

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

DATE: November 7, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Renewal, pursuant to Section 6500 of the San Mateo County Zoning Regulations, to allow the continued operation of a cellular communications site at 78 Pilarcitos Creek Road, in the unincorporated Half Moon Bay area of San Mateo County.

County File Number: PLN 2001-00380 (Crown Castle)

PROPOSAL

The applicant is applying for a renewal of their Use Permit for the continued operation of a cellular facility consisting of three 10-foot monopoles with four antennas (two 5-foot length and two 6-foot length) and an ancillary equipment cabinet. No changes are proposed to the existing facility.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Renewal, County File Number PLN 2001-00380, subject to the findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Tiare Peña, Project Planner, Telephone 650/363-1850

Applicant: Crown Castle/ (Nicole Comach)

Property Owner: Cleo Sare

Location: 78 Pilarcitos Creek Road, Half Moon Bay

APN: 056-380-110

Size: Approximately 096.43 acres

Existing Zoning: PAD/CD (Planned Agricultural District/Coastal Development)

General Plan Designation: Agricultural

Existing Land Use: Agricultural – Christmas tree farm/pea farming and cellular facility use; single-family residence

Environmental Evaluation: Categorically exempt under Section 15301, class 1, of the California Environmental Quality Act (CEQA) Guidelines – continued operation of an existing facility

Water Supply: N/A

Sewage Disposal: N/A

Flood Zone: FEMA Flood Zone Map indicates the property is located in Zone X (areas of minimal flooding); Panel 06081 C0260E; Date: October 16, 2012

Setting/History: The project site is located at the top of a grassy hill on an undeveloped portion of the project parcel. There are two sets of electrical overhead transmission lines located adjacent to the project site. Surrounding land uses consist of active agriculture and open space. Vegetation on the project site consists of grasses and coastal scrub.

The subject cellular equipment itself includes a 6-foot tall equipment cabinet located adjacent to the subject panel antennas which are mounted on 10-foot tall poles. Sprint and AT&T also have existing cellular facilities on the parcel. This Use Permit was originally approved on September 19, 1996 (USE 96-0030.) Two minor modifications to the T-Mobile facility have been approved, BLD 2015-02174 and BLD 2019-01213, for equipment modifications under the Middle-Class Tax Relief Act. The cellular site is located within the California State Highway 92 Scenic Corridor. The visual impacts of this project continue to be minimal. The site is located on a ridge top above Highway 92, west of Interstate 280, and is only minimally visible heading in the eastbound and westbound directions of California State Highway 92.

DISCUSSION

KEY ISSUES

A. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVAL

All of the use permit's 2009 conditions of approval are assessed below with regard to compliance and whether the conditions should either be retained or modified. Staff recommends that some conditions, as indicated, be eliminated in instances where the condition: (1) has been complied with, or (2) is no longer deemed feasible or necessary by the responsible department.

Planning Department

1. This Use Permit shall be valid for a period of 10 years, terminating on May 7, 2019. The applicant shall apply for a Use Permit Renewal six (6) months prior to expiration if continuation of this use is desired.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes, but modified as follows:

The Use Permit shall be valid for a period of 10 years, terminating on September 19, 2029. The applicant shall apply for a Use Permit Renewal six (6) months prior to expiration if continuation of this use is desired.

2. Any significant modifications or expansions to the existing use will require an application, payment of applicable review fees, public hearing and issuance of a Use Permit Amendment prior to any construction or facility improvements. In the event any such changes are proposed, and the County Wireless Telecommunications Facilities Ordinance has been approved by the California Coastal Commission and effective in the Coastal Zone, the facility shall comply with all applicable requirements of that Ordinance.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes, but modified as follows:

Any significant modifications or expansions to the existing use will require an application, payment of applicable review fees, public hearing and issuance of a Use Permit Amendment prior to any construction or facility improvements.

3. If the monopoles and antennas need to be replaced or repainted prior to the expiration of this Permit, they shall be painted a cool gray or mottled gray/white color to blend with the sky.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes

4. The applicant shall not enter into a contract with the landowner or lessee that reserves for one company exclusive use of the tower structure or the site for telecommunication facilities.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes

5. The applicant shall receive and maintain approval from the FCC for the operation of the cellular facility at this site. Upon receipt of this approval, the applicant shall supply the Current Planning Section with proof of approval. If such approvals are revoked, the applicant shall immediately inform the Current Planning Section of the revocation.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes

6. The installation shall be removed in its entirety at such time that this technology becomes obsolete or this facility is no longer required.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes, but modified as follows:

7. 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.

New Condition

8. 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).

Coastside Fire Protection District

9. The applicant shall maintain fire clearance consisting of: (1) 14-foot overhead clearance the entire length of the road, (2) 20-foot clearance around the enclosed fence area, (3) 10-foot clearance around the poles any other equipment outside the fence enclosure, and (4) 5-foot clearance on both sides of the roadway. The applicant shall maintain the fire clearance annually.

Compliance with Condition? Yes

Recommend to Retain Condition? Yes, but modified as follows:

New Condition

10. The existing private access road must be maintained. All pot holes and any damaged roadway must be filled and compacted to 95% and able to support fire apparatus weighing 75,000 lbs. Gravel road access shall be certified by an engineer as to the compaction and weight it will support.

B. COMPLIANCE WITH USE PERMIT REGULATIONS

In order to approve a renewal of this Use Permit, the Zoning Hearing Officer must make the following findings:

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 the neighborhood.

This use has been in operation since 1996, with no reported complaints from residents of the area. The antennas have been constructed at the approved locations and painted a color to match the sky to reduce their visual impact. In addition, the electromagnetic energy emitted by this facility as permitted by the State Public Utilities Commission and the Federal Communications Commission, is not deemed significant. Therefore, this finding can be made.

2. That the renewal of the Use Permit for this cellular telecommunications facility is necessary for the public health, safety, convenience, or welfare.

The renewal of this Use Permit will allow for continued cellular coverage along the Highway 92 corridor area and provide both private citizens and public agencies continued cellular communications, especially in times of emergencies.

C. ENVIRONMENTAL REVIEW

The project qualifies for a categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines – continued operation of existing telecommunication facility.

D. REVIEWING AGENCIES

AGENCY	APPROVE	CONDITIONS
Building Inspection Section	X	None
Coastside Fire Protection	X	Yes

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. RF Report

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2001-00380 Hearing Date: November 7, 2019

Prepared By: Tiare Peña, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is exempt from CEQA, under Section 1530, Class 1, of the CEQA Guidelines, regarding the continued operation of an existing facility with no expansion of use.

Regarding the Use Permit, Find:

2. 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 the neighborhood. This use has been in operation since 1996, with no reported complaints from residents of the area. In addition, the electromagnetic energy levels emitted by this facility, as permitted by the State Public Utilities Commission and the Federal Communications Commission, is not deemed significant.
3. That the renewal of the Use Permit for this cellular telecommunications facility is necessary for the public health, safety, convenience, or welfare. Cellular coverage along the Highway 92 corridor area provides both private citizens and public agencies continued cellular communications, especially in times of emergency situations.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the permit renewal described in this report and submitted to and approved by the Zoning Hearing Officer on September 19, 2019. Minor revisions shall be subject to the review and approval of the Community Development Director.

2. The Use Permit shall be valid for a period of 10 years, terminating on September 19, 2029. The applicant shall apply for a Use Permit Renewal six (6) months prior to expiration if continuation of this use is desired.
3. Any significant modifications or expansions to the existing use will require an application, payment of applicable review fees, public hearing and issuance of a Use Permit Amendment prior to any construction or facility improvements.
4. If the monopoles and antennas need to be replaced or repainted prior to the expiration of this Permit, they shall be repainted a cool gray or mottled gray/white color to blend with the sky.
5. The applicant shall not enter into a contract with the landowner or lessee that reserves for one company exclusive use of the tower structure or the site for telecommunication facilities.
6. The applicant shall receive and maintain approval from the FCC for the operation of the cellular facility at this site. Upon receipt of this approval, the applicant shall supply the Current Planning Section with proof of approval. If such approvals are revoked, the applicant shall immediately inform the Current Planning Section of the revocation.
7. 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.

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