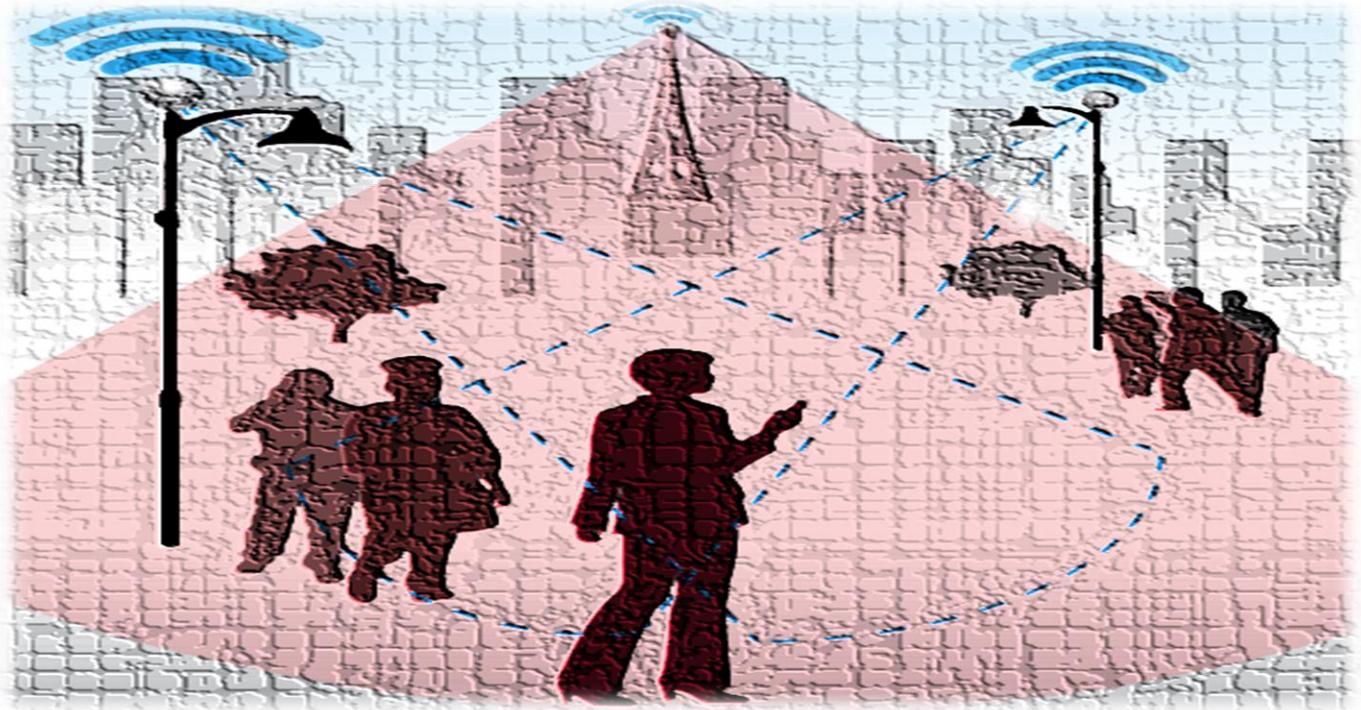


*Approved by City Council July 16, 2018*

**DESIGN AND ENGINEERING STANDARDS AND APPLICATION REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES ON CITY OWNED POLES**



**CONTENTS**

1	Background and Purpose	2
2	Design Elements	4
3	Attachments to Streetlight Poles	6
4	Attachments to Utility Poles	8
5	Freestanding Small Cell Pole	9
6	Meetings Noticing	15

Appendix A: Details

Appendix B: Flowchart

Appendix C: Wireless Communications Facilities Permit Application

Appendix D: Wireless Communications Facilities Permit Application Checklist

Appendix E: Standard Conditions of Approval for Wireless Communications Facilities

# 1 BACKGROUND AND PURPOSE

The City of San Mateo seeks to permit wireless carriers to install small wireless communications facilities, within the public right-of-way, in order to provide robust 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 requirements are intended only to convey design preferences that may not necessarily apply to every facility.

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

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These requirements also do not address pole selection. However, the City recommends 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 small cell facilities on City owned street lights, due to the improved aesthetic qualities of these facilities. Wireless providers should work with the City to establish an agreement for the use of City owned street lights. Secondly, the City recommends 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 telecommunications 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 Director of Public Works.

The applicant or its successors shall comply fully with all conditions specified in these requirements, or as modified by the Director of Public Works. Failure to comply with any condition shall constitute grounds for revocation. In the event that RF emissions for the site exceed 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 Director of Public Works to operate a specific wireless communications facility installation may assign the operation of the facility to another carrier licensed

by the 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 providers in planning facility locations and compiling the necessary information to obtain a Wireless Communication Facilities permit for wireless facilities on poles in the public right of way. Wireless communications providers are also directed to review and comply with the San Mateo Municipal Code Chapter 17.10, "Wireless Telecommunications Facilities in the Public Right of Way" that can be found on the City's website.

## 2 DESIGN ELEMENTS

To aid in minimizing visual impacts, equipment shall be placed as follows:

- ❖ Proposed installations must be the least intrusive possible with regard to appearance, size, and location. If installations are available (e.g., have been installed in other jurisdictions) that are less intrusive than those allowed by the City's telecommunications ordinance, applicants must use those installations unless the Director determines that those installations are not feasible.
- ❖ Equipment shall be located within the antenna shroud and behind street signs located on the pole.
- ❖ The wireless facility designer shall choose poles that are located outside of driveways and intersection sight lines. Where feasible, poles shall be located near property corners or side property lines, and not directly in front of residences and businesses.
- ❖ Equipment shall be located entirely on the pole in a vertical arrangement. Accessory equipment shall not collectively exceed 9 cubic feet in volume for Director-level review. Accessory equipment greater than 9 cubic feet, but not to exceed 17 cubic feet in overall volume, requires approval from the Sustainability and Infrastructure Commission (SIC).
- ❖ Ground mounted equipment cabinets shall not be used, to the maximum extent possible. If utilized, ground mounted equipment must be placed in a location that does not obstruct pedestrian or vehicular traffic and 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.
- ❖ All cables, wires and other connectors must be routed through conduits within pole whenever possible, and all external conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.
- ❖ New facility installations shall not obstruct views from habitable living areas (such as bedrooms or living rooms) of residential units which directly face the antenna within 100 feet horizontal distance.
- ❖ Flashing lights or large repetitive warning stickers shall not be installed. 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.

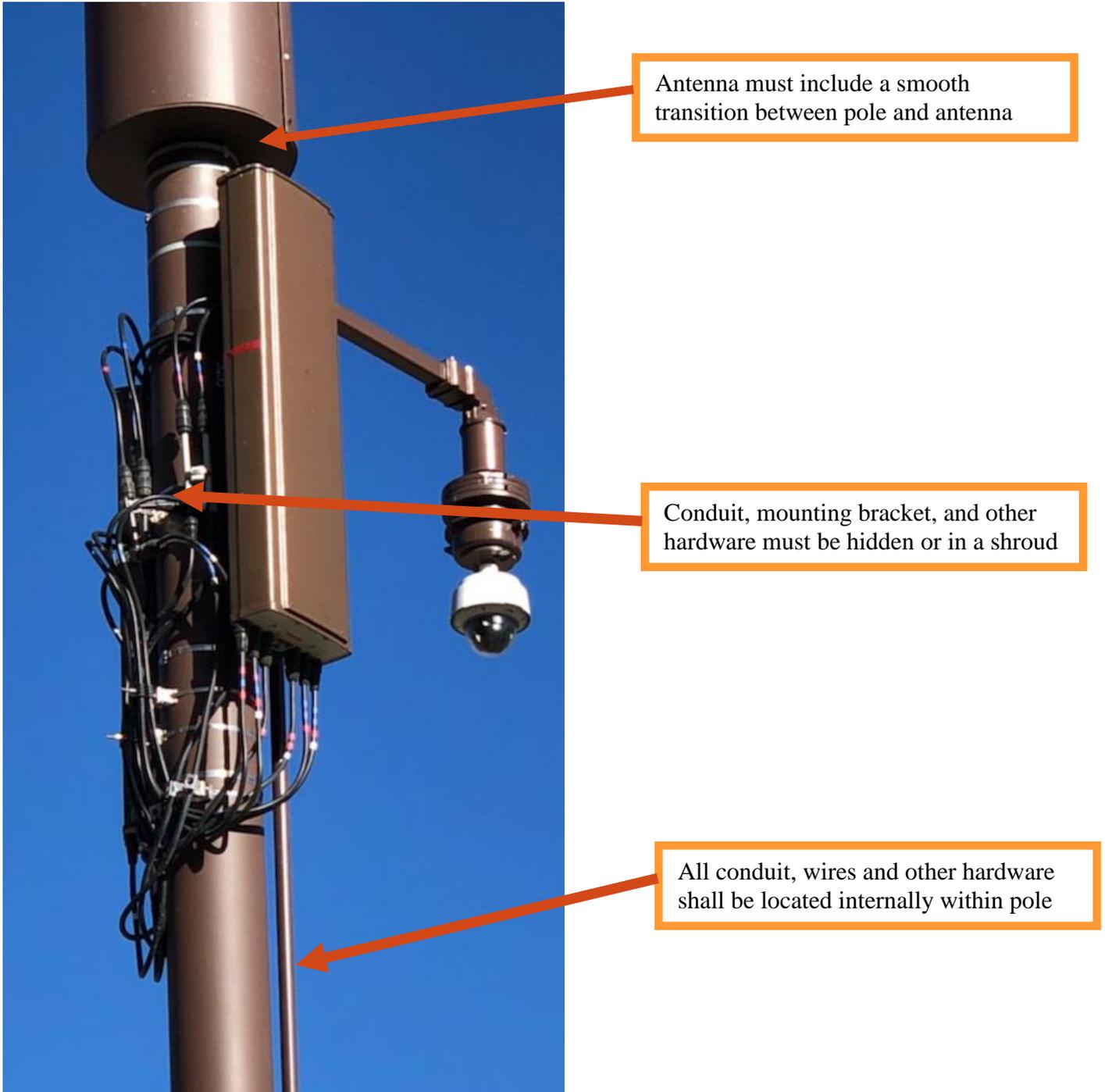
- ❖ Pole heights shall be minimized. The maximum height of any facilities mounted on an existing pole shall not exceed (i) the minimum separation from supply lines required by CPUC General Order 95 ("GO 95"), as may be amended or superseded, plus four feet or (ii) four feet above the height of the existing support structure. Legally required lightning arresters and beacons shall be included when calculating the height of facilities.
- ❖ Wireless facility designers shall use PG&E Smart Meters or flat-rate billing with no electric meter, if available.
- ❖ Small cells shall not be located on decorative streetlights.
- ❖ Small cells shall not damage existing trees. If pruning is required for the installation, a separate Tree Permit must be obtained from Parks and Recreation.
- ❖ Fans shall not be utilized, to the maximum extent possible.
- ❖ 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.

### 3 ATTACHMENTS TO STREETLIGHT POLES

The following are general specifications for attachments to streetlight poles. See Appendix A for Standard Drawing 200.

Table 3.1 – Small Cell Attachments to Streetlight Poles	
<b>Luminaire</b>	Per San Mateo standards.
<b>Electrical Service</b>	Per PG&E's requirements. Smart Meters or flat-rate billing, if available.
<b>Separation of Service</b>	All new electrical conduit shall be separate.
<b>Shroud/Cover</b>	All hardware shall be hidden.
<b>Hand Holes</b>	A hand hole shall be provided at the top of the pole to maintain fiber and electrical service for streetlights and future attachments.
<b>Color</b>	Equipment shall be painted, treated or finished to match existing streetlight aesthetics, paint shall be powder coated over zinc paint. Equipment cabinets shall still be galvanized.
<b>Pole Height</b>	The pole height shall be measured from top of the foundation to the top of the antenna.
<b>Design Wind Velocity</b>	115 mph minimum per TIA-222 rev G, IBC 2012 with ASC 710, and amendments for local conditions.
<b>Foundation</b>	Pole foundation calculations shall be prepared and stamped by a professionally licensed structural engineer and shall be provided to SM for review.
<b>Antenna</b>	The top of the antenna shall be no higher than 48 in. above the top of the pole. Antennas shall be shrouded. A tapered transition between the pole and antenna shall be included. Antennas shall not be mounted on the side.
<b>Signs</b>	RF notification signs shall be mounted facing the street towards the top of the pole. Existing traffic signs may be relocated to screen accessory equipment.
<b>Hardware</b>	All hardware shall be stainless steel.
<b>Disconnect Switch</b>	Disconnect switch shall be mounted 10 ft. above grade.
<b>Equipment Cabinet</b>	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.

Figure 3.1 - Example of unacceptable installation



## 4 ATTACHMENTS TO UTILITY POLES

The following are general specifications for attachments to utility poles. See Appendix A for Standard Drawing 201.

Table 4.1 – Small Cell Attachments to Utility Poles

<b>Electrical Service</b>	Per PG&E's requirements. Smart Meters or flat-rate billing, if available.
<b>Separation of Service</b>	All new electrical conduit shall be separate.
<b>Shroud/Cover</b>	All hardware shall be hidden. Only one equipment shroud, containing all required small cell accessory equipment, shall be installed per pole.
<b>Safety zones</b>	A 6 ft. safety zone is required per GO 95 between the top of electric supply lines to bottom of antenna and mounting equipment. A 2 ft. safety zone is required per GO 95 between the small cell equipment and communication lines.
<b>Color</b>	Equipment shall be painted, treated or finished to match existing utility pole aesthetics, paint shall be powder coated over zinc paint. Equipment cabinets shall still be galvanized.
<b>Pole Height</b>	The pole height shall be measured from top of the foundation to the top of the antenna.
<b>Design Wind Velocity</b>	115 mph minimum per TIA-222 rev G, IBC 2012 with ASC 710, and amendments for local conditions.
<b>Foundation</b>	Pole foundation calculations shall be prepared and stamped by a professionally licensed structural engineer and shall be provided to SM for review.
<b>Antenna</b>	The top of the antenna shall be no higher than 48 in. above the minimum separation from supply lines required by GO 95. Antennas shall be shrouded. A tapered transition between the pole and antenna shall be included. Antennas shall not be mounted on the side.
<b>Signs</b>	RF notification signs shall be mounted facing the street towards the top of the pole. Existing traffic signs may be relocated to screen accessory equipment.
<b>Hardware</b>	All hardware shall be stainless steel.
<b>Disconnect Switch</b>	Disconnect switch shall be mounted 10 ft. above grade.
<b>Equipment Cabinet</b>	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.

## 5 ATTACHMENTS TO FREESTANDING POLES

The following are general specifications for attachments to new freestanding small cell poles. See Appendix A for Standard Drawing 202A and 202B.

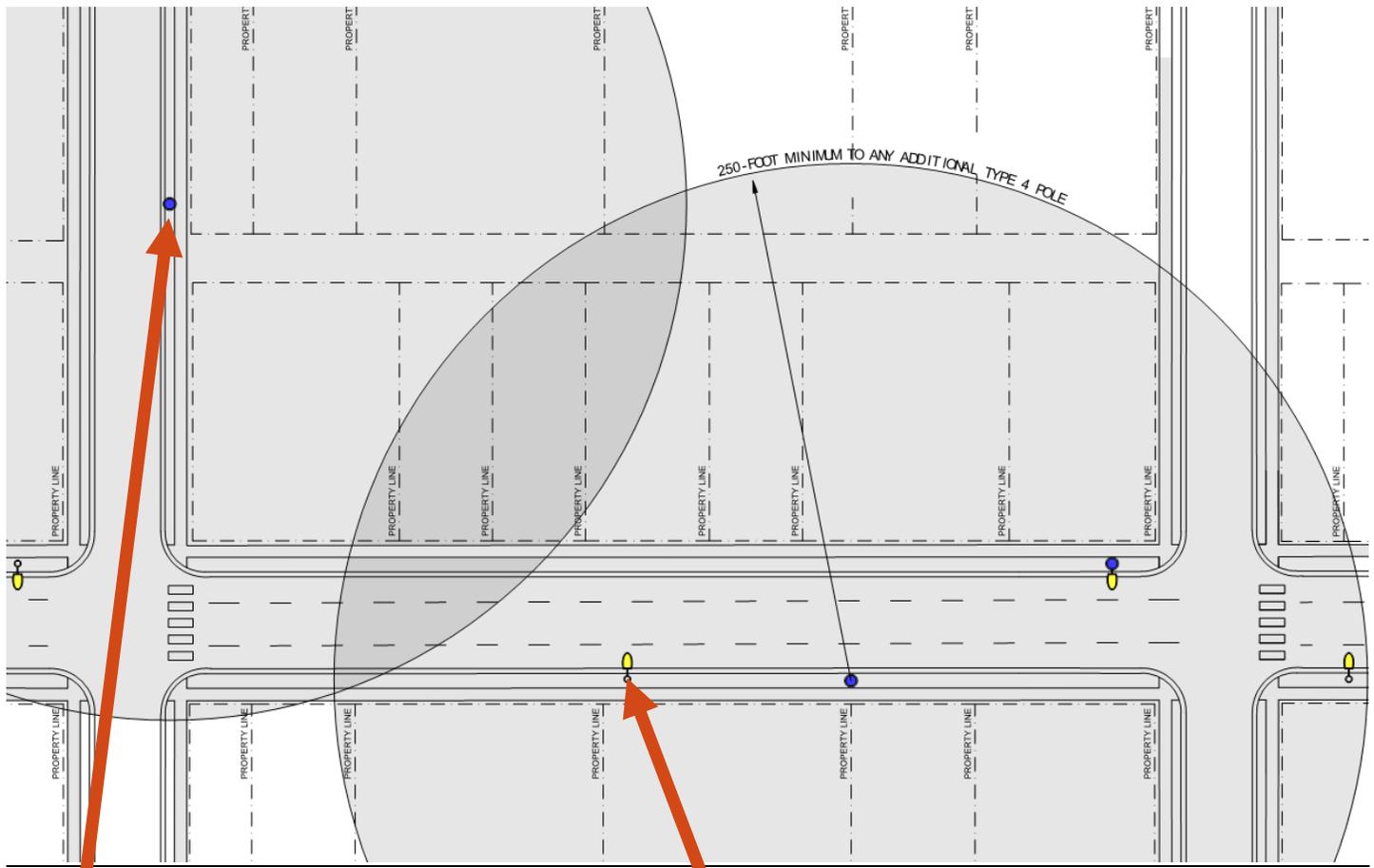
Table 5.1 – Small Cell Attachments to Freestanding Small Cell Poles	
<b>Electrical Service</b>	Per PG&E's requirements. Smart Meters or flat-rate billing, if available.
<b>Pole Type</b>	Round, straight, galvanized steel.
<b>Shroud/Cover</b>	All hardware shall be hidden. Only one equipment shroud, containing all required small cell equipment, shall be installed per pole. Anchor bolts shall either be hidden from view, preferred, or treated and painted to match the pole color.
<b>Color</b>	Pole shall be galvanized in accordance with AASHTO M 111. Equipment shall be painted to match existing streetlight aesthetics, paint shall be powder coated over zinc paint. Equipment cabinets shall still be galvanized.
<b>Pole Height</b>	The pole height shall not exceed 35 feet.
<b>Design Wind Velocity</b>	115 mph minimum per TIA-222 rev G, IBC 2012 with ASC 710, and amendments for local conditions.
<b>Foundation</b>	Pole foundation calculations shall be prepared and stamped by a professionally licensed structural engineer and shall be provided to SM for review. While SM accepts cast-in-place foundations, precast concrete foundations are preferred and should be installed whenever possible.
<b>Conduits Sweeps</b>	Eight (8) 2" PVC conduit sweeps shall be required. Conduit shall accommodate small cell carrier electrical and fiber with up to four (4) spare sweeps for future service.
<b>Antenna</b>	The top of the antenna shall be no higher than 48 in. above the top of the pole. Antennas shall be shrouded. A tapered transition between the pole and antenna shall be included. Antennas shall not be mounted on the side.
<b>Signs</b>	RF notification signs shall be mounted facing the street towards the top of the pole. Existing traffic signs on separate poles nearby may be relocated to small cell pole to screen accessory equipment.
<b>Hardware</b>	All hardware shall be stainless steel.
<b>Disconnect Switch</b>	Disconnect switch shall be mounted 10 ft. above grade.
<b>Equipment Cabinet</b>	All equipment shall be located internal to the equipment cabinet or recessed as much as possible in the equipment cabinet to meet Utility Requirements. All equipment shall be mounted per the Owner's requirements. Pole bases shall be sized to handle the listed equipment and all other equipment required by the Owner.

### Placement Requirements

All freestanding small cell poles shall be privately owned and must be permitted by San Mateo. Freestanding poles shall not be approved except as provided in San Mateo Municipal Code Section 17.10.100(d). If approved, freestanding poles shall be placed in accordance with the following requirements:

- ❖ In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
- ❖ So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- ❖ So as not to significantly create a new obstruction to property sight lines.
- ❖ At the intersection of property lines, or along secondary property street facing.
- ❖ Within the street amenity zone whenever possible.
- ❖ In alignment with existing trees, utility poles, and streetlights.
- ❖ 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.
- ❖ With appropriate clearance from existing utilities.
- ❖ 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 feet away from the triangle extension of an alley way flare.
- ❖ Shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.
- ❖ No closer than 250 feet away, radially, from another privately-owned freestanding small cell.
- ❖ Avoid placement in residential areas, near schools, and parks.

Figure 5.1 – Freestanding Small Cell Spacing Radius



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

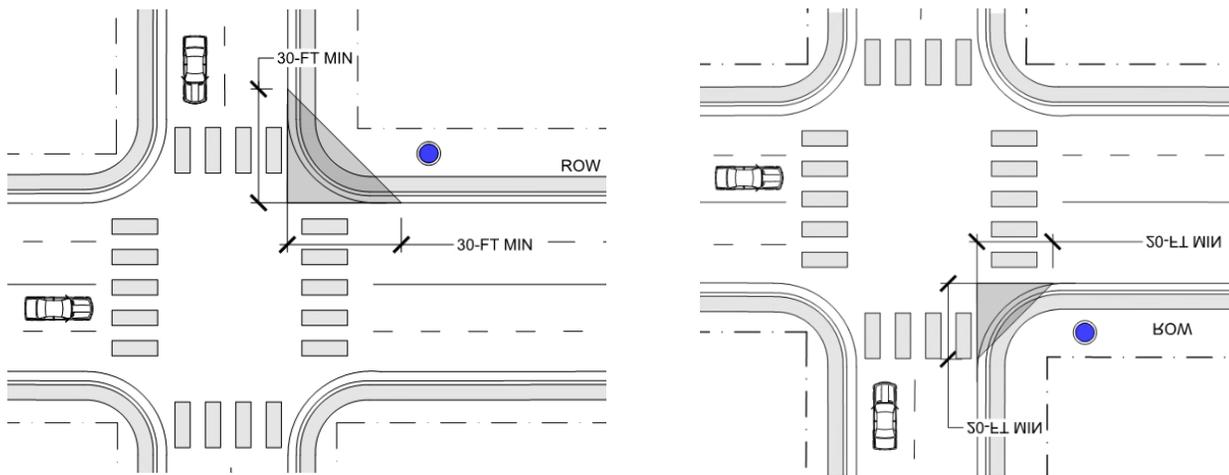
Existing streetlights and utility pole locations do not affect the placement of freestanding poles. Minimum 250 feet does not apply.

Figure 5.2 – Freestanding Small Cell in Amenity Zone



Freestanding small cells 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 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 small cells shall be located within the ROW and off set from the sidewalk as shown in Figure 5.3

Figure 5.3 – Standalone Small Cell Sight-Line Requirements



Freestanding small cells shall be located at intersecting property lines as much as possible. Whenever possible, the freestanding small cell shall be located on the secondary street. Do not locate small cell in clear sight triangle. Small cells shall also be located a minimum of 15 feet away from trees to prevent disturbance within the critical root zone of any tree. The small cells 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 5.4 – Freestanding Small Cell Location between Property Lines

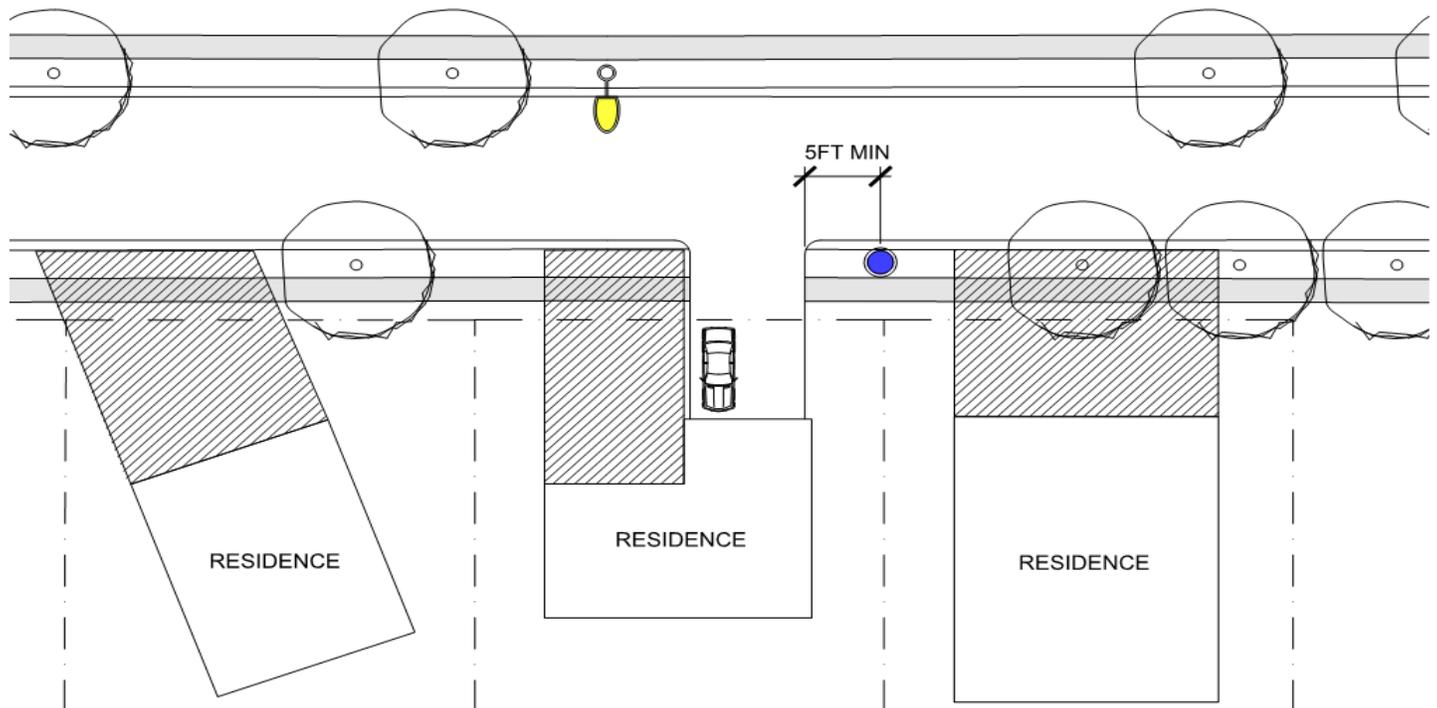


Figure 5.5 – Small Cell in Commercial Area



When located adjacent to a commercial establishment, such as a shop or restaurant, care should be taken to locate the small cell such that it does not negatively impact the business. Small cells 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. Small cells should be located between properties as much as possible as shown above. Small cells shall match the architecture of the surrounding neighborhood. The City shall have the authority to mandate the color and other aesthetics of small cell installations consistent with the City's design preferences and the requirements in San Mateo Municipal Code Chapter 17.10.

## 6 MEETINGS AND NOTICING

### Meeting with City Staff

Prior to submittal of an application, applicants are required 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. The meeting is required for projects subject to a major wireless permit; that involve the deployment of more than 5 proposed installations; modification requests to existing concealed facilities pursuant to 47 U.S.C. § 1455 (“Section 6409”); and recommended for all others.

### Meeting with Community

After meeting with City staff and prior to submittal of an application, applicants are required to hold a community meeting for sites located in or within 500 feet from a residential zone. The neighborhood meeting is only required if timely requested by a resident after the mailed notice.

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

1. Establishment of a positive dialogue between the applicant and the surrounding property owners and residents, business owners, neighborhood associations and interested parties.
2. Allow for project modification early in the process based on feedback.
3. 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 will be present as a resource only.

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

- ❖ Meetings must be held on Monday through Thursdays starting at either 7:00 p.m. or 7:30 p.m. and held at the project site, in a City or School District facility, or a similar public venue located within the project vicinity with sufficient parking and ADA access.

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 you to coordinate a public notice for the community meeting. Typically, the City will mail this notice, as the City generally prefers that a single notice be mailed that contains both the community meeting date and tentative Sustainability and Infrastructure Commission meeting date. The notices must be mailed via first class mail a minimum of 15 calendar days prior to the meeting.

A posted notice shall be placed in a conspicuous location at or near the proposed site.

The meeting notice(s) are required to be mailed to the following groups on the City's official public noticing lists:

- ❖ Property owners, residential tenants and business tenants within 500 feet of the project site.
- ❖ The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide projects.
- ❖ The interested parties list which includes interested individuals who contacted the City regarding this site or project or requested to be added to the project notification list.

The applicant is responsible for bringing presentation-sized graphics of the conceptual project plans, including at minimum an existing and proposed site plan and exterior elevations of all sides of the proposed facility, as well as a mock-up of the proposed installation. You may wish to provide refreshments for the meeting participants (no alcoholic beverages please).

Public Works staff will provide the meeting sign in sheet. Please have all attendees sign in to ensure a complete record of attendees, including City staff and all members of the project team. Attendees are asked to provide their email and/or mailing address for future notices. A member of the applicant's team must take detailed notes from the meeting and prepare a Meeting Summary. Public Works staff will provide you with a sample Meeting Summary to replicate.

The meeting agenda generally consists of the following:

- ❖ Public Works staff will typically open the meeting by describing the purpose of the meeting and introducing the project applicants. Public Works staff will remain throughout the meeting to answer any questions regarding small cell standards and the application process.
- ❖ The applicant will then manage the remainder of the meeting. The applicant's 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 should then open the discussion to the residents, 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 Public Works staff 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 applicant must prepare and distribute a written summary of the meeting **within one week** 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 City will post the meeting summary on-line on the City's website. The applicant is responsible for emailing the meeting summary to all the meeting attendees who provided an email address. The applicant is responsible for mailing the Meeting Summary via USPS to the mailing address provided for those attendees without email.

#### Post Meeting Noticing

After the required community meetings are held notice shall be provided in accordance with San Mateo Municipal Code Section 17.10.060, as applicable based on the permit required. Property owners shall be notified by registered mail via the U.S. Postal Service.

The notice will provide a description of the proposed facility and a map identifying the proposed location of the cabinet, if any. In addition, photo simulations of the proposed equipment and site are to be included. The notification shall also include a telephone number or email address for the Applicant's Community Liaison, with whom property owners can contact with questions or concerns regarding the facility. The Applicant's Community Liaison shall reply to all inquirers within 48 hours of contact. Additionally, the notification shall include a contact number for the Public Works Department (650) 520-7300 - so that property owners can contact the City directly, if they so prefer. The applicant shall log all contact with property owners, which shall include the date, owner/resident's name, address and the specific questions or concerns the owner/resident has regarding the facility. The applicant shall inform the Public Works Department of all inquiries received during the notification period, so that the Public Works Department may assess the comments and concerns regarding the application, and work with the applicant to address these concerns to the maximum extent practicable.

The applicant will provide to the City a mailing list for both owners and tenants (occupant designation for tenants is acceptable) to be notified of the proposed facility installation.

In addition, a posted notice in accordance with San Mateo Municipal Code Section 17.10.060, as applicable, shall be placed in a conspicuous location at or near the proposed site.

# APPENDIX

## **Appendix A – Details**

Drawing 200 – Telecommunication Facilities on Street Lights Poles

Drawing 201 – Telecommunication Facilities on Utility Poles

Drawing 202A – Telecommunication Facilities on Freestanding Pole

Drawing 202B – Pull/Splice Box Typical Dimensions







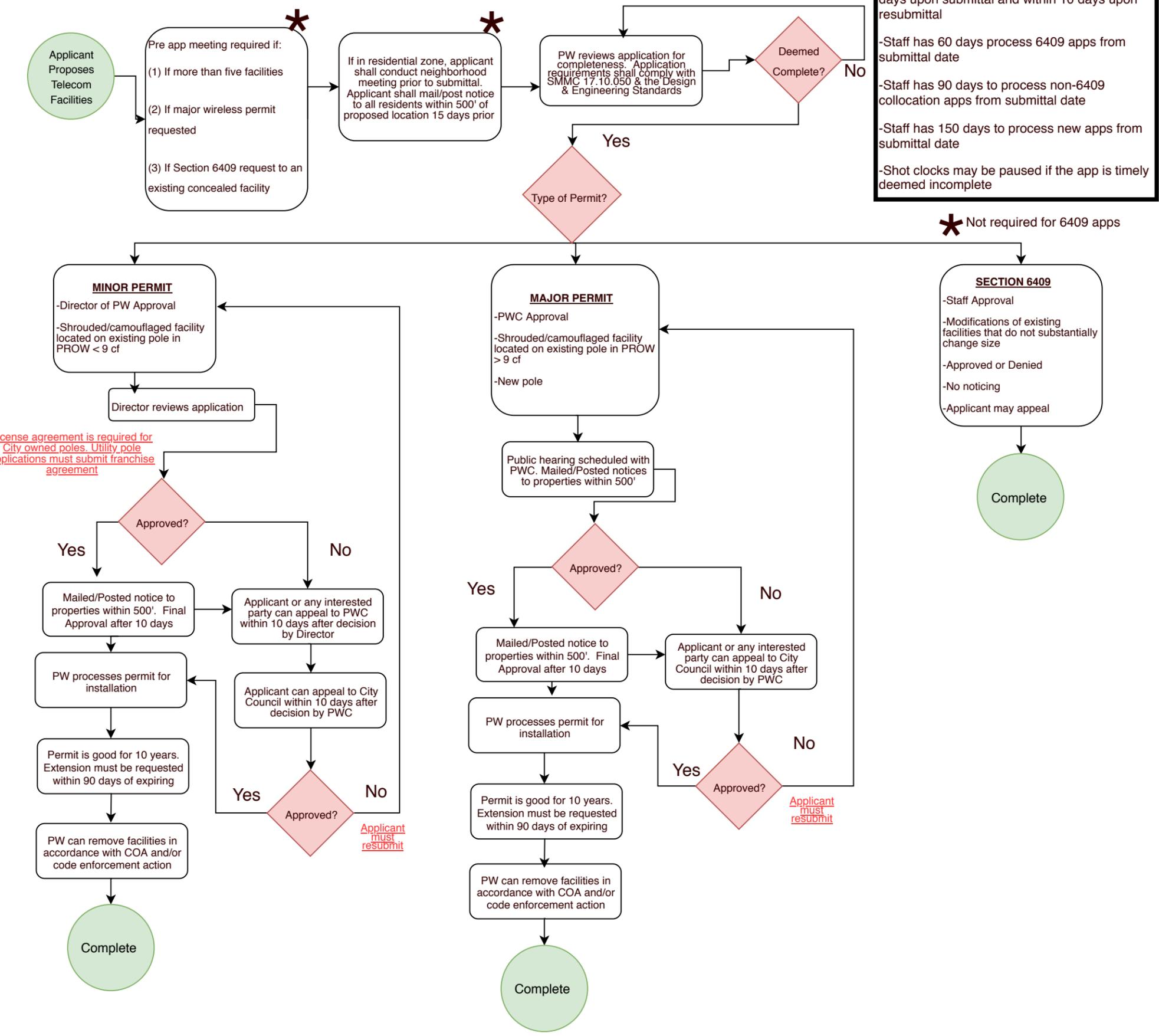


**Appendix B – Flowchart**

**Flowchart for installation of Wireless Telecommunication Facilities in the public right of way (in compliance with SMMC 17.10)**

**Shot Clock Requirements**

- Shot clock starts at app submittal
- Staff may deem the app incomplete within 30 days upon submittal and within 10 days upon resubmittal
- Staff has 60 days process 6409 apps from submittal date
- Staff has 90 days to process non-6409 collocation apps from submittal date
- Staff has 150 days to process new apps from submittal date
- Shot clocks may be paused if the app is timely deemed incomplete



**Appendix C: 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

Created: May 2018

## Wireless Communications Facilities Permit Application

### INSTRUCTIONS:

Prior to submittal of this Application, the Application Checklist and all other required materials in the Design and Engineering, a meeting with staff is required. Some projects may require a community meeting as well.

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.

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: \_\_\_\_\_

### Authorized Representative:

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### Property Owner (or pole owner if project is located in the ROW):

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### Property 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 <sup>a</sup>: \_\_\_\_\_

Zoning District (for ROW, provide nearest zoning district): \_\_\_\_\_ <sup>a</sup> If in the ROW, provide the pole number for the streetlight or pole.

Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Applicant's Request:

MINOR PERMIT     MAJORPERMIT     SECTION 6409 APPROVAL     OTHER (describe request below)

Applicable Shot Clock Period (for informational purposes only):     60 days     90 days     150 days     OTHER: \_\_\_\_\_

### STAFF USE ONLY

Pre-Application Meeting Date \_\_\_\_\_ Application Submittal Date \_\_\_\_\_  
Community Meeting Date \_\_\_\_\_ Completeness Review DUE (30 days) \_\_\_\_\_

**Appendix D: 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

Created: May 2018

## Wireless Communications Facilities Permit Application Checklist

### INSTRUCTIONS:

Prior to submittal of this Application Checklist, Application and all other required materials in the Design and Engineering, a meeting with staff is required. Some projects may require a community meeting as well.

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.

**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 <sup>a</sup>: \_\_\_\_\_

<sup>a</sup> If in the ROW, provide the pole number for the streetlight or pole.

### Applicant's Request:

- MINOR PERMIT     MAJOR PERMIT     OTHER (describe request below)
- SECTION 6409 APPROVAL \_\_\_\_\_

## APPLICATION CHECKLIST – REQUIRED MATERIALS

- |   |   |
|---|---|
| <input type="checkbox"/> NEIGHBORHOOD MEETING SUMMARY*<br>(if applicable) | <input type="checkbox"/> PROJECT PURPOSE AND TECHNICAL<br>OBJECTIVES INFORMATION* |
| <input type="checkbox"/> APPLICATION FORM AND FEE                         | <input type="checkbox"/> ALTERNATIVE SITES ANALYSIS*                              |
| <input type="checkbox"/> PROJECT PLANS                                    |   |
| <input type="checkbox"/> PHOTO SIMULATIONS                                |   |
| <input type="checkbox"/> PRIOR PERMITS & REGULATORY<br>APPROVALS          |   |
| <input type="checkbox"/> PROPERTY OWNER'S AUTHORIZATION                   |   |
| <input type="checkbox"/> INITIAL CEQA ASSESSMENT                          |   |
| <input type="checkbox"/> RF COMPLIANCE REPORT                             |   |
| <input type="checkbox"/> NOISE COMPLIANCE REPORT                          |   |
| <input type="checkbox"/> SECTION 6409 EVALUATION (if applicable)          |   |

STAFF USE ONLY



## APPLICATION GUIDELINES – REQUIRED MATERIALS

The following Application Guidelines 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 Guidelines along with all other generally applicable materials required for the requested permit or approval. See the City's website or inquire with the Public Works Department for any generally applicable application materials not contained in this application.

**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.

### NEIGHBORHOOD MEETING SUMMARY\*

**Instructions:** For applications not subject to Section 6409, provide a summary of neighborhood meeting if applicable. Label the summary as “**Attachment 1 – Neighborhood Meeting Summary**” and attach it to the application.

### APPLICATION FORM AND FEE

**Instructions:** Complete the Wireless Facilities Permit Application Cover Page available on the City's website or at the Public Works Department, and submit the corresponding application fee 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 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)

#### 5. Traffic Control Plans

For facilities with traffic impacts to the public right-of-way, provide two copies of engineered traffic control plans that show the traffic control for the project and a digital file of such plans in portable document format (PDF). The plans must be drawn in accordance with the latest version of the CA MUTCD by a registered California civil engineer or traffic engineer. The preparer's stamp and signature must be shown on the plans.

#### 6. Fiber Network Plan

For facilities proposed to be located in the public right-of-way, and to the extent that the project requires running new fiber optic cables to the proposed node, the plans must include a street map view that shows all the proposed nodes in the deployment, clearly labeled with pole number and/or site ID, the hub or base station that serves the nodes in the deployment, all fiber optic cable routes that connect the nodes to the hub, and a legend that identifies any symbols, colors or other items on the map. The fiber plans should clearly identify all meet-me points and points of connection. Even if the fiber deployment will be performed by a third-party vendor, the applicant for wireless nodes must disclose all known or reasonably foreseeable fiber network elements. A separate utility encroachment permit will be required for fiber installation.

### 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 three 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

### 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

### 3. Concealment Maintenance

For Section 6409 Approval applications, the applicant must provide at least one photo simulation that demonstrates the impact of the proposed modification on the all the 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.

## 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 2a – 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 2b – 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 2c – 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 2d – CPCN / WIR**” and attach it to this application.

## PROPERTY OWNER’S AUTHORIZATION

**Instructions:** Provide a letter of authorization that authorizes the applicant to perform the installation or modification. The letter must be executed by the owner of the subject real property or, if the facility is proposed to be located in the public right-of-way (i.e. utility pole, streetlight, traffic signal, etc.), the owner of the support structure. The property owner’s signature must be duly notarized. 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 3 – Property Owner’s Authorization**” and attach it to this application.

## INITIAL CEQA ASSESSMENT

**Instructions:** Complete and attach to this application a fully executed Environmental Information Form. Label this form “**Attachment 4 – Environmental Information Form**” and attach it to this application. The Environmental Information Form may be obtained electronically on the City’s website or in person at the Public Works Department. Based on the nature and scope of the project, the City will determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report.

## 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 5 – 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 6 – 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 the City’s Section 6409 worksheet for the proposed facility or prepare a separate justification that evaluates whether the proposed modification is an eligible facilities request that complies with the applicable FCC substantial change thresholds. Label this worksheet “**Attachment 7 – 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 8 – Project Purpose and Technical Objectives**” and attach it to the application.

### 1. Dominant Project Purpose

Identify and describe the *dominant* 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 dominant 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")
- full-color signal propagation maps in scale with the street level map that show current and predicted service coverage in the area for all active frequencies in RSRP (or other relevant signal level or quality indicator) and with a legend that describes the objective signal levels in dBm that correspond to any colors used to depict signal levels on such propagation maps
- 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 9 – Alternative Sites Analysis**" and attach it to the application. 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
- 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.
- for each alternative site *within the search ring*, signal propagation maps in scale with the street level map that show current and predicted service coverage in the area for all active frequencies in RSRP (or other relevant signal level or quality indicator) with and without the alternative site and with a legend that describes the objective signal levels in dBm that correspond to any colors used to depict signal levels on such propagation maps. The signal propagation maps required must be directly comparable with the signal propagation maps submitted to show before-and-after service from the applicant's proposed site. If the applicant did not locate any alternatives within the search ring, the analysis must expressly state that no such alternatives were considered.

**Appendix E: Standard Conditions of Approval for Wireless Communications Facilities**

**Insert COA**

**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 Major or Minor Wireless Permits.** In addition to all other conditions adopted by the approval authority, all major or minor wireless permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (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.** 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 Director’s prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially 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 Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in substantial compliance with the Approved Plans. Subject to the Director’s discretion, such documentation may include, but shall not be limited to, as-built drawings, site surveys, GIS data and site photographs.

4. **Build-Out Period.** This permit 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 the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director 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.** 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. 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.
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 Director or the Director's designee 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 Director 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 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.
11. **Permittee's Contact Information.** The permittee shall furnish the Director 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 Director with updated contact information in the event that either the responsible person or such person's contact information changes.
12. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed 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 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. 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 Director 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 Director 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. **Recall to Approval Authority; Permit Revocation.** The approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

15. **Record Retention.** The permittee must 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.
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. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
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 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 Director 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 Director'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 Director 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.

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 Director'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 12 07 covering CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than \$2,000,000 per occurrence. 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. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor 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.
- iii. **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.

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

#### 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, 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 Contractor; and on the COL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor 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 Contractor'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 this contract, the Contractor's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, employees, and agents. Any insurance or self-insurance maintained by the City, its elected and appointed officials, employees, or agents shall be excess of the Contractor'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

Contractor hereby grants to City a waiver of any right to subrogation, which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to effect 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.

#### Deductibles and Self-Insured Retentions

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

#### 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

Contractor 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 Contractor'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.

22. **Public Noticing.** All residences and/or businesses impacted by project construction are to be notified in writing at least 48 hours in advance describing work schedule, including dates, time frames, and on-site project manager name and cell phone number prior to commencing work.
23. **Traffic Control.** Traffic control per Caltrans standards. No street closures allowed, must allow through traffic at all times. Contractor 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.
24. **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.

25. **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
26. **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.

B. **Standard Conditions for Section 6409 Approvals.** In addition to all other conditions adopted by the approval authority, all section 6409 approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (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 Director 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 Director 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 encroachment permit and/or other ministerial 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 Director, 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 Director's prior review and approval. The Director may revoke the section 6409 approval if the Director 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. § 1.40001(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 Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in substantial compliance with the Approved Plans. Subject to the Director'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 Director 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 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 Director or the Director's designee 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 Director 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 Director 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 Director with updated contact information in the event that either the responsible person or such person's contact information changes.
14. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed, 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. 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 Director 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 Director 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 Director 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 Director may revoke this section 6409 approval or amend these conditions as the Director deems necessary or appropriate to correct any such noncompliance.
17. **Record Retention.** The permittee must 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. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
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 Director 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 Director’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 Director 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 Director’s approval in consultation with the licensed arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.