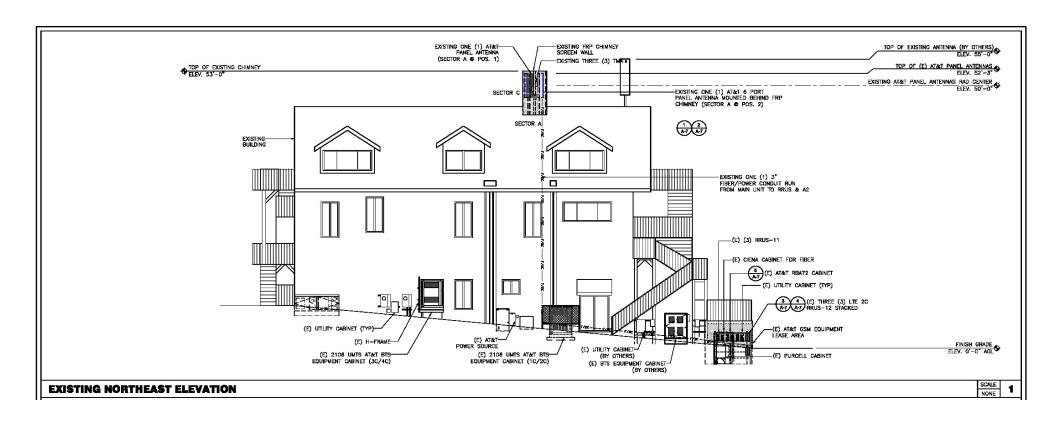
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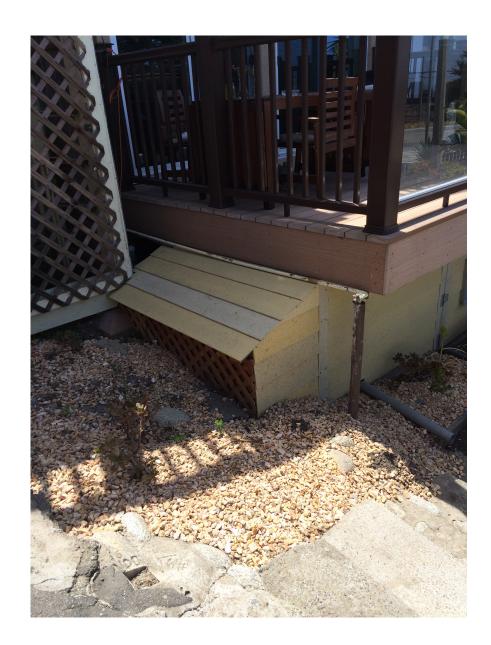


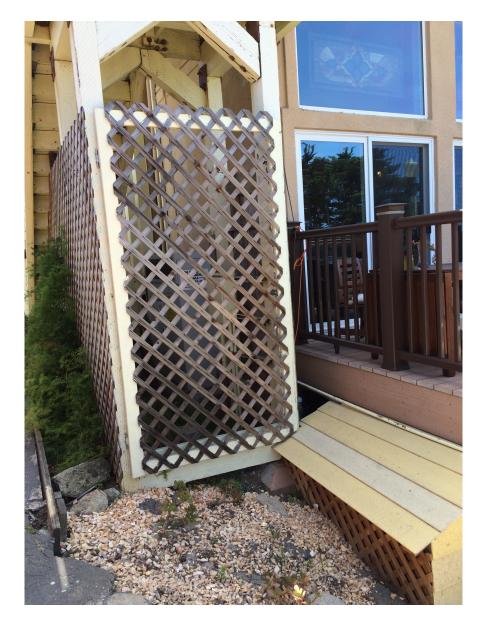
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