

2021

Design Standards, Application Requirements, Conditions of Approval

For Wireless Facilities in the Public Right-Of-Way



City of San Mateo
Public Works Department

650 522 7300 | www.cityofsanmateo.org | 330 W. 20th Ave, San Mateo

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1 BACKGROUND AND PURPOSE

The purpose of this document, the Design Standards and Application Requirements, is to establish requirements and design standards for installing wireless communication facilities in the City of San Mateo's right-of-way (ROW). The City of San Mateo seeks to permit wireless carriers to install wireless communications facilities, within the public right-of-way, in order to provide cellular coverage and capacity throughout the City, while ensuring facilities are well-maintained and do not significantly detract from City streetscapes.

The City does not regulate the technologies wireless carriers use, but it does have certain powers to regulate the time, place, manner and aesthetics of wireless communications facilities. These design standards and requirements are intended to convey design preferences and application requirements.

The purpose of this document is to establish requirements for installing wireless facilities in the City of San Mateo's right-of-way.

However, the City recommends and prefers that wireless carriers avoid pole locations where equipment would be in front of architecturally significant features, or in locations where they would have visual impacts of significance, such as residential neighborhoods, near schools and parks.

Wireless providers should be made aware of the City's preference for installation of wireless facilities on City owned streetlights, due to the improved aesthetic qualities of these facilities. Wireless providers shall work with the City to establish a license agreement for the use of City owned streetlights. Secondly, the City recommends and prefers installation in areas not zoned residential, as well as near schools or parks. Residential areas should be considered as the last option.

These requirements are meant to provide a general overview of the procedures and requirements for installation of wireless communications facilities on both City owned and utility poles located within the public right of way. Additional conditions, information and/or procedures may be necessary based on the circumstances, project scope and the location being proposed by the applicant, or as deemed necessary by the City.

San Mateo Municipal Code Chapter 17.10, "Wireless Communications Facilities in the Public Right-of-Way" was adopted by City Council in 2021 (hereinafter the "Code"). The abbreviations, phrases, terms and words used in these Design Standards and Application Requirements will have the same meanings assigned to them in Chapter 17.10 of the Code. Undefined phrases, terms or words in this document will have the meanings assigned to them in 47 U.S.C. § 153, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. If there are any discrepancies between the standards and requirements in this document and the Code, the Code shall prevail.

The applicant or its successors shall comply fully with all conditions specified in this document, or as modified by the Director of Public Works. Failure to comply with any condition shall constitute grounds for revocation of an applicable permit or license. In the event that radio frequency (RF) emissions for the site exceed Federal Communications Commission (FCC) standards, the applicant will be required to immediately cease and desist

operation of the facility until such time that the violation is corrected to the satisfaction of the Director of Public Works.

Any carrier/provider authorized by the City to operate a specific wireless communications facility installation may assign the operation of the facility to another carrier licensed by the California Public Utilities Commission (CPUC) and FCC for that radio frequency provided that such transfer is made known to the City in advance of such operation, and all conditions of approval for the subject installation are carried out by the new carrier/provider.

Below are requirements to aid wireless communications providers in planning facility locations and compiling the necessary information to obtain a Wireless Permit as provided in San Mateo Municipal Code Chapter 17.10 “Wireless Communications Facilities in the Public Right-of-Way”. Wireless communications providers are also directed to review and comply with all other requirements as provided in Chapter 17.10, that can be found on the City’s website.

Three different types of wireless facility infrastructure installations are permitted within San Mateo rights of way. These types include:

1. Attachments to streetlight poles
2. Attachments to utility poles and utility lines
3. Freestanding wireless facility infrastructure

An overview of each type is included on the following pages.

2 SITE LOCATION, POLE SELECTION, & DESIGN STANDARDS

To aid in minimizing visual and aesthetic impacts, all wireless communications facilities shall be designed, installed and located based on the following design preferences and standards below. In instances where a facility is proposed for installation at a location or in a manner that is not the highest preference as listed below, the applicant shall make a factual showing that all higher preferences are technically infeasible:

Site Location

1. The preferred locations shall be installed in the following order from most preferred to least preferred:
 - 1) Manufacturing districts;
 - 2) Transportation corridor or transit-orientated development districts;
 - 3) Executive districts;
 - 4) Central business districts;
 - 5) Commercial districts;
 - 6) Agricultural and open space districts;
 - 7) Shoreline districts;
 - 8) Residential districts with multi-family residential uses;
 - 9) Residential districts with single-family residential uses.

Applications that involve lesser-preferred locations may be approved so long as the applicant demonstrates by clear and convincing evidence in writing that any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible.

Pole Selection

1. Wireless facilities should be installed on existing standard streetlights or utility poles whenever technically feasible. If the application proposes a wireless facility on a new pole or structure, the applicant must identify all existing potential poles or support structures within 500 feet from the proposed site along the subject right-of-way that is available and technically feasible. The applicant must also demonstrate by clear and convincing evidence in writing that any of these identified existing poles or support structures within 500 feet from the proposed site would be technically infeasible, and/or that the new support structure is the only technical feasible option to the exclusion of any alternative or reasonable combination of alternatives.
2. If the applicant demonstrates by clear and convincing evidence in writing that the identified existing poles or support structures are not technically feasible, then the applicant may propose a new free-standing pole. New free-standing poles shall be located outside of driveways and intersection sight lines. New free-standing poles shall be located near property corners or side property lines, and not directly in front of residences and businesses.

3. Wireless facilities shall not be located on non-standard, decorative streetlights, wooden streetlights or traffic signals.
4. All new wireless facilities require a new encroachment permit and comply with applicable standards and specifications required by the City.

Design Standards

1. Least Obtrusive. Proposed installations should be the least obtrusive possible in compliance with the City's Design Standards, with regard to appearance, size, and location. If installations are available that are less obtrusive than those allowed by the City's wireless communications facilities ordinance, applicants must use those installations unless the City determines that those installations are not feasible.
2. Pole heights shall be minimized. The maximum height of any facilities mounted on an existing utility pole shall not exceed 4 feet, plus the minimum separation from supply lines required by CPUC General Order 95 (GO 95), as may be amended or superseded. Legally required lightning arresters and beacons shall be included when calculating the height of facilities. For wireless facilities placed on any new freestanding poles, the pole height, inclusive of all equipment, shall not exceed 35 feet.
3. Obstruction of Views. New wireless communications facilities installations shall not obstruct views from habitable living areas (such as bedrooms, balconies, living rooms) to the maximum extent feasible.
4. Protection of Trees. Wireless communications facilities shall not damage existing trees. If pruning is required for the installation, a separate Tree Permit must be obtained from Parks and Recreation.
5. Interference with City Facilities and Other Uses. Proposed installations shall not cause any interference with: (i) the operation of any City facilities or services, including, but not limited to, signs, banners, lighting, communication, parking meters, traffic signs or signals, etc.; (ii) any fire hydrants or water valves; (iii) access to any doors, gates, sidewalk doors, or other ingress and egress points to any building appurtenant to the rights-of-way; or (iv) access to any fire escape.
6. Accessory Equipment. Accessory equipment shall be located entirely on the pole in a vertical arrangement to the maximum extent feasible. Accessory equipment shall not collectively exceed 17 cubic feet in overall volume. Accessory equipment contains associated equipment for non-antenna gear.
7. Ground Mounted Equipment. Ground mounted equipment cabinets shall not be used, to the maximum extent possible. Ground mounted equipment shall not collectively exceed 17 cubic feet in overall volume. If utilized, ground mounted equipment shall be placed in a location that does not obstruct pedestrian or vehicular traffic and shall be located in the least conspicuous location available within a reasonable distance from the pole. Ground mounted equipment should be installed within an existing or replacement street feature including, without limitation, bus stop shelters, trash bins, benches, kiosks, advertisement panels or other street furniture to conceal the equipment. Ground mounted equipment contains associated equipment for non-antenna gear.

8. Cables, Wires and Connectors. All cables, wires and other connectors shall be routed through conduits within a pole whenever possible, and all external conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
9. Lights. Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration (FAA), Federal Communications Commission (FCC), other applicable governmental regulations or applicable pole owner policies related to public or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Flashing lights shall be installed.
10. Signage and Stickers. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under existing and future FCC or other United States governmental agencies for compliance with RF emissions regulations. RF notification signs shall be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies. Large repetitive warning stickers shall not be installed.
11. Smart Meters. Wireless facility designers shall use PG&E Smart Meters or flat-rate billing with no electric meter, if feasible.
12. Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all City noise control standards and regulations and shall not exceed, either individually or cumulatively, the applicable ambient noise level in the subject zoning district. The applicant shall incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment reasonably likely to exceed the applicable level. Fans shall not be utilized to the maximum extent possible.
13. Antenna Location. To the maximum extent technically feasible, antennas shall be placed at the top of the pole.
14. Shrouding. All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware shall be installed within a single shroud or radome to the maximum extent technically feasible. For wireless facilities on utility poles, all antennas shall be shrouded, and located at the top of the pole or strand-mounted, to the maximum extent technically feasible. For pole-top antennas, the shroud shall not exceed 2.5 times the median pole diameter and must taper down to pole. For side-arm antennas, the shroud shall cover the cross arm and any cables, jumpers, wires or other connectors between the vertical riser and the antenna.
15. Antenna Volume. Each individual antenna associated with a single wireless facility shall not exceed 3 cubic feet. The cumulative volume for all antennas on a single wireless facility shall not exceed: (A) 3 cubic feet in residential areas; or (B) 6 cubic feet in nonresidential areas.

16. Horizontal Projection. Side-mounted antennas, where permitted, shall not project: (A) more than 2 feet from the support structure; (B) over any roadway for vehicular travel; or (C) over any abutting private property. If applicable laws require a side-mounted antenna to project more than 2 feet from the support structure, the projection shall be no greater than required for compliance with such laws. Pole-mounted antennas and accessory equipment should be installed in a manner that minimizes horizontal projections, which includes, without limitation, installing equipment within the pole or as flush to the pole as possible.
17. Landscaping. All wireless facilities must include landscape features and a landscape maintenance plan when proposed to be placed in a landscaped area. The City may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment. All plants proposed or required must be native and/or drought resistant.
18. Site Security Measures. Wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. All wireless facilities shall be constructed from graffiti-resistant materials. The City may require additional concealment elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or built environment. The City shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.
19. Backup Power Sources. Permanent backup power sources within the public rights-of-way shall not be utilized.
20. Utilities. All cables and connectors for telephone, primary electric and other similar utilities shall be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible and technically feasible. The City shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost. In areas with existing overhead lines, new communication lines shall be "overlashed" with existing communication lines to the extent technically feasible. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.
21. Public Safety. No wireless facilities shall interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure or any other public health or safety facility. No wireless facility installation, use or maintenance shall endanger or shall be reasonably likely to endanger the safety of persons or property. No wireless facilities shall unreasonably interfere with or unreasonably impede the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near the location where the wireless facilities are located.
22. Replacement Pole Location. All replacement poles must: (1) be located as close to the removed pole as possible; (2) be aligned with the other existing poles along the public rights-of-way; and (3) be compliant with all applicable standards and specifications identified by or required by the City.

23. Compliance with Applicable Laws. All wireless facilities shall be installed and maintained in compliance with all applicable laws, regulations, codes or other rules, which include, at a minimum, the Uniform Building, National Electrical Code, and all FCC rules for human exposure to RF emissions. All wireless facilities and their locations shall comply with the Americans with Disabilities Act.

3 APPLICATION PROCESS AND REQUIREMENTS

Voluntary Informational Meeting with City Staff

Prior to submittal of an application, applicants are encouraged to meet with City staff in order to present the scope, location, and types of poles utilized. Applicants can ask questions regarding the permit application and checklist requirements. This voluntary informational meeting with City staff does not cause the FCC Shot Clock to begin.

Voluntary Informational Neighborhood Meeting

After meeting with City staff and prior to submittal of an application, applicants are encouraged to hold a community meeting for a proposed wireless facility. This voluntary neighborhood meeting does not cause the FCC Shot clock to begin.

The purpose of the neighborhood meeting is for the applicant to explain the proposal to the surrounding property owners and residents, and to receive their input. This meeting should accomplish three main goals:

- ❖ Establishment of dialogue between the applicant and the surrounding property owners and residents.
- ❖ Allow for project modification early in the process based on feedback.
- ❖ Avoid further delays due to projects that may be inconsistent with the City's standards.

As the applicant, you host and conduct the meeting; Public Works staff may be present as a resource only.

Public Works staff will work with the applicant to select a date, time, and location for the neighborhood meeting based on the following requirements:

- ❖ Meetings should be held on Monday through Thursdays starting no earlier than 6:30 p.m.
- ❖ Meetings should be held at City Hall or conducted virtually.
- ❖ Meetings should be 1 to 2 hours maximum.
- ❖ After 15 minutes, if there are no attendees, the meeting may be ended.

Meetings cannot be held on the following dates:

- ❖ Evenings of City Council or any City Commission meetings. Please check the City's website at <http://www.cityofsanmateo.org/index.aspx?nid=60> and <http://www.cityofsanmateo.org/index.aspx?nid=192> for the City Council, Sustainability and Infrastructure Commission, Parks and Recreation Commission, Community Relations Commission, and Planning Commission meeting dates.
- ❖ Legal holidays, common religious holidays or during the week of Thanksgiving and December 15th-January 1st.

Public Works staff will work with the applicant to coordinate a public notice for the community meeting.

The applicant is encouraged to bring presentation-sized graphics of the conceptual project plans, including an existing and proposed site plan and exterior elevations of all sides of the proposed facility, and a PowerPoint presentation. A mock-up of the proposed installation is highly recommended. The applicant is encouraged to record the meeting to aid in developing the meeting summary. If recorded, applicant must post a notice at the meeting site that indicates the meeting is being recorded.

All attendees shall sign in to ensure a complete record of attendees, including City staff and all members of the project team. Attendees shall be asked to provide their email and/or mailing address for future notices. A member of the applicant's team must be dedicated to taking detailed notes from the meeting and prepare a Meeting Summary.

The meeting agenda generally consists of the following:

- ❖ The applicant will typically open the meeting by describing the purpose of the meeting and introducing the team members. Public Works staff will remain throughout the meeting to answer any questions regarding wireless facility standards and the application process.
- ❖ The applicant will manage the remainder of the meeting. The City recommends that the applicant's PowerPoint presentation on the proposed project should include a description of the purpose of the installation, the way the design has responded to various aesthetic issues and important design features. The applicant's presentation team shall include the following staff: project manager, RF engineer, area manager, technical staff, and dedicated staff for recording meeting notes.
- ❖ After the formal presentation, the applicant may open the discussion to attendees, being available to answer questions or take comments. If questions are raised related to the application process or City regulations that are more appropriately answered by City staff, he or she will answer those questions.
- ❖ Once discussion has finished, the applicant will typically close the meeting by describing the next steps in the process. No official action may be taken by the City at any community meeting.

The City requests that the applicant submit to the City a written summary of the meeting **within seven (7) calendar days** of the meeting. The Meeting Summary should include a list of attendees, the major issues raised, any questions and answers discussed during the meeting. Please send the draft meeting summary and the sign-in sheet to Public Works staff who attended the meeting for final editing. The applicant is encouraged to email the meeting summary to all the meeting attendees who provided an email address.

Application Submittal

The applicant shall submit a complete, duly executed permit application using the Wireless Communications Facilities Permit Application Form attached hereto in Appendix A, which may be updated from time to time by the Director. The applicant shall comply with any additional instructions or requirements provided on the application form.

The application shall include all required materials as listed in the Wireless Communications Facilities Permit Application Checklist attached hereto in Appendix B. The applicant shall also comply with the Application Requirements-Required Materials provided in Appendix B.

All applications, along with any required materials and deposits, must be submitted to the City at a pre-scheduled appointment with City Staff. The City Staff shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after the City Staff receives a written request.

Applications Deemed Withdrawn

To promote efficient review and timely decisions, an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to City Staff within 90 calendar days after City Staff deems the application incomplete in a subsequent written notice to the applicant after a prior written notice of incompleteness has been provided. The City Staff may, in its discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

Notice Requirements For Wireless Permits (Section 6409 Applications are exempt from noticing requirements)[SMMC 17.10.050(d)]

Within five (5) calendar days of submitting a wireless permit application, the applicant shall provide notice by first class US mail to all property owners and residents within a 500' radius of the proposed project site. In addition, the notice shall be posted in a minimum of three (3) locations near the project site. The notices at a minimum shall contain the following:

1. A general description of the project, improvements and other equipment to be constructed or installed, including the proposed site location, photo simulations, samples or renderings depicting the finished installation in context with the surrounding natural and built environment.
2. Identify when construction, installation, excavation or other work would begin and end.
3. The applicant's name and contact information as provided to the City on the application.
4. The contact name and information for the applicant's representative.
5. A statement that interested parties may submit comments regarding the project within five (5) calendar days of the notice, to the applicant, and instructions on how to do so.
6. Include a link to the City's Small Cell Infrastructure webpage: <https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure>. Include language that, "Members of the public interested in receiving information on application decisions should sign up for notifications on the Small Cell Infrastructure webpage."
7. A statement that interested parties may appeal any decision within five (5) calendar days of the Notice of Decision, and instructions on how to do so.
8. A statement that, "The FCC does not allow appeals when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines."

Notices shall be in English and other languages as deemed appropriate by the City.

Applicant shall provide notification documentation to the City prior to approval of any permit. Such documentation includes:

1. A copy of the notice. Notice shall be approved by City staff prior to mailing.
2. Proof of notification such as an affidavit attesting that the notice was mailed to all property owners and residents within 500' of the project site. Proof shall include the method of delivery and a list of recipients.

3. A log of concerns, comments, questions, and/or actual responses from interested parties with information on the name of the persons and dates of the responses.

Standard Conditions of Approval [SMMC 17.10.080]

All wireless facilities, whether approved by the Director or deemed approved or deemed granted by law shall be automatically subject to all standard conditions of approval as provided in the Standard Conditions of Approval for Wireless Communications Facilities, attached hereto in Appendix C.

Decision Notices to the Applicant [SMMC 17.10.070(e)]

City staff shall provide written notice to the applicant within five (5) calendar days after acting on the application. If the application is denied, the notice shall include the reasons for the decision and instructions for filing an appeal.

Notice of Decision to the Public [SMMC 17.10.070(f)]

City staff shall post notice of the decision by the City with the appeal process on the Small Cell Infrastructure webpage on the same date as when the decision notice is sent to the applicant.
<https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure>

The online posted notice shall include the following:

1. Date of the posting and date by which appeals must be filed.
2. Location of the site.
3. Link to application materials.
4. Directions for filing an appeal.
5. Appellant's name and contact information.

Members of the public, including property owners and residents within 500' of the project site, interested in receiving information on decisions on applications should sign up for notifications on the Small Cell Infrastructure webpage. Notices to the property owners and residents within 500' of the project site and others who have requested the notice of decision from the city shall be sent expeditiously and within one business day from the date of the decision on the application. Notice shall be sent electronically to the extent practicable.

Peer and Independent Consultant Review [SMMC 17.10.060]

The Director may, in its discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection with any permit application.

The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (a) permit application completeness and/or accuracy; (b) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (c) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (d) whether and to what extent any technically feasible and/or potentially available alternative sites or concealment techniques may exist; (e) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and (f) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.

In the event that the Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided. Before the independent consultant may perform any services, the applicant shall tender to the City a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. In the event that the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the appropriate City official or his or her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The City shall not issue any permit to any applicant with any unpaid deposit requests or invoices.

Limited Exceptions for Personal Wireless Service Facilities [SMMC 17.10.070(d)]

In the event that an applicant claims that strict compliance with SMMC Chapter 17.10 and these Design Standards and Application Requirements would effectively prohibit the applicant's ability to provide personal wireless services, the Director may grant a limited exception from such requirements in accordance with the following:

1. Required Findings. The Director shall not grant any limited exception unless the applicant shows that:
 - (A) the proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and
 - (B) the applicant has provided the Director with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
 - (C) the applicant has provided the Director with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in SMMC Chapter 17.10 and these Design Standards and Application Requirements; and
 - (D) the applicant has provided the Director with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
 - (E) the applicant has demonstrated to the Director that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.
2. Limitations on Exceptions. Any limited exception shall be narrowly tailored to ensure that any deviations from the requirements in SMMC Chapter 17.10 or the Design Standards and Application Requirements are no greater than necessary to avoid an effective prohibition of the applicant's personal wireless services. Limited exceptions shall be based on the facts and circumstances of the applicant, its demonstrated technical service objectives at the time the exception is granted and the proposed wireless facility and shall not be deemed to establish any precedent for similar deviations for the same or any other applicant, location or wireless facility.

Appeals [SMMC 17.10.070(g)] (Section 6409 Applications are exempt from appeals by the public)

The applicant or property owners/residents within a 500 foot radius of the proposed project site who received notice of an application, as provided in the Code, may appeal any decision to approve or deny an application for a Wireless Permit. The appeals shall be filed with the Secretary of the Sustainability and Infrastructure Commission within five (5) calendar days of the City's Notice of Conditional Approval. Appeals received after the five (5) calendar days will not be considered. The appeal hearing shall be placed on the agenda for the next regular or special meeting of the Sustainability and Infrastructure Commission, or otherwise within a time frame needed to comply with all applicable state or federal laws. Written notice of the hearing date shall be provided to the appellant as soon as practicable and at least 3 calendar days prior to the hearing.

An appeal shall include the following at a minimum in order to be considered:

1. Location of the site being appealed.
2. A written statement that contains a detailed and fact-specific description of the reason for the appeal with reference to specific Code or Design Standard violations.
3. Appellant's name and contact information.

Important Note: The FCC does not allow appeals if it is based on environmental effects from RF emissions that comply with all applicable FCC regulations.

Appeals from an approval of an application will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations. The Sustainability and Infrastructure Commission shall review the appeal de novo, with the appellant having the burden of proof to establish the basis for seeking a reversal of the Director's decision, and issue a decision at the hearing. The decision of the Sustainability and Infrastructure Commission shall be final and not subject to any further administrative appeals. The decision shall be posted on the City's webpage on the same date as the decision is made.

Revocation of Permits or Other Authorized Use

Any wireless permit, City pole license, or other authorized use of the public right-of-way granted under SMMC Chapter 17.10 may be revoked or modified for cause in accordance with the following:

1. Revocation proceedings may be initiated by the Director.
2. Action. The Director shall act on the proposed revocation after the time for any appeal has lapsed.
3. Required Findings. The Director may revoke or modify the permit, City pole license, or right to use, if it makes any of the following findings:
 - (A) The permittee obtained the approval by means of fraud or misrepresentation of a material fact;
 - (B) The permittee substantially expanded or altered the use or structure beyond what is set forth in the permit or substantially changed the installation's character;
 - (C) The use in question has ceased to exist or has been suspended or abandoned;
 - (D) Failure to comply with any condition of a permit issued;
 - (E) Failure to comply with SMMC Chapter 17.10 and/or the Design Standards and Application Requirements;

- (F) A substantive change of law affecting a utility's authority to occupy or use the public right-of-way or the City's ability to impose regulations relating to such occupation or use;
- (G) A facility's interference with a City project;
- (H) A facility's interference with vehicular or pedestrian use of the public right-of-way; or
Failure to make a safe and timely restoration of the public right-of-way; or
- (I) For permits approved for a wireless facility on a City pole, termination of the applicable master license agreement or revocation of a City-owned pole license.

4. Notice of Action. The Director shall issue a written determination of revocation and mail the determination to the permittee within ten (10) calendar days of such determination. The decision shall be posted on the City's webpage on the same date as the decision is made.

4 INSTALLATIONS ON STREETLIGHT POLES

The following are design requirements for installations on streetlight poles.

Table 4.1 – Design Standards For Installations on Streetlight Poles

Luminaire	<ul style="list-style-type: none"> Per San Mateo standards or as designated by the Director of Public Works.
Electric Service/Metering	<ul style="list-style-type: none"> Per PG&E's requirements. Smart Meters or flat-rate billing, if available. All new electrical conduit shall be separate and enclosed in a braided sleeve. Applicant shall survey and document all loads connected to circuit involved, including any non-streetlight load. Circuit tracing shall be completed using proper circuit tracing equipment. Applicant shall conduct load analysis to evaluate loading level and voltage drop on the entire circuit the meter is receiving power from. Maximum voltage drop allowed for the entire streetlighting circuit is 3% (cumulative). Calculations shall be completed by an electrical engineer. Reserve at minimum 40% of circuit load capacity (not breaker rating) for City's use. Replacement of light fixtures with LEDs is allowed to free up capacity in the circuit. LED fixtures shall meet City standards or as designated by the Director of Public Works. Conductors shall be spliced at base of pole in pull box. If there is no existing pull box, installation of a new pull box will be required. Grounding rod shall be located in the pull box.
Communication/Backhaul Service	<ul style="list-style-type: none"> Applicant shall secure their own communication/backhaul arrangements independent of City facilities. A utility encroachment permit for fiber optic installations will be required.
Shroud	<ul style="list-style-type: none"> Antenna and Smart Meter shall be within a shroud, to the maximum extent technically feasible.
Hand Holes	<ul style="list-style-type: none"> A hand hole shall be provided at the top of the pole to maintain fiber and electrical service for streetlights and future attachments.
Color	<ul style="list-style-type: none"> Equipment shall be painted, treated or finished to match existing streetlight aesthetics. Paint shall be powder coated over zinc paint. Equipment cabinets shall be galvanized.
Structural Analysis	<ul style="list-style-type: none"> Structural analysis shall be prepared and stamped by a professionally licensed structural engineer. Certification that the pole foundation and attachments meet or exceed design parameters shall be provided to the Public Works Department. The analysis shall comply with current building code standards. The wireless facility shall be designed for a risk category IV. All structural components of the pole, standard, base, equipment cabinet, couplers, anchor bolts, luminaires, antenna, shroud, and other attachments to be used shall be designed in accordance with AASHTO's Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, TIA-222 rev G and ASCE 7-16 with IBC 2018 (or latest standard), plus amendment for other local conditions. Any pole not meeting these requirements may not be used for a wireless facility installation or must be replaced. Certification is required for replacement poles.
Antenna	<ul style="list-style-type: none"> Antennas shall be shrouded and shall be located at the top of the pole to the maximum extent technically feasible.

	<ul style="list-style-type: none"> Individual antennas shall not exceed 3 cubic feet; cumulative volume for all antennas shall not exceed 3 cubic feet in residential areas or 6 cubic feet in nonresidential areas.
Stickers/Signs	<ul style="list-style-type: none"> Any on-pole cabinet and ground mounted utility box should be labeled with a (1) RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos or decals. Existing traffic signs may be relocated to screen accessory equipment. CA MUTCD requirements for sign mounting height shall be met. Equipment screened by a sign must not change the silhouette of the sign as viewed by motorists. Pole number labels shall be installed if missing.
Cables/Wiring	<ul style="list-style-type: none"> All cables shall be located inside the pole to the maximum extent technically feasible, labeled for identification and enclosed in a separate braided sleeve. External conduit attachment to the pole is not permitted. No wires or cables shall be visible on the exterior of the pole. Splicing is permitted in the pull box at base of pole. Splicing of small wiring to streetlight wiring in the pole is not permitted. If the pull box is not present, a new pull box will need to be installed, and conduit proved and rewired. Any existing conduit that is not usable shall be replaced with new conduit. Foundations without conduit will need to have new conduit added to the existing foundation, or a new foundation installed in accordance with these Design Standards. Fuses shall be located behind the hand hole or in the pull box. Existing wires in pole must be removed before any drilling or welding takes place on pole.
Hardware	<ul style="list-style-type: none"> All mounting hardware shall be compatible with mounting surface and weather resistant.
Disconnect Switch	<ul style="list-style-type: none"> Bottom of disconnect switch shall be mounted at a minimum of 7 feet above grade or per PG&E's standards.
Equipment Cabinet	<ul style="list-style-type: none"> Maximum dimension shall be 17 CF. If required, fans shall not emit noise higher than City standards. Passive louvers and/or other passive ventilation systems shall be primary means of temperature control. Cabinets shall be located such that it meets the Americans with Disabilities Act of 1990 and does not obstruct, impede, or hinder the usual pedestrian or vehicular travel way. Equipment cabinet contains associated equipment for non-antenna gear.

Figure 4.1 - Unacceptable Installation on a Streetlight

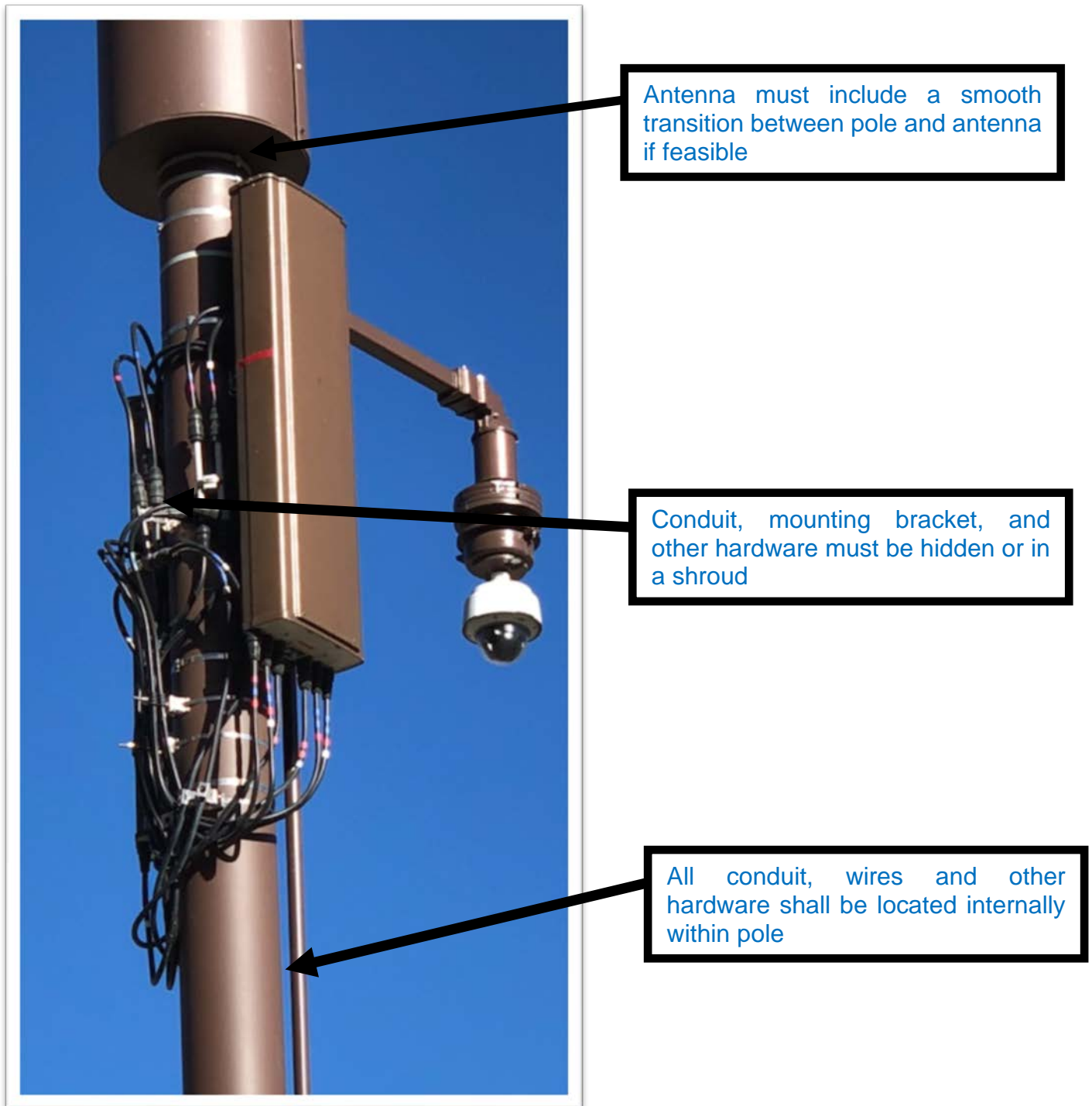


Figure 4.2 – Acceptable Design on a Streetlight Replacement

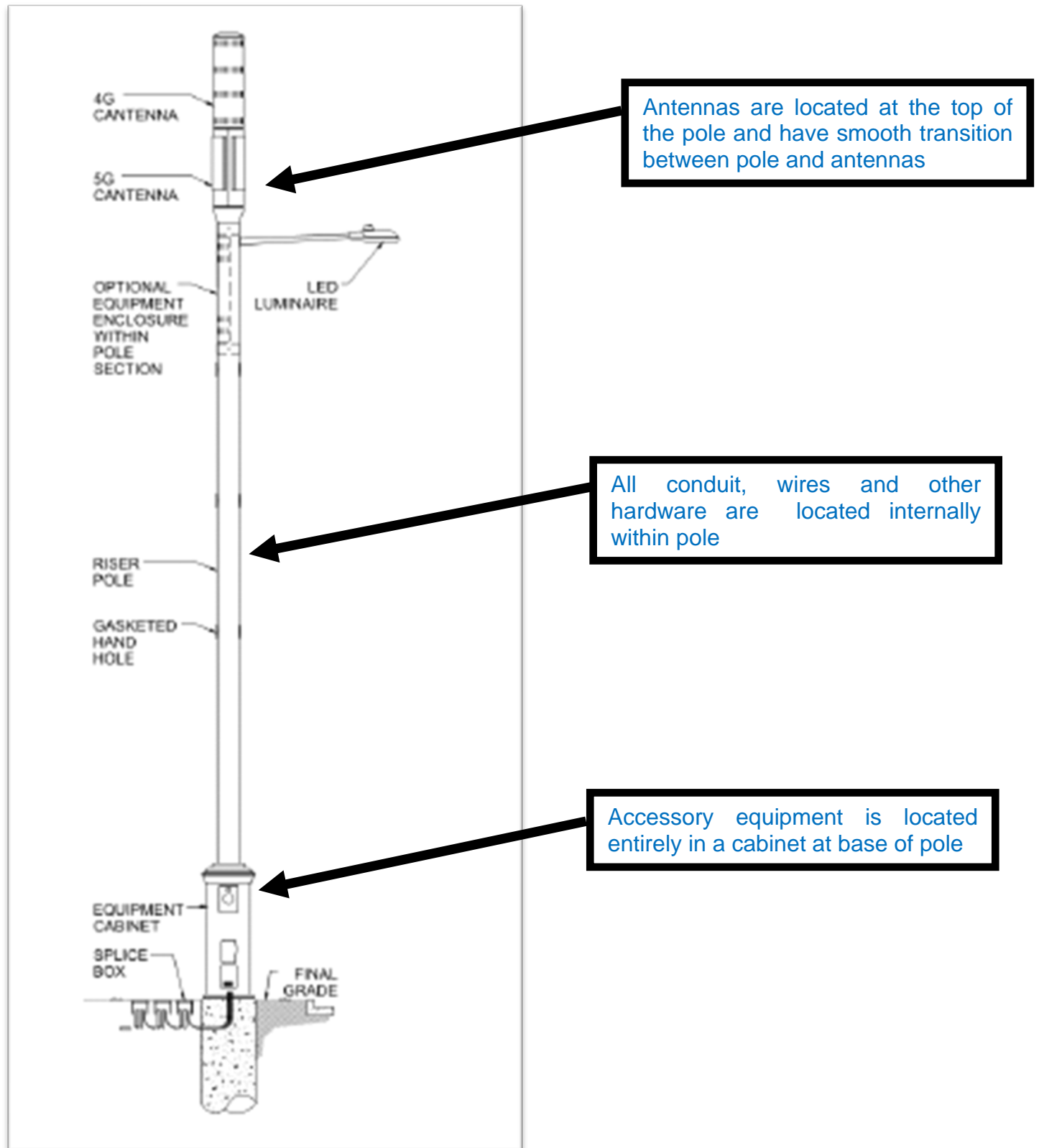


Figure 4.3 – Acceptable Design on a Streetlight Foundation Replacement (Existing Pole)



Antennas are located at the top of the pole

Accessory equipment is hidden by existing signage

Table 4.2 – Procedures For Attachments to Streetlight Poles [SMMC]

Pre-Application	<ol style="list-style-type: none"> 1. <u>Master License Agreement.</u> Applicant executes a license agreement with the City for any City-owned poles in the public right-of-way. To start the process for preparation of a license agreement, applicant shall pay required fee per current Comprehensive Fee Schedule. 2. <u>Voluntary Informational Meeting with City Staff.</u> Applicant may request a voluntary pre-submittal informational meeting with City staff to review potential locations and streamline the review process. This voluntary informational meeting with City Staff does not cause the FCC Shot Clock to begin. 3. <u>Voluntary Informational Neighborhood Meeting.</u> Applicant is encouraged to hold a voluntary informational neighborhood meeting at City Hall or via Zoom to discuss the proposed project with residents and property owners within 500' of the project location in order to receive feedback from interested parties. This voluntary neighborhood informational meeting does not cause the FCC Shot Clock to begin.
Application	<ol style="list-style-type: none"> 4. <u>Submittal Appointment.</u> Applicant submits application, checklist, required materials, and deposit at a pre-scheduled appointment. City Staff shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after the City Staff receives a written request. <ul style="list-style-type: none"> • Shot Clocks Starts 5. <u>Notice Requirements.</u> Within five (5) calendar days of application submittal, applicant provides notice by first class United States mail to all property owners and residents within a 500' radius of proposed project and posts in at least three locations near the project site. 6. <u>City Review.</u> The City shall have ten (10) calendar days from the submission of the application to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 7. <u>Power Walks.</u> Applicant conducts power walks with City staff to determine point of electrical service connection. This shall be shown on the plans when applicant resubmits. 8. <u>Applicant Resubmittal.</u> If the City deems that the application is incomplete, the applicant responds to corrections and resubmits materials. <ul style="list-style-type: none"> • Shot Clocks Restarts 9. <u>Subsequent City Reviews and Resubmittals.</u> City staff reviews and shall have ten (10) calendar days from the re-submission to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 10. <u>Conditional Approval.</u> City staff may approve the application when all findings are met as provided in the Code. If findings are not met, application will be denied and applicant will need to resubmit. 11. <u>Notice of Decision.</u> A decision notice is sent to the applicant within five (5) calendar days after the City acts on an application. City staff shall post the Notice of Decision with appeal process on the Small Cell Infrastructure webpage when the decision notice is sent to the applicant. https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure [SMMC 17.10.070(e)] [SMMC 17.10.070(f)] 12. <u>Limited Exceptions.</u> If the applicant claims that strict compliance with the Design Standards and Application Requirements would effectively prohibit the applicant's ability to provide personal wireless services, City staff may grant a limited exception if required findings are met.
Appeals	<ol style="list-style-type: none"> 13. <u>Appeals.</u> The applicant or any person who received notice of an application as provided in the Code may appeal any decision to approve or deny a Wireless Permit. Appeals must be filed with the Sustainability & Infrastructure Commission (S&IC) Secretary within five (5) calendar days of the Notice of Conditional Approval. If no appeals, project may be approved. If an appeal is received, staff will schedule a public hearing with S&IC to consider and act on the application in accordance with the required findings. If the appeal is denied by the S&IC, the project may be approved. If the appeal is approved by the S&IC, the project is denied and the applicant will need to resubmit. [SMMC 17.10.070(f)]
Building Permit	<ol style="list-style-type: none"> 14. <u>Building Permit.</u> Applicant applies for a Building Permit with the Building Division for PG&E release. A separate fee shall apply.
Encroachment Permit	<ol style="list-style-type: none"> 15. <u>Encroachment Permit.</u> Applicant applies for an Encroachment Permit with the Public Works Department. A separate fee shall apply as provided in the City's Fee Schedule. Encroachment permit shall include traffic control plans and insurance. Prior to construction, applicant shall contact Public Works for an inspection. 16. <u>Performance Bond.</u> Applicant shall provide Public Works with a Performance Bond in compliance with COA A.13 and B.15.

Post Application	<ol style="list-style-type: none">17. <u>Certification.</u> Applicant shall provide Public Works Post-Installation Certification in compliance with COA A.3 and B.5.18. <u>Contact Information.</u> Applicant shall provide up-to-date contact information to Public Works in compliance with COA A.11 and B.13.
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5 INSTALLATIONS ON UTILITY POLES

The following are general specifications for installations on utility poles.

Table 5.1 – Design Standards For Installations on Utility Poles

Electric Service/Metering	<ul style="list-style-type: none"> • Per PG&E's requirements. Smart Meters or flat-rate billing, if available. • All new electrical conduit shall be separate.
Communication/Backhaul Service	<ul style="list-style-type: none"> • Applicant shall secure their own communication/backhaul arrangements independent of City facilities. • A utility encroachment permit for fiber optic installations will be required.
Shroud	<ul style="list-style-type: none"> • Antenna and Smart Meter shall be within a shroud, to the maximum extent technically feasible.
Color	<ul style="list-style-type: none"> • Equipment shall be painted, treated or finished to match existing utility pole aesthetics. • All electrical equipment, boxes, and other appurtenances shall have an appropriate National Electrical Manufacturers Association (NEMA) rating for outdoor uses and provide adequate protection. • Paint shall be powder coated over zinc paint in accordance with NEMA standards. • Equipment cabinets shall be galvanized in accordance with NEMA standards.
Pole Selection Site Analysis	<ul style="list-style-type: none"> • If the applicant proposes a wireless facility on a new utility pole, the applicant must first identify all existing potential poles or support structures within 500 feet from the proposed site along the subject right-of-way that is available and technically feasible. The applicant must also demonstrate by clear and convincing evidence in writing that any of these identified existing poles or support structures within 500 feet from the proposed site would be technically infeasible.
Antenna	<ul style="list-style-type: none"> • Antennas shall be shrouded, and located at the top of the pole or strand-mounted, to the maximum extent technically feasible. • Individual antennas shall not exceed 3 cubic feet; cumulative volume for all antennas shall not exceed 3 cubic feet in residential areas or 6 cubic feet in nonresidential areas.
Stickers/Signs	<ul style="list-style-type: none"> • Any on-pole cabinet and ground mounted utility box should be labeled with (1) a RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos or decals. • Existing traffic signs may be relocated to screen accessory equipment. CA MUTCD requirements for sign mounting height shall be met. Equipment screened by a sign must not change the silhouette of the sign as viewed by motorists. • Pole number labels shall be installed if missing.
Cables/Wiring	<ul style="list-style-type: none"> • To the maximum extent technically feasible, all cables shall be located inside a conduit painted to match the pole.

	<ul style="list-style-type: none"> No wires or cables shall be visible on the exterior of the conduit to the maximum extent technically feasible.
Hardware	<ul style="list-style-type: none"> All mounting hardware shall be compatible with mounting surface and weather resistant.
Disconnect Switch	<ul style="list-style-type: none"> Bottom of disconnect switch shall be mounted at a minimum of 7 feet above grade or per PG&E's standards.
Equipment Cabinet	<ul style="list-style-type: none"> Maximum dimension shall be 17 CF. If required, fans shall not emit noise higher than City standards. Passive louvers and/or other passive ventilation systems shall be primary means of temperature control. Cabinets shall be located such that it meets the Americans with Disabilities Act of 1990 and does not obstruct, impede, or hinder the usual pedestrian or vehicular travel way. Equipment cabinets contains associated equipment for non-antenna gear.
Safety Zones	<ul style="list-style-type: none"> A safety zone is required per the latest CPUC GO 95
Pole Owner	<ul style="list-style-type: none"> Applicant shall provide written authorization from the pole owner. Authorization shall indicate that the pole is structurally sound for additional loads.

Figure 5.1 - Unacceptable Installations on Utility Poles



Accessory equipment is not painted to match the wood pole



Wires are not in a conduit

Abrupt transition from pole to antenna

Figure 5.2 – Acceptable Designs on Utility Poles



Strand mounted wireless facility



Wiring is located in a conduit

Accessory equipment is painted to match the wood pole and shrouded

Table 5.2 – Procedures For Attachments to Utility Poles [SMMC]

Pre-Application	<ol style="list-style-type: none"> 1. <u>Voluntary Informational Meeting with City Staff.</u> Applicant may request a voluntary pre-submittal informational meeting with City staff to review potential locations and streamline the review process. This voluntary informational meeting does not cause the FCC Shot Clock to begin. 2. <u>Voluntary Informational Neighborhood Meeting.</u> Applicant is encouraged to hold a voluntary informational neighborhood meeting at City Hall or via Zoom to discuss the proposed project with residents and property owners within a 500' radius of the project location in order to receive feedback from interested parties. This voluntary neighborhood meeting does not cause the FCC Shot Clock to begin.
Application	<ol style="list-style-type: none"> 3. <u>Submittal Appointment.</u> Applicant submits Application, Checklist, Required Materials, and Deposit at a pre-scheduled appointment. City staff shall use reasonable efforts to provide the applicant with an appointment within five (5) calendar days after City Staff receives a written request. <ul style="list-style-type: none"> • Shot Clocks Starts 4. <u>Notice Requirements.</u> Within five (5) calendar days of application submittal, applicant provides notice by first class United States mail to all property owners and residents within 500' of proposed project and posts in at least three locations near the site. 5. <u>City Review.</u> The City shall have ten (10) calendar days from the submission of the application to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 6. <u>Applicant Resubmittal.</u> If the City deems that the application is incomplete, the applicant responds to corrections and resubmits materials. <ul style="list-style-type: none"> • Shot Clocks Restarts 7. <u>Subsequent City Reviews and Resubmittals.</u> City staff reviews and shall have ten (10) calendar days from the re-submission to determine whether the application is incomplete. If the city deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 8. <u>Conditional Approval.</u> City staff may approve the application when all findings are met as provided in the Code. If findings are not met, application will be denied and applicant will need to resubmit. 9. <u>Notice of Decision.</u> A decision notice is sent to the applicant within five (5) calendar days after the City acts on an application. City staff shall post the Notice of Decision with appeal process on the Small Cell Infrastructure webpage when the decision notice is sent to the applicant. https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure [SMMC 17.10.070(e)] [SMMC 17.10.070(f)] 10. <u>Limited Exceptions.</u> If the applicant claims that strict compliance with the Design Standards and Application Requirements would effectively prohibit the applicant's ability to provide personal wireless services, City staff may grant a limited exception if required findings are met.
Appeals	<ol style="list-style-type: none"> 11. <u>Appeals.</u> The applicant or any person who received notice of an application as provided in the Code may appeal any decision to approve or deny a Wireless Permit. Appeals must be filed with Sustainability & Infrastructure Commission (S&IC) Secretary within five (5) calendar days of the Notice of Conditional Approval. If no appeals, the project may be approved. If an appeal is received, staff will schedule a public hearing with S&IC to consider and act on the application in accordance with the required findings. If the appeal is denied by the S&IC, the project may be approved. If the appeal is approved by the S&IC, the project is denied and the applicant will need to resubmit. [SMMC 17.10.070(f)]
Encroachment Permit	<ol style="list-style-type: none"> 12. <u>Encroachment Permit.</u> Applicant applies for an Encroachment Permit with the Public Works Department. A separate fee shall apply as provided in the City's Fee Schedule. Encroachment permit shall include traffic control plans and insurance. Prior to construction, applicant shall contact Public Works for an inspection. 13. <u>Performance Bond.</u> Applicant shall provide Public Works with a Performance Bond in compliance with COA A.13 and B.15.
Post Application	<ol style="list-style-type: none"> 14. <u>Certification.</u> Applicant shall provide Public Works Post-Installation Certification in compliance with COA A.3 and B.5. 15. <u>Contact Information.</u> Applicant shall provide up-to-date contact information to Public Works in compliance with COA A.11 and B.13.

6 INSTALLATIONS OF FREESTANDING POLES

The following are general specifications for the installations of wireless facilities on new privately-owned freestanding poles.

Table 6.1 – Design Standards for Installations of Freestanding Poles

Ownership of Pole	<ul style="list-style-type: none"> Freestanding poles shall not be owned by the City and shall be owned by the applicant.
Luminaire	<ul style="list-style-type: none"> Per San Mateo standards or as designated by the Director of Public Works.
Electrical Service/Metering	<ul style="list-style-type: none"> Per PG&E's requirements. Smart Meters or flat-rate billing, if available. Conductors shall be spliced at base of pole in pull box. If there is no existing pull box, installation of a new pull box will be required. Grounding rod shall be located in the pull box. Tie into an existing City electrical circuit is not allowed.
Pole Type	<ul style="list-style-type: none"> Round, straight, galvanized steel. Pole bases shall be sized to handle the listed equipment and all other equipment required by the owner of the freestanding pole.
Shroud/Cover	<ul style="list-style-type: none"> All hardware shall be hidden. Only one equipment shroud, containing all required wireless facility equipment, shall be installed per pole. Anchor bolts shall either be hidden from view, preferred, or treated and painted to match the pole color.
Color	<ul style="list-style-type: none"> Pole shall be galvanized in accordance with AASHTO M 111. Equipment shall be painted to match existing pole aesthetics, paint shall be powder coated over zinc paint. Equipment cabinets shall still be galvanized.
Pole Height	<ul style="list-style-type: none"> The pole height inclusive of all equipment shall not exceed 35 feet.
Structural Analysis	<ul style="list-style-type: none"> Structural analysis shall be prepared and stamped by a professionally licensed structural engineer. Certification that the pole foundation and attachments meet or exceed design parameters shall be provided to the Public Works Department. The analysis shall comply with current building code standards. The wireless facility shall be designed for a risk category IV. All structural components of the pole, standard, base, equipment cabinet, couplers, anchor bolts, luminaires, antenna, shroud, and other attachments to be used shall be designed in accordance with AASHTO's Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, TIA-222 rev G and ASCE 7-16 with IBC 2018 (or latest standard), plus amendment for other local conditions.
Pole Selection Site Analysis	<ul style="list-style-type: none"> If the applicant proposes a wireless facility on a new freestanding pole, the applicant must first identify all existing potential poles or support structures within 500 feet from the proposed site along the subject right-of-way that is available and technically feasible. The applicant must also demonstrate by clear and convincing evidence in writing that any of these identified existing poles or support structures within 500 feet from the proposed site would be technically infeasible.

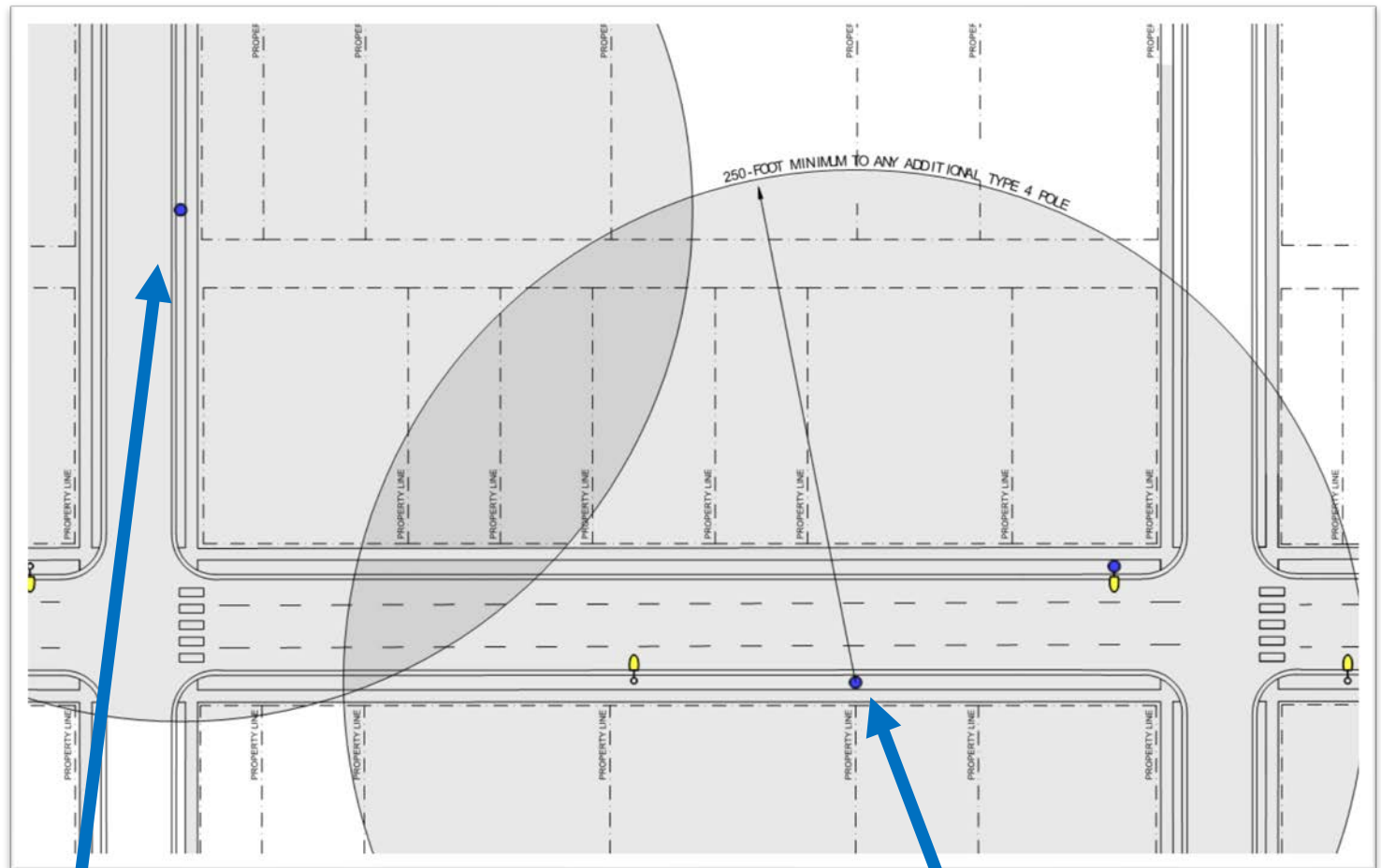
Conduits Sweeps	<ul style="list-style-type: none"> Eight (8) 2" PVC conduit sweeps shall be required. Conduit shall accommodate wireless facility carrier electrical and fiber with up to four (4) spare sweeps for future service.
Antenna	<ul style="list-style-type: none"> The top of the antenna shall be no higher than 48 in. above the top of the pole. Antennas shall be shrouded to the maximum extent technically feasible. A tapered transition between the pole and antenna shall be included if feasible. Antennas shall be located at the top of the pole to the maximum extent technically feasible.
Stickers/Signs	<ul style="list-style-type: none"> Any on-pole cabinet and ground mounted utility box should be labeled with a (1) RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos or decals. Existing traffic signs may be relocated to screen accessory equipment. CA MUTCD requirements for sign mounting height shall be met. Equipment screened by a sign must not change the silhouette of the sign as viewed by motorists. A pole number label shall be installed.
Hardware	<ul style="list-style-type: none"> All mounting hardware shall be compatible with mounting surface and weather resistant.
Disconnect Switch	<ul style="list-style-type: none"> Bottom of disconnect switch shall be mounted at a minimum of 7 feet above grade or per PG&E's standards.
Equipment Cabinet	<ul style="list-style-type: none"> All equipment shall be located internal to the equipment cabinet or recessed as much as possible in the equipment cabinet. All equipment shall be mounted per the Owner's requirements.
Removal of Freestanding Poles	<ul style="list-style-type: none"> Poles shall be promptly removed under a separate encroachment permit once applicant is no longer using the pole to actively provide telecommunications service.

Placement Requirements

All freestanding wireless facility poles shall be privately owned and must be permitted by the City of San Mateo. Freestanding poles shall not be approved except as provided in these Design Standards and Application Requirements. Freestanding poles shall be placed in accordance with the following requirements:

1. In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
2. So as not to be located along the frontage of a historic building, deemed historic on a federal, state, or local level.
3. So as not to significantly create a new obstruction to property sight lines, when reasonably feasible.
4. At the intersection of property lines, or along secondary property street facing.
5. Within the street amenity zone whenever possible.
6. In alignment with existing trees, utility poles, and streetlights.
7. Equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
8. With appropriate clearance from existing utilities.
9. Outside of the 20-foot equipment clear zone (for base cabinets less than 18-inches in diameter) or 30-foot clear sight triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners as shown in Figure 5-7.
10. 10 feet away from the triangle extension of an alley way flare.
11. Shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.
12. No closer than 250 feet away, radially, from another privately-owned freestanding wireless facility.
13. Avoid, when reasonably feasible, placement in residential areas, near schools, and parks.

Figure 6.1 – Freestanding Wireless Facility Spacing Radius



Freestanding poles shall be located a minimum of 250 feet from other freestanding poles

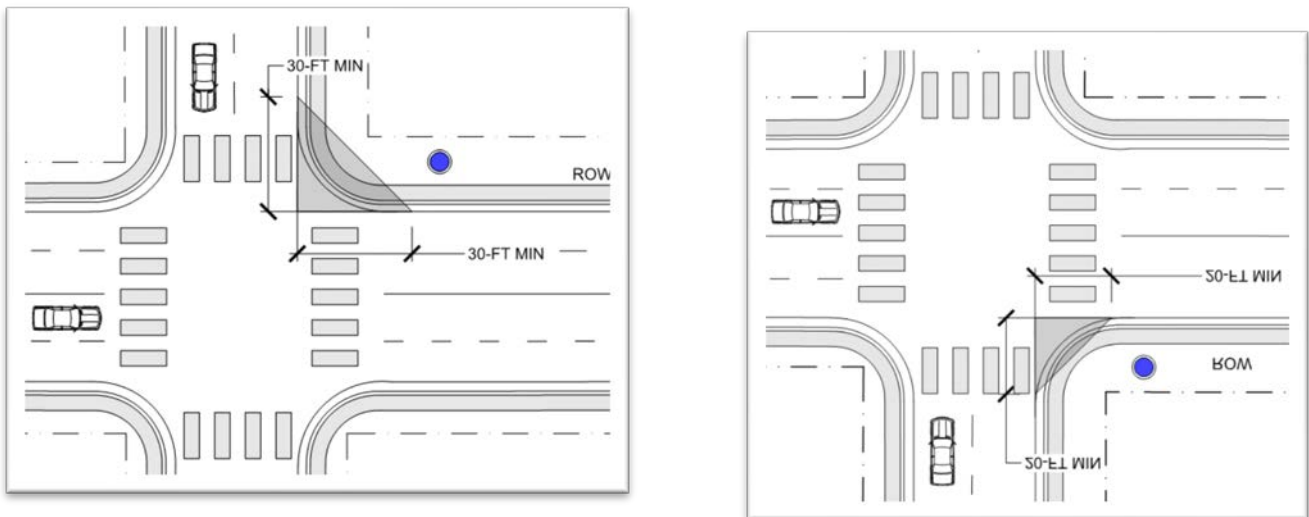
Existing streetlights and utility pole locations do not affect the placement of freestanding poles. Minimum 250 feet does not apply.

Figure 6.2 – Freestanding Wireless Facility in Amenity Zone



Freestanding wireless facilities shall be located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW, violate applicable law, violate or conflict with the City's separate public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare. Free standing wireless facilities shall be located within the ROW and off set from the sidewalk as shown in Figure 5.3

Figure 6.3 – Freestanding Wireless Facility Sight-Line Requirements



Freestanding wireless facilities shall be located at intersecting property lines as much as possible. Whenever possible, the freestanding wireless facilities shall be located on the secondary street. Do not locate wireless facilities in clear sight triangle. Wireless facilities shall also be located a minimum of 15 feet away from trees to prevent disturbance within the critical root zone of any tree. The wireless facilities shall not be installed between the perpendicular extension of the primary street-facing wall plane of any single or two-family residence as shown in Figure 5-4.

Figure 6.4 – Freestanding Wireless facility Location between Property Lines

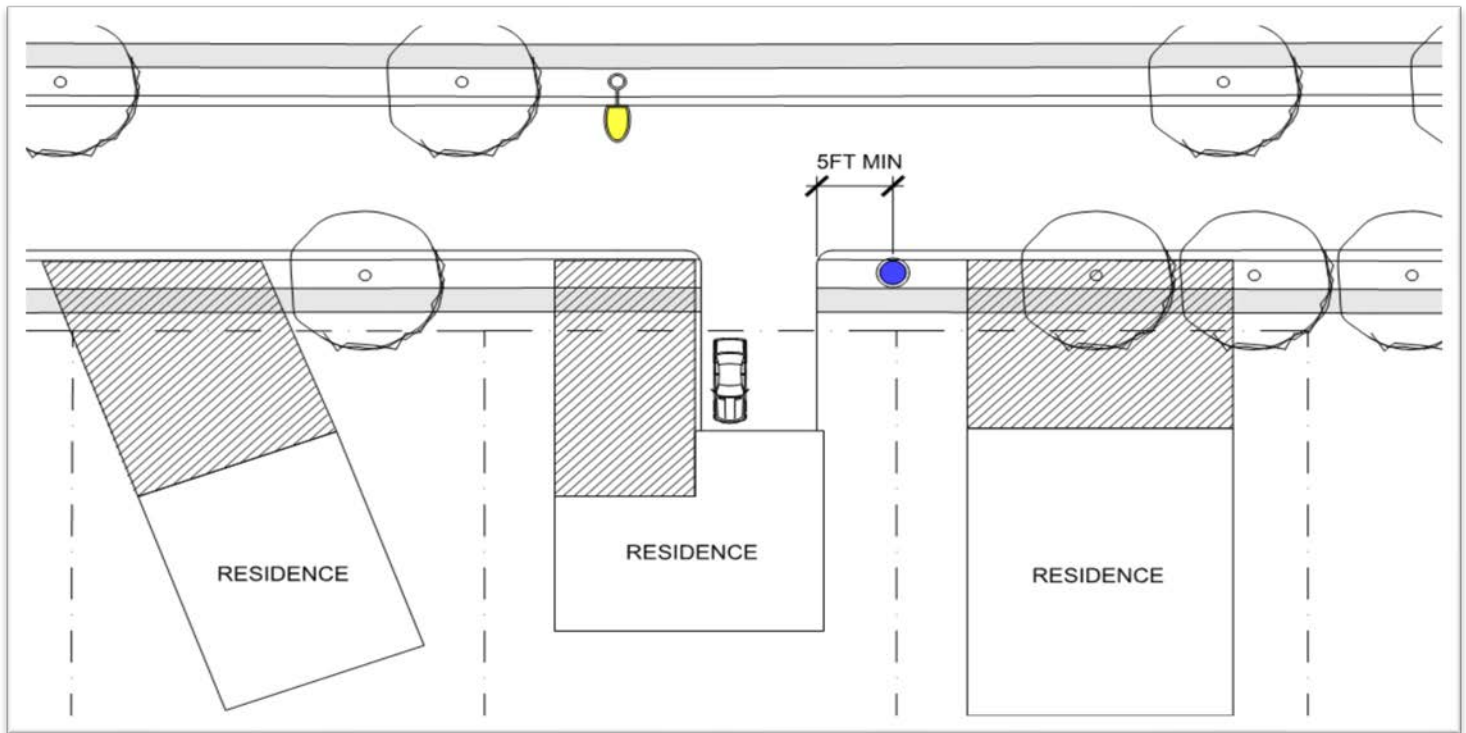


Figure 6.5 – Freestanding Wireless Facility in Commercial Area



When located adjacent to a commercial establishment, such as a shop or restaurant, care should be taken to locate the wireless facility such that it does not negatively impact the business. More specifically, wireless facilities shall not be located in-front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building. Wireless facilities should be located between properties as much as possible as shown above. Wireless facilities shall match the architecture of the surrounding neighborhood. The City shall have the authority to mandate the color and other aesthetics of wireless facility installations consistent with the City's design preferences and the requirements in San Mateo Municipal Code Chapter 17.10.

Table 6.2 – Procedures For Freestanding Poles [SMMC]

Pre-Application	<ol style="list-style-type: none"> 1. <u>Voluntary Informational Meeting with City Staff.</u> Applicant may request a voluntary pre-submittal informational meeting with City staff to review potential locations and streamline the review process. This meeting is highly recommended in order to identify acceptable designs. This voluntary informational meeting with City staff does not cause the FCC Shot Clock to begin. 2. <u>Voluntary Informational Neighborhood Meeting.</u> Applicant is encouraged to hold a voluntary neighborhood meeting at City Hall or via Zoom to discuss the proposed project with residents and property owners within a 500' radius of the project location in order to receive feedback from interested parties. This meeting is highly recommended for new freestanding poles. This voluntary neighborhood meeting does not cause the FCC Shot clock to begin.
Application	<ol style="list-style-type: none"> 3. <u>Submittal Appointment.</u> Applicant submits Application, Checklist, Required Materials, and Deposit at a pre-scheduled appointment. City staff shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after City staff receives a written request. <ul style="list-style-type: none"> • Shot Clocks Starts 4. <u>Notice Requirements.</u> Within five (5) calendar days of application submittal, applicant provides notice by first class United States mail to all property owners and residents within 500' of proposed project and posts in at least three locations near the site. 5. <u>City Review.</u> The City shall have ten (10) calendar days from the submission of the application to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 6. <u>Power Walks.</u> Applicant conducts power walks with City staff to determine point of electrical service connection. This shall be shown on the plans when applicant resubmits. 7. <u>Applicant Resubmittal.</u> If the City deems that the application is incomplete, the applicant responds to corrections and resubmits materials. <ul style="list-style-type: none"> • Shot Clocks Restarts 8. <u>Subsequent City Reviews and Resubmittals.</u> City staff reviews and shall have ten (10) calendar days from the re-submission to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC Shot Clock limits. 9. <u>Conditional Approval.</u> City staff may approve the application when all findings are met as provided in the Code. If findings are not met, application will be denied and applicant will need to resubmit. 10. <u>Notice of Decision.</u> A decision notice is sent to the applicant within five (5) calendar days after the City acts on an application. City staff shall post notice of conditional approval with appeal process on the Small Cell Infrastructure webpage when the decision notice is sent to the applicant. https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure [SMMC 17.10.070(e)] [SMMC 17.10.070(f)] <u>Limited Exceptions.</u> If the applicant claims that strict compliance with the Design Standards and Application Requirements would effectively prohibit the applicant's ability to provide personal wireless services, City staff may grant a limited exception if required findings are met.
Appeals	<ol style="list-style-type: none"> 11. <u>Appeals.</u> The applicant or any person who received notice of an application as provided in the Code may appeal any decision to approve or deny a Wireless Permit. Appeals must be filed with Sustainability & Infrastructure Commission (S&IC) Secretary within five (5) calendar days following the decision. If no appeals, the project may be approved. If an appeal is received, staff will schedule a public hearing with S&IC to consider and act on the application in accordance with the required findings. If the appeal is denied by the S&IC, the project may be approved. If the appeal is approved by the S&IC, the project is denied and the applicant will need to resubmit. [SMMC 17.10.070(f)]
Building Permit	<ol style="list-style-type: none"> 12. <u>Building Permit.</u> Applicant applies for a Building Permit with the Building Division for PG&E release. A separate fee shall apply.

Encroachment Permit	<p>13. <u>Encroachment Permit</u>. Applicant applies for an Encroachment Permit with the Public Works Department. A separate fee shall apply as provided in the City's Fee Schedule. Encroachment permit shall include traffic control plans and insurance. Prior to construction, applicant shall contact Public Works for an inspection.</p> <p>14. <u>Performance Bond</u>. Applicant shall provide Public Works with a Performance Bond in compliance with COA A.13 and B.15.</p>
Post Application	<p>15. <u>Certification</u>. Applicant shall provide Public Works Post-Installation Certification in compliance with COA A.3 and B.5.</p> <p>16. <u>Contact Information</u>. Applicant shall provide up-to-date contact information to Public Works in compliance with COA A.11 and B.13.</p>

7 SECTION 6409 APPROVALS

Section 6409 Approvals shall comply with SMMC 17.10.110 and all design standards and application requirements in this document.

Table 7.1 – Procedures For Section 6409 Approvals [SMMC]

Pre-Application	<ol style="list-style-type: none"> 1. <u>Voluntary Information Meeting with City Staff.</u> Applicant may request a voluntary pre-submittal informational meeting with the City staff to review proposed modifications to the existing facility and streamline the review process. This meeting is highly recommended in order to identify acceptable designs. This voluntary informational meeting does not cause the FCC Shot Clock to begin. 2. <u>Voluntary Informational Neighborhood Meeting.</u> Applicant is encouraged to hold a voluntary informational neighborhood meeting at City Hall or via Zoom to discuss the proposed project with residents and property owners within 500' of the project location in order to receive feedback from interested parties. This voluntary informational neighborhood meeting does not cause the FCC Shot Clock to begin.
Application	<ol style="list-style-type: none"> 3. <u>Submittal Appointment.</u> Applicant submits Application, Checklist, Required Materials, and Deposit at a pre-scheduled appointment. City staff shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after City staff receives a written request. Alternative sites analysis is not required for Section 6409 approvals. A Section 6409 Evaluation indicating whether the proposed modification is an eligible facilities request that complies with the FCC is required. <ul style="list-style-type: none"> • Shot Clocks Starts 4. <u>City Review.</u> The City shall have ten (10) calendar days from the submission of the application to determine whether the application is incomplete. If the City deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 5. <u>Applicant Resubmittal.</u> If the City deems that the application is incomplete, the applicant responds to corrections and resubmits materials. <ul style="list-style-type: none"> • Shot Clocks Restarts 6. <u>Subsequent City Reviews and Resubmittals.</u> City staff reviews and shall have ten (10) calendar days from the re-submission to determine whether the application is incomplete. If the city deems that the application is complete, it shall review the application in accordance with the FCC shot clock limits. 7. <u>Conditional Approval.</u> City staff may approve the application when all findings are met as provided in the Code. If findings are not met, application will be denied and applicant will need to resubmit. 8. <u>Notice of Decision.</u> A decision notice is sent to the applicant within five (5) calendar days after the City acts on an application. City staff shall post the Notice of Decision on the Small Cell Infrastructure webpage when the decision notice is sent to the applicant. https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure [SMMC 17.10.070(e)] [SMMC 17.10.070(f)] 9. <u>Limited Exceptions.</u> If the applicant claims that strict compliance with the Design Standards and Application Requirements would effectively prohibit the applicant's ability to provide personal wireless services, City staff may grant a limited exception if required findings are met.
Appeals	<ol style="list-style-type: none"> 10. <u>Appeals.</u> The applicant only (not the public) may appeal any decision to deny a Wireless Permit for 6409. Appeals must be filed with the Director of Public Works within five (5) calendar days of the Notice of Decision. If the appeal is approved by the Director of Public Works, the project is denied and the applicant will need to resubmit. [SMMC 17.10.110(e)]
Encroachment Permit	<ol style="list-style-type: none"> 11. <u>Encroachment Permit.</u> Applicant applies for an Encroachment Permit with the Public Works Department. A separate fee shall apply as provided in the City's Fee Schedule. Encroachment permit shall include traffic control plans and insurance. Prior to construction, applicant shall contact Public Works for an inspection. 12. <u>Performance Bond.</u> Applicant shall provide Public Works with a Performance Bond in compliance with COA A.13 and B.15.
Post Application	<ol style="list-style-type: none"> 13. <u>Certification.</u> Applicant shall provide Public Works Post-Installation Certification in compliance with COA A.3 and B.5. 14. <u>Contact Information.</u> Applicant shall provide up-to-date contact information to Public Works in compliance with COA A.11 and B.13.

8 NON-CONFORMING WIRELESS FACILITIES

Any non-conforming wireless facilities in existence at the time these Design Standards and Application Requirements become effective shall be brought into conformance with the current Design Standards within ten (10) years upon receiving written notice from the City, or otherwise in accordance with applicable law.

Applicants are not only required to comply with these Design Standards and Application Requirements during the initial application, but are also required to continue to monitor compliance with application Design Standards in the future in accordance with applicable law.

APPENDIX

Appendix A: Wireless Communications Facilities Permit Application



Public Works Department
www.cityofsanmateo.org
pweng@cityofsanmateo.org
(650) 522-7300

Engineering Division
330 West 20th Avenue
San Mateo, CA 94403

Revised: March 2021

Wireless Communications Facilities Permit Application

INSTRUCTIONS:

Prior to submittal of this Application, the Application Checklist and all other required materials, a meeting with staff is strongly encouraged. This voluntary informational meeting with City staff does not cause the FCC Shot Clock to begin.

City staff may deem the application incomplete if the applicant fails to include any required information or materials. Applications shall comply with SMMC 17.10 and the Design Standards and Application Requirements.

Applicants may submit applications by appointment only. Please contact the Public Works Department for an appointment.

Applicant:

Name: _____

Company: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail: _____

Pole Owner:

Name: _____

Company: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail: _____

Authorized Representative:

Name: _____

Company: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail: _____

Pole Owner's Signature:

Printed Name: _____ Date: _____

Applicant's Signature: (if different from Property Owner)

Printed Name: _____ Date: _____

Proposed Site Location and Description:

Proposed Project Address: _____ Pole Number ^a: _____

Zoning District (for ROW, provide nearest zoning district): _____ ^a If in the ROW, provide the pole number for the streetlight or pole.

Latitude/Longitude of Location: _____

Construction Value (\$)/Project Description: _____

Applicant's Request:

☐ WIRELESS PERMIT ☐ SECTION 6409 APPROVAL ☐ OTHER _____

STAFF USE ONLY

Applicable Shot Clock Period (for informational purposes only): ☐ 60 days ☐ 90 days ☐ OTHER: _____

Pre-App Submittal Meeting _____

Neighborhood Meeting _____

Application Submittal _____

Application Deemed Complete _____

Shot Clock Expiration _____

Conditionally Approved _____

Appeal _____

Appendix B: Wireless Communications Facilities Permit Application Checklist



Public Works Department
www.cityofsanmateo.org
pweng@cityofsanmateo.org
(650) 522-7300

Engineering Division
330 West 20th Avenue
San Mateo, CA 94403

Revised: March 2021

Wireless Communications Facilities Permit Application Checklist

INSTRUCTIONS:

Prior to submittal of this Application Checklist, Application and all other required materials, a meeting with City staff is strongly encouraged. The City also recommends applicant holds a voluntary neighborhood meeting. These voluntary meetings shall not cause the FCC Shot Clock to begin.

City staff may deem the application incomplete if the applicant fails to include any required information or materials. Applications shall comply with SMMC 17.10 and Design Standards and Application Requirements.

All starred (*) items in the checklist below are not required for a Section 6409 Approval.

Applicants may submit applications by appointment only. Please contact the Public Works Department for an appointment.

Applicant:

Name: _____

Company: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail: _____

Proposed Site Location and Description:

Proposed Project Address: _____

Project Description: _____

Pole Number ^a: _____

^a If in the ROW, provide the pole number for the streetlight or pole.

Applicant's Request:

☐ WIRELESS PERMIT ☐ SECTION 6409 APPROVAL

☐ OTHER(describe request) _____

APPLICATION CHECKLIST – REQUIRED MATERIALS

- ☐ APPLICATION FORM AND DEPOSIT
- ☐ PROJECT PLANS
- ☐ VOLUNTARY NEIGHBORHOOD MEETING SUMMARY
[Attachment 1]
- ☐ PHOTO SIMULATIONS
[Attachment 2]
- ☐ PUBLIC NOTICE, AFFIDAVIT, LOG OF COMMENTS
[Attachment 3]
- ☐ PRIOR PERMITS & REGULATORY APPROVALS
[Attachments 4a, 4b, 4c, 4d]
- ☐ PROPERTY OWNER'S AUTHORIZATION
[Attachment 5]

- ☐ INITIAL CEQA ASSESSMENT
[Attachment 6]
- ☐ RF COMPLIANCE REPORT
[Attachment 7]
- ☐ NOISE COMPLIANCE REPORT
[Attachment 8]
- ☐ SECTION 6409 EVALUATION (if applicable)
[Attachment 9]
- ☐ PROJECT PURPOSE AND TECHNICAL OBJECTIVES INFORMATION*
[Attachment 10]
- ☐ ALTERNATIVE SITES ANALYSIS*
[Attachment 11]
- ☐ STRUCTURAL CERTIFICATION (if applicable)
[Attachment 12]

APPLICATION REQUIREMENTS – REQUIRED MATERIALS

The following Application Requirements contain the requirements for a complete wireless facility permit application. For the application to be deemed complete, the applicant must submit all the applicable application materials in the Application Checklist in accordance with the Application Requirements along with all other generally applicable materials required for the requested permit or approval.

Notes: All starred (*) items are not required for a Section 6409 Approval. After the City issues the requested permit, the applicant must obtain all other required permits (including, without limitation and as applicable, building, electrical, plumbing, encroachment, etc.) prior to performing the installation.

APPLICATION FORM AND DEPOSIT

Instructions: Complete the Wireless Facilities Permit Application available on the City's website or at the Public Works Department and submit the corresponding application deposit for the requested permit or approval. You may find the City's fee schedule on the City's website or contact the Public Works Department for appropriate filing fees.

PROJECT PLANS

Instructions: Provide two sets of complete 24 x 36-inch project plans drawn to a scale of not less than 1/16" equals one foot and a digital file of such plans in portable document format (PDF). Project plans must contain all the following:

1. Cover Sheet

A complete cover sheet must include at a minimum:

- ☐ a detailed project description that specifies the proposed installation and/or modifications including without limitation all physical elements such as antennas, radios, power services, all cables, mounts, and all other elements of the proposed project
- ☐ site information that includes the proposed site address, site latitude and longitude (WGS 84 datum), zoning classification of the nearest private property, project team contact information site map, and pole number (if applicable)

2. Site Survey (Only required for proposed ground mounted equipment)

Only a California-registered Civil Engineer or licensed surveyor may prepare the site survey. A complete site survey must include:

- ☐ property and right-of-way boundaries with all bearings, distances, monuments, iron rods, caps or other markers clearly shown and called out
- ☐ boundaries for all easements and/or dedications with all dimensions clearly shown and called out
- ☐ approximate topographical contour lines with elevations called out
- ☐ any trees at least 4 inches in diameter at a point approximately 4.5 feet above ground
- ☐ all structures or improvements on the property or within the right of way within any block partially or entirely occupied by the project and any elements thereof
- ☐ all structures or improvements on adjacent parcels within 15 feet from the property line
- ☐ a north arrow, date, scale and legend
- ☐ wet stamp and wet signature from the licensed preparer
- ☐ general specifications and notes identifying the applicable public health and safety codes and standards

3. Site Development Plan

A complete site development plan must include:

- ☐ plan-view drawings, which include:
 - ☐ the entire property or right-of-way block with the proposed project improvements
 - ☐ detailed before-and-after views for any equipment pads, enclosures, cabinets, pedestals and/or vaults
 - ☐ all existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out
 - ☐ boundaries for all easements, encroachments and/or other rights-of-way for access and utilities in connection with the wireless site with all dimensions clearly shown and called out
 - ☐ all existing and proposed primary and backup utilities, including without limitation all cables, connectors, risers, conduits, cable shrouds, trays, bridges and/or doghouses, transformers, disconnect switches, panels, meters, pedestals, cabinets, vaults, generators and/or generator sockets
- ☐ detailed before-and-after elevation drawings from all four cardinal directions, which include:
 - ☐ all existing and proposed structures, improvements and/or fixtures with all dimensions clearly called out
 - ☐ all existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out
 - ☐ all existing and proposed fiber optic cables, conduits, risers, guy wires, anchors, primary and secondary power lines clearly called out
- ☐ callouts and notes for any proposed new or extended concealment elements
- ☐ a north arrow, date, scale and legend

4. Equipment Inventory

The equipment inventory does not need to include primary utility cables, panels or cabinets, or any other objects not primarily designed or intended for radio communications purposes. All other equipment must be inventoried with the following information for each component:

- ☐ manufacturer and model number
- ☐ basic dimensions (height, width, length and weight)
- ☐ table showing volumes of all equipment

VOLUNTARY NEIGHBORHOOD MEETING SUMMARY

Instructions: Provide a summary of neighborhood meeting if conducted. Label the summary as "**Attachment 1 – Neighborhood Meeting Summary**" and attach it to the application. If a meeting is not conducted, mark the checklist box with an "X".

PHOTO SIMULATIONS

Instructions: Provide photo simulations of the proposed project as constructed. The photo simulations must be in a high-resolution format and show the proposed facility from reasonable line-of-sight locations that would accurately and reliably reflect the appearance of the proposed facility and/or modifications as-built. Label these photo simulations "**Attachment 2 – Photo Simulations**" and attach them to this application. Except as otherwise provided, photo simulations must contain all the following:

1. Current Site Photographs

Current site photographs must include:

- ☐ photographs of the existing site from at least two different reasonable line-of-sight locations from public streets or other adjacent viewpoints;
- ☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location;
- ☐ Include a close-up view of the equipment, including all wires, conduits, equipment, etc.

2. Photo Simulations

Photo simulations must include:

- ☐ an accurate and reliable visual representation of the proposed facility from the same reasonable line-of-sight locations used in the current site photographs and must include without limitation all interconnecting cables, conduits, brackets, and electronic equipment such as antennas, radio units, powering, and the like;
- ☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location;
- ☐ Include a close-up view of the equipment, including all wires, conduits, equipment, etc.

3. Section 6409 Photo Simulation

For Section 6409 Approval applications, the applicant must provide at least one photo simulation that demonstrates the impact of the proposed modification on all concealment elements of the support structure. Concealment elements include but are not limited to radomes, cable shrouds, painting, landscaping, equipment enclosures and designs and/or techniques intended to blend with the surrounding built and/or natural environment.

PUBLIC NOTICE, AFFIDAVIT, LOG OF COMMENTS

Instructions: Provide a copy of the notice mailed to all property owners and residents within 500' of the proposed project, proof of notification mailing (affidavit), and log of concerns, comments, questions with response in accordance with the Application Requirements and Design Standards. Label the notice, affidavit and log "**Attachment 3 – PUBLIC NOTICE, AFFIDAVIT, LOG**" and attach it to this application.

PRIOR PERMITS AND REGULATORY APPROVALS

Instructions: Provide true and correct copies of all the following:

1. Prior Permits

If the applicant requests a Section 6409 Approval, provide copies of all prior local regulatory approvals (original siting permits and any modification permits) issued for the facility with any corresponding conditions of approval and project plans approved by the applicable regulatory authority. Alternatively, the applicant may submit a written justification that sets forth the reasons why prior regulatory approvals were not required for the wireless facility at the time it was constructed or modified. Label this documentation "**Attachment 4a – Prior Permits**" and attach it to this application.

2. FCC Licenses

If the applicant or service provider proposes to operate in FCC-licensed spectrum, provide proof of licenses for all planned operating bands. If there are federal build-out requirements, indicate which and whether they have been fully satisfied. If not satisfied, indicate what remains to be satisfied. Label this documentation "**Attachment 4b – FCC Licenses**" and attach it to this application.

3. FAA Forms

If the proposed facility requires the applicant to file FAA form 7460 or other documentation under Federal Aviation Regulation Part 77.13 *et seq.*, or under the FCC rules, provide such documentation. Label this documentation **"Attachment 4c – FAA Forms"** and attach it to this application.

4. Certificate of Public Convenience and Necessity (CPCN) / Wireless ID Registration (WIR)

For all applications for facilities in the public right-of-way, provide a true and correct copy of the applicant's CPCN and/or WIR issued by the California Public Utilities Commission or its successor agency. Label this documentation **"Attachment 4d – CPCN / WIR"** and attach it to this application.

POLE OWNER'S AUTHORIZATION

Instructions: For privately owned poles, provide a letter of authorization from the pole owner that authorizes the applicant to perform the installation or modification. The letter must be signed by the owner. In lieu of a letter of authorization for facilities in the public right-of-way, the applicant may submit the property owner's standard authorization form issued in the property owner's regular course of business to demonstrate that the applicant has the authority to perform the installation or modification. Label this authorization **"Attachment 5 – Property Owner's Authorization"** and attach it to this application.

INITIAL CEQA ASSESSMENT

Instructions: Complete, sign and attach to this application a fully executed Environmental Information Form. Label this form **"Attachment 6 – Environmental Information Form"** and attach it to this application. The Environmental Information Form may be obtained electronically on the City's website or by contacting the Public Works Department.

RF COMPLIANCE REPORT

Instructions: Provide an RF exposure compliance report prepared and certified by an RF engineer that certifies that the proposed facility, as well as any collocated facilities and any cumulative emissions from adjacent areas, will comply with applicable federal RF human exposure standards and limits. At a minimum, the RF exposure compliance report must provide the same information and in the same form as the FCC LSGAC Appendix A form for each band of operations. For projects on or attached to poles subject to CPUC General Order 95 regulation, provide evidence of compliance with CPUC General Order 95, Rule 94. Label this report **"Attachment 7 – RF Compliance Report"** and attach it to this application.

The RF compliance report must include:

- ☐ the actual frequency, actual or maximum power levels (in watts effective radiated power (ERP)), and the actual or maximum transmitting channels for all existing and proposed antennas at the site.
- ☐ exhibits that show:
 - ☐ the location and orientation of all transmitting antennas;
 - ☐ the boundaries of areas with RF exposures (whether individually or cumulatively) in excess of the uncontrolled/general population limit (as that term is defined by the FCC);
 - ☐ the boundaries of areas with RF exposures (whether individually or cumulatively) in excess of the controlled/occupational limit (as that term is defined by the FCC).

Note: Each such boundary must be clearly marked and identified for every transmitting antenna at the project site, whether owned/operated by the applicant or another licensee. To the extent that the project site contains collocated transmitters from multiple operators, the RF exposure compliance report must evaluate all the transmitting antennas that may cause cumulative emissions.

NOISE COMPLIANCE REPORT

Instructions: Provide a noise compliance report for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with the City's noise regulations. The noise compliance report must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a noise compliance report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits. Label this analysis "**Attachment 8 – Noise Compliance Report**" and attach it to the application.

SECTION 6409 EVALUATION

Instructions: If the applicant requests approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified as 47 U.S.C. § 1455(a)), the applicant must complete and submit justification whether the proposed modification is an eligible facilities request that complies with the applicable FCC substantial change thresholds. Label this worksheet "**Attachment 9 – Section 6409 Evaluation**" and attach it to the application.

PROJECT PURPOSE AND TECHNICAL OBJECTIVES*

Instructions: For applications not subject to Section 6409, provide the following information to demonstrate the intended technical service objectives and the nature of the existing service capabilities of the applicant's network in the area that would be served by the proposed facility or enhanced by the proposed modification. Label this analysis "**Attachment 10 – Project Purpose and Technical Objectives**" and attach it to the application.

1. Project Purpose

Identify and describe the project purpose. Possible responses analyze whether the proposed facility or modification will:

- ☐ add new personal wireless *service coverage* to an area in which the licensee does not currently provide any personal wireless service coverage;
- ☐ add new personal wireless *service capacity* to an area in which the licensee currently provides personal wireless service coverage.

If the project has a different purpose from the options described above, provide such purpose in full detail.

2. Technical Objectives

Provide a detailed written statement that describes the technical objectives the applicant intends the proposed wireless facility to achieve and the factual reasons why the proposed location, centerline height and equipment configuration are necessary to achieve those objectives. In addition, the statement must include all the following required information and/or materials:

- ☐ a street-level map that shows the general geographic area of the service area(s) to be improved through the proposed wireless facility (the "Service Area");
- ☐ a written narrative that describes the uses (commercial, residential, primary thoroughfare, highway, etc.) within the Service Area, and the manner in which those uses would be negatively affected if the Service Area were to remain unaddressed;
- ☐ a statement as to whether the applicant conducted any drive test(s) and, if so, all drive test results and data (in .XLS or .CSV or similar format) together with a report that describes how and when the applicant conducted such test(s).

3. Network Map

Provide an overview map of the applicant's network within the City's jurisdictional and territorial boundaries that shows (1) all the existing wireless facilities that applicant currently owns and/or operates and (2) all future wireless facilities that are reasonably foreseeable within two years of the application submission. The map must provide a legend that

distinguishes between “macro” cells and small cell facilities.

ALTERNATIVE SITES ANALYSIS*

Instructions: For applications not subject to Section 6409, provide a detailed written analysis that describes how the proposed wireless facility complies with all the applicable requirements in the San Mateo Municipal Code, which includes without limitation the provisions specific to wireless facilities, and all the alternative locations and designs considered before submitting this application. Label this analysis “**Attachment 11 – Alternative Sites Analysis**” and attach it to the application. The Alternative Sites Analysis shall be included as part of the neighborhood meeting, if conducted. In addition, the analysis must include all the following required information and/or materials:

- ☐ a street-level map that shows the general geographic area surrounding the proposed location annotated to show:
 - ☐ all existing wireless facilities within the relevant geographic area
 - ☐ the search ring used for this particular project. The search ring shall be a minimum radius of 500’.
 - ☐ all locations for each alternative considered for this particular project
- ☐ for each alternative site considered, a detailed written description that includes, without limitation all the following:
 - ☐ the nearest physical address
 - ☐ zoning district designation for the nearest private property
 - ☐ support structure type considered
 - ☐ general design concept and concealment elements/techniques considered
 - ☐ overall height and achievable antenna centerline height
 - ☐ the factual reasons why the applicant considered the potential alternative site location and/or design to be unacceptable, infeasible, unavailable or not in accordance with the development standards in San Mateo Municipal Code Chapter 17.10. **Note:** This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable or not as consistent with the development standards in Chapter 17.10. Conclusory statements that a particular alternative is unacceptable, infeasible, unavailable or not in accordance with the development standards in Chapter 17.10 will be deemed incomplete.
- ☐ If the applicant did not locate any alternatives within the search ring, the analysis must expressly state that no such alternatives were considered.

STRUCTURAL CERTIFICATION

Instructions: Provide certification prepared and stamped by a professionally licensed structural engineer certifying that the pole foundation and attachments meet or exceed design parameters detailed in the design standards. Label this analysis “**Attachment 12 – Structural Certification**” and attach it to the application.

Appendix C: Standard Conditions of Approval for Wireless Communications Facilities

**STANDARD CONDITIONS OF APPROVAL FOR WIRELESS COMMUNICATIONS FACILITIES IN
THE PUBLIC RIGHTS-OF-WAY PURSUANT TO SAN MATEO MUNICIPAL CODE SECTION
17.10.080**

A. Standard Conditions for Wireless Facilities Permits.

1. **Permit Term.** This permit will automatically expire 10 years and one day from its issuance if a new permit has not been applied for in writing at least 120 days prior to permit expiration, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
2. **Compliance with Approved Plans.** Before the Department of Public Works issues any encroachment permit and/or other ministerial permits required to commence construction in connection with this permit, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the “**Approved Plans**”). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the City’s prior review and approval, who may refer the request to the original approval authority if the City finds that the requested alteration, modification or other change deviates from the Approved Plans or implicates a significant or substantial land-use concern.
3. **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved or deemed-approved under San Mateo Municipal Code Chapter 17.10, the permittee shall provide the City with documentation that the wireless facility has been installed and/or constructed in compliance with the Approved Plans. Such documentation must include as-built drawings, GIS data, post installation RF study, and site photographs.
4. **Build-Out Period.** This permit will automatically expire one (1) year from the approval or deemed-granted date. The City may grant one written extension to a date certain, but not to exceed one (1) additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
5. **Maintenance Obligations; Vandalism.** During any maintenance or repair operations, the permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism on its equipment within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

6. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the San Mateo Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the San Mateo Municipal Code, any permit, any permit condition or any applicable law or regulation.
7. **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the City to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but is not limited to: (1) furnishing the City with a written affidavit signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the City or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the City or its designee for information and/or cooperation with respect to any of the foregoing.
8. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Mateo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The City may issue a stop work order for any activities that violates this condition.
9. **Backup Power; Generators.** The permittee shall operate backup power generators only during (a) commercial power outages or (b) for maintenance purposes during normal construction hours in accordance with the San Mateo Municipal Code. The City may approve a temporary power source and/or generator in connection with initial construction, major repairs or in the event of an emergency. The permittee shall not operate any permanent backup generators located in the public right-of-way.
10. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or promptly after an emergency. The City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or

equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.

11. **Permittee's Contact Information.** The permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up to date at all times and immediately provide the City with updated contact information in the event that either the responsible person or such person's contact information changes.
12. **Indemnification.** The permittee shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, volunteers, and employees from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, volunteers, and/or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. Permittee's duty to defend and indemnify shall not apply to the extent such Claims are caused by the sole or active negligence or willful misconduct of the City. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.
13. **Performance Bond.** Before the Department of Public Works issues any encroachment permit and/or other ministerial permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the City in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the City shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive

the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.

14. **Permit Revocation.** The City may review this permit at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. In accordance with all applicable laws, the City may revoke this permit or amend these conditions as the City deems necessary or appropriate to correct any such noncompliance.
15. **Record Retention.** The permittee must maintain, for the duration of the permit term, complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that copies kept in the City's possession will control over any conflicts, and originals will control over all other copies in any form.
16. **Undergrounded Utilities.** In the event that other public utilities or cable television operators in the public right-of-way underground their facilities where the permittee's wireless facility is located, the permittee must underground its equipment except the antennas and antenna supports, to the extent technically feasible. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law. In areas with existing overhead lines, new communication lines shall be "overlashed" with existing communication lines to the extent technically feasible.
17. **Electric Meter Removal.** In the event that the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall apply to the City for permission to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.
18. **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street, sidewalk, or right of way owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work deemed necessary, useful or desirable by the City (collectively, "**City Work**"). The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit. In the event that the City determines that any City Work will require the permittee's facility to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's facility within a reasonable time after the City's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's facility without prior notice to permittee when the

City determines that the City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 calendar days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any Claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility, except to the extent such Claims are caused by the sole or active negligence or willful misconduct of the City.

19. **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. In the event that any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only ISA Certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). The box size and other standards for any replacement trees shall be subject to the City's approval in consultation with the licensed arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
20. **Encroachment Permit General Conditions.** The permittee shall comply with the City of San Mateo's Encroachment Permit General Conditions.
21. **Insurance Requirements.** Commercial general liability (or comprehensive) and property damage insurance indicating the City of San Mateo as an additional insured is required.

Coverage shall be at least as broad as:

- i. Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, contractual liability, property damage, death, bodily injury, and limited pollution liability endorsement, with limits no less than \$5,000,000 per occurrence; \$10,000,000 aggregate. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- ii. Limited Pollution Liability Coverage: Insurance in the amount of \$5,000,000 per claim and in the aggregate covering third party claims for bodily injury, property damage or cleanup costs as required by law, where the pollution is caused during and by permittee's work and for permittee's products and completed operations. (This may satisfy the requirement for a limited pollution liability endorsement on the Commercial General Liability insurance policy.)
- iii. Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if permittee has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
- iv. Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. The Workers Compensation policy shall be endorsed with a waiver of subrogation in favor

of City (and its elected and appointed officials, employees, and volunteers). The insurers shall agree to waive all rights of subrogation against City and its officials, officers, employees, and volunteers for all work performed by permittee and its employees, agents, and contractors.

- v. Professional Liability: (Applicable to all permittee's contractors and subcontractors of any tier performing any professional services including engineers, surveyors, or consultants relating to this agreement) with limits of \$2,000,000 per claim, and \$2,000,000 policy aggregate.
- vi. Contractors' Pollution Liability: (Applicable to all permittee's contractors and subcontractors of any tier performing any removal, remediation, abatement, transportation or disposal of any hazardous materials and/or projects involving environmental hazards relating to permit) with limits of \$2,000,000 per occurrence and \$2,000,000 policy aggregate.
- vii. "All Risk" Property Insurance: against all risks of loss or damage to any wireless communication facility(ies) or betterments, personal property, trade fixtures, equipment, and/or merchandise located in, on, at, under, above, or about the City's right of way, license area, and/or City-owned pole(s) (including, but not limited to, loss resulting from fire, windstorm, hail, lightning, vandalism, malicious mischief, and such other perils ordinarily included in extended coverage casualty insurance policies). Such insurance shall be maintained in an amount sufficient to cover not less than one hundred percent (100%) of the full replacement value thereof (whichever is greater) with no coinsurance penalty provision. Permittee may self-insure this risk with prior notice to the City.

If the permittee maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the permittee.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The City, its elected and appointed officials, employees, volunteers, and agents are to be covered as insureds on the auto policy for liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the permittee; and on the COL policy with respect to liability arising out of work or operations performed by or on behalf of the permittee including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the permittee's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to the permit, the permittee's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, employees, volunteers, and agents. Any insurance or self-insurance maintained by the City, its elected and appointed officials, employees, volunteers, or agents shall be excess of the permittee's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the City.

Waiver of Subrogation

Permittee hereby grants to City a waiver of any right to subrogation, which any commercial general liability, automobile liability, and worker's compensation insurer of said permittee may acquire against the City by virtue of the payment of any loss under such insurance. Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Self-Insured Retentions

Any self-insured retentions must be declared to and approved by the City. The City may require the permittee to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Claims Made Policies. If any insurance coverage required herein is written on a "claims made" policy: (a) the retroactive date must be shown, and this date must be before the execution date of the permit or the beginning of the permitted project or work; (b) insurance must be maintained and evidence of insurance must be provided for at least the duration of any applicable Master License Agreement and/or the applicable permit(s) and five (5) years after completion of the subject work; and (c) if coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the permit effective, or start of work date, permittee must purchase extended reporting period coverage for a minimum of five (5) years after completion of any work; and (d) a copy of the claims reporting requirements must be submitted to the City for review upon request.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Verification of Coverage

Permittee shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the permittee's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Contractors and Subcontractors. Permittee shall require and verify that all contractors and subcontractors (if any) maintain the same insurance limits as required of permittee, unless otherwise agreed to by the City.

Special Risk or Circumstances. City, upon prior written notice to, review and written acceptance by permittee, reserves the right to modify these insurance requirements at any time, including, but not limited to, limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

22. **Traffic Control.** Traffic control per Caltrans standards. No street closures allowed, must allow through traffic at all times. Permittee must notify City of San Mateo's Police (650) 522-7700, Fire (650) 522-7940, and San Mateo County Communications (650) 363-4961, at least 24 – 48 hours in advance of lane closures or detours; and immediately upon removal of lane closure or detour.
23. **Traffic Control Plans (TCPs).** Site-specific TCP's are required where any of the following criteria are met, and shall be prepared in accordance with the "Guidelines for Submittal of Site-Specific TCP's" found in the Encroachment Permit Packet:
- i. Any roadway that is classified as a collector or arterial. Roadway classifications are defined in the Circulation Element of the General Plan. A map of roadway classifications can be seen here: <http://www.cityofsanmateo.org/DocumentCenter/Home/View/7192> and is attached to this document.
 - ii. Any roadway (including local roadways) that requires full road closures or detours.
 - iii. Any roadway with a speed limit over 25 mph.

The City reserves the right to require site-specific TCP's where deemed necessary.

24. **Underground Service Alert (USA).** Forty-eight (48) hours before commencing work, the permittee shall contact Underground Service Alert (USA) at 1-800-227-2600 to verify elevations and locations of all existing utilities
25. **Private Sewer Laterals.** The City of San Mateo does not mark private sewer laterals in the public right-of-way as part of the Underground Service Alert (USA) program. Permittee is to take precautions to locate and protect private sewer laterals from damage during construction. In the event any damage is discovered, the Permittee is required to immediately dig and repair the sewer lateral to restore sewer service. If new facilities are being installed by the boring method the Permittee is also required to video inspect any sewer and storm mains that are crossed by their facilities as part of this project, a copy of this video is to be provided to the City.

The above conditions are in addition to all other standards, requirements, and conditions adopted by the City, all wireless facilities permits, whether approved by the City or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The City (or the appellate authority on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals and applicable provisions of San Mateo Municipal Code Chapter 17.10.

- B. **Standard Conditions for Section 6409 Approvals.** In addition to all other conditions adopted by the City, all section 6409 approvals, whether approved by the City or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The City (or the appellate authority on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals and applicable provisions of San Mateo Municipal Code Chapter 17.10.

1. **Permit Term.** The City's grant or grant by operation of law of a section 6409 approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or grant by operation of law of a section 6409 approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for a section 6409 approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station. This condition shall not be applied or interpreted in any way that would cause the term of the underlying permit for the modified facility to be less than 10 years in total length.
2. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any section 6409 approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved section 6409 approvals or the City grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the City may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated section 6409 approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.
3. **City's Standing Reserved.** The City's grant or grant by operation of law of a section 6409 approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any section 6409 approval.
4. **Compliance with Approved Plans.** Before the Department of Public Works issues any permits required to commence construction in connection with this section 6409 approval, the permittee must incorporate this section 6409 approval, all conditions associated with this section 6409 approval and any approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in substantial compliance, as determined by the City, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the City's prior review and approval. The City may revoke the section 6409 approval if the City finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended.
5. **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a wireless facility approved or deemed-approved under San Mateo Municipal Code Chapter 17.10, the permittee shall provide the City with documentation reasonably acceptable to the City that the wireless facility has been installed and/or constructed in substantial compliance with the Approved Plans. Subject to the City's discretion, such documentation may include, but shall not be limited to, as-built drawings, site surveys, GIS data and site photographs.
6. **Build-Out Period.** This section 6409 approval will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and

approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The City may grant one written extension up to one (1) year when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 calendar days prior to the automatic expiration date in this condition.

7. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. Any concealment elements shall be kept in "like new" condition at all times. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred. The permittee and property owner shall maintain any and all landscape features in accordance with an approved landscape plan, if any, and shall replace dying or dead trees, foliage or other landscape elements shown on the Approved Plans within 30 calendar days after written notice from the City.
8. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this section 6409 approval, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the San Mateo Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the San Mateo Municipal Code, any permit, any permit condition or any applicable law or regulation.
9. **Cooperation with RF Compliance Evaluations.** At all times relevant to this permit, the permittee and the property owner shall reasonably cooperate with efforts by the City to evaluate whether the wireless facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but is not limited to: (1) furnishing the City with a written affidavit signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; (3) allowing the City or its designee to have supervised access to the areas near the wireless facility for inspections and field measurements; and (4) promptly responding to all requests by the City or its designee for information and/or cooperation with respect to any of the foregoing.
10. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site.

The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours authorized by the San Mateo Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The City may issue a stop work order for any activities that violates this condition.

11. **Backup Power; Generators.** The permittee shall operate backup power generators only during (a) commercial power outages or (b) for maintenance purposes during normal construction hours in accordance with the San Mateo Municipal Code. The City may approve a temporary power source and/or generator in connection with initial construction, major repairs or in the event of an emergency. The permittee shall not operate any permanent backup generators located in the public right-of-way.
12. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
13. **Permittee's Contact Information.** The permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up to date at all times and immediately provide the City with updated contact information in the event that either the responsible person or such person's contact information changes.
14. **Indemnification.** The permittee shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this section 6409 approval, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this section 6409 approval or the wireless facility. Permittee's duty to defend and indemnify shall not apply to the extent such Claims are caused by the sole or active negligence or willful misconduct of the City. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly

acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this section 6409 approval.

15. **Performance Bond.** Before the Department of Public Works issues any encroachment permit and/or other ministerial permits required to commence construction in connection with this section 6409 approval, the permittee shall post a performance bond from a surety and in a form acceptable to the City in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the City shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.
16. **Recall to Approval Authority; Permit Revocation.** The City may recall this section 6409 approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this section 6409 approval after notice and an opportunity to cure the violation is provided to the permittee. If the noncompliance continues after notice and reasonable opportunity to cure the noncompliance, the City may revoke this section 6409 approval or amend these conditions as the City deems necessary or appropriate to correct any such noncompliance.
17. **Record Retention.** The permittee must, for the duration of the permit term, maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
18. **Undergrounded Utilities.** In the event that other public utilities or cable television operators in the public right-of-way underground their facilities where the permittee's wireless facility is located, the permittee must underground its equipment except the antennas and antenna supports, to the extent technically feasible. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law. In areas with existing overhead lines, new communication lines shall be "overlashed" with existing communication lines to the extent technically feasible.

19. **Electric Meter Removal.** In the event that the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall apply to the City for permission to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.
20. **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work deemed necessary, useful or desirable by the City (collectively, “**City Work**”). The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit. In the event that the City determines that any City Work will require the permittee’s facility to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee’s facility within a reasonable time after the City’s notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee’s sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee’s facility without prior notice to permittee when the City determines that the City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any Claims in connection with rearranging or relocating the permittee’s facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee’s facility.
21. **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee’s direction on or about the site. In the event that any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only ISA Certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). The box size and other standards for any replacement trees shall be subject to the City’s approval in consultation with the licensed arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.