



Wireless Communications Facilities in the Public ROW

Ordinance Introduction to Update SMMC 17.10 & Review the Design Standards

June 7, 2021

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Senior Engineer**

AGENDA



**Introduce an Ordinance to amend SMMC
17.10 and review proposed Design
Standards & Application Requirements**

Timeline

- June 2018 – San Mateo adopted Wireless Communications Ordinance (San Mateo Municipal Code 17.10)
- September 2018 – FCC Order adopted
- January 2019 – FCC Order in effect
- September 2020 – Verizon attorney put City on notice
- October 2020 – 9th Circuit of Appeals affirmed FCC Order
- April 2021 – Draft Ordinance presented to the S&I Commission

Key Objectives of Code and Standards Update

- Streamline approval process
 - Create one Wireless Permit
 - Review and approval at staff level
 - Simplify appeal process
 - Simplify meetings and noticing
 - Move siting and design regulations from the Code to the Design Standards
- Create objective design standards
 - Clarify design requirements and process
 - Remove subjective design standards and drawings



Next Steps

- Second Reading of Code changes and adoption of a Resolution to City Council in July 2021



Thank You

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Highlights of Proposed Changes to the Code

- **17.10.040 – Required Approvals.** Minor and Major Wireless Permits deleted.

Replaced with one wireless permit.

Highlights of Proposed Changes to the Code

- **17.10.050 – Application Process and Requirements.**
 - (b) Application Content deleted and moved to the Design Standards
 - (c)(1) Pre-Submittal Conference deleted. Voluntary Informational Meeting with City Staff added to Design Standards
 - (c)(2) Submittal Appointment deleted. A mandatory Application Submittal appointment added to Design Standards
 - (d)(1-3) Informational Neighborhood Meeting deleted. Voluntary Informational Neighborhood Meeting added to Design Standards

Highlights of Proposed Changes to the Code

- **17.10.060 – Notice.** Section deleted and moved to the Design Standards
- **17.10.070 – Decisions; Decision Notices; Limited Exceptions; Appeals.**
 - (a) Decisions language added that the Director shall approve, conditionally approve or deny complete applications
 - (a)(3-4) Application requirements for most preferred location and comparative analysis deleted and moved to the Design Standards
 - (c)(1) Required Findings section deleted and added to the Design Standards
 - Decision Notices to the Applicant section added
 - (d) Right to Protest Director’s Decision deleted
 - Appeals language edited to replace City Council with SIC for all appeals

Highlights of Proposed Changes to the Code

- **17.10.090 – Revocation; Abandonment.** New section added.
- **17.10.090 – Site Location Guidelines.** Section deleted and moved to the Design Standards
- **17.10.100 – Design Regulations.** Section deleted and moved to the Design Standards
- **17.10.110 – Temporary Wireless Facilities.** Section edited to allow such facilities for emergencies only without a wireless permit
- **17.10.120 – Amortization of Nonconforming Wireless Facilities.** Section deleted and moved to the Design Standards

Highlights of Proposed Changes to the Code

- **17.10.130 – Special Provisions For Section 6409 Approvals.**
 - (d) Decisions; Appeals section deleted. All permits follow the same process
- **17.10.120 – Review of Ordinance.** Section added to allow City Council to make changes by resolution

Proposed Changes to the Standards

- Updated formatting and appearance



2 SITE LOCATION, POLE SELECTION, & DESIGN STANDARDS

- Siting Location added (previously in the Code)

- Design Standards updated to be objective and clear

“No Obstruction of Views. New wireless communications facilities installations shall not obstruct views from habitable living areas (such as bedrooms, balconies, living rooms) to the maximum extent feasible.”

“Antennas. Antennas shall be placed at the top of the pole and shall be shrouded to the maximum extent feasible.”

3 APPLICATION PROCESS AND REQUIREMENTS

- Brand new chapter
 - Voluntary Information Meeting with City Staff
 - Voluntary Informational Neighborhood Meeting
 - Application Submittal
 - Applications Deemed Withdrawn
 - Notice Requirements for Wireless Permits
 - Standard Conditions of Approval
 - Decision Notices to the Applicant
 - Notice of Conditional Approval to the Public
 - Peer and Independent Consultant Review
 - Limited Exceptions for Personal Wireless Service Facilities
 - Appeals
 - Revocation of Permits or Other Authorized Use

4 INSTALLATIONS ON STREETLIGHT POLES

- Updated Table 4.1 Design Standards
- Added Figures 4.2 and 4.3 to show Acceptable Designs
- Added Table 4.2 Procedures



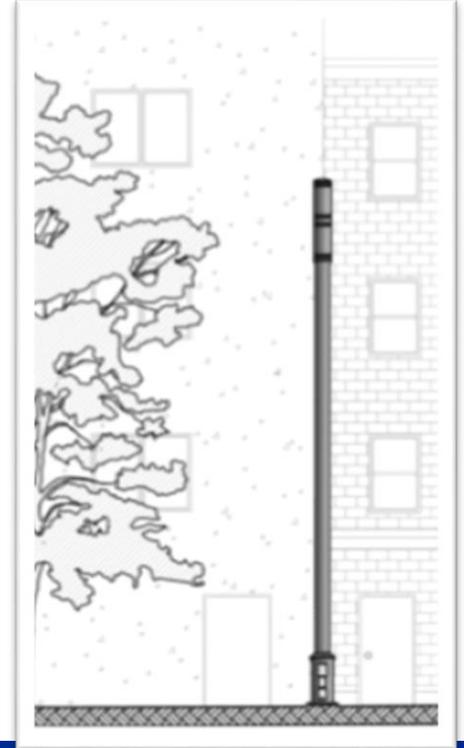
5 INSTALLATIONS ON UTILITY POLES

- Updated Table 5.1 Design Standards
- Added Figures 5.1 and 5.2 to show Unacceptable and Acceptable Designs
- Added Table 5.2 Procedures



6 INSTALLATIONS OF FREESTANDING POLES

- Updated Table 6.1 Design Standards
- Added Table 6.2 Procedures



7 SECTION 6409 APPROVALS

- Brand new chapter
 - Table 7.1 Procedures

8 NON-CONFORMING WIRELESS FACILITIES

- Brand new chapter
 - Replaces SMMC 17.10.120 Amortization of Nonconforming Wireless Facilities

APPENDIX

- Updated the Permit Application
- Updated the Permit Application Checklist
- Updated the Standard Conditions of Approval
- Removed the Standard Detail Drawings and Flowchart

Small Cell Stats

- How many applications have we received? 77
- How many applications on wood poles versus streetlights? 46/31
- Of all the applications, how many are installed? 23
- How many master license agreements does the City have for installations on City owned streetlights? 3
- How many 5G related applications? 5
- How many neighborhood meetings have been requested/held? 5
- Which neighborhood has the most small cell applications?

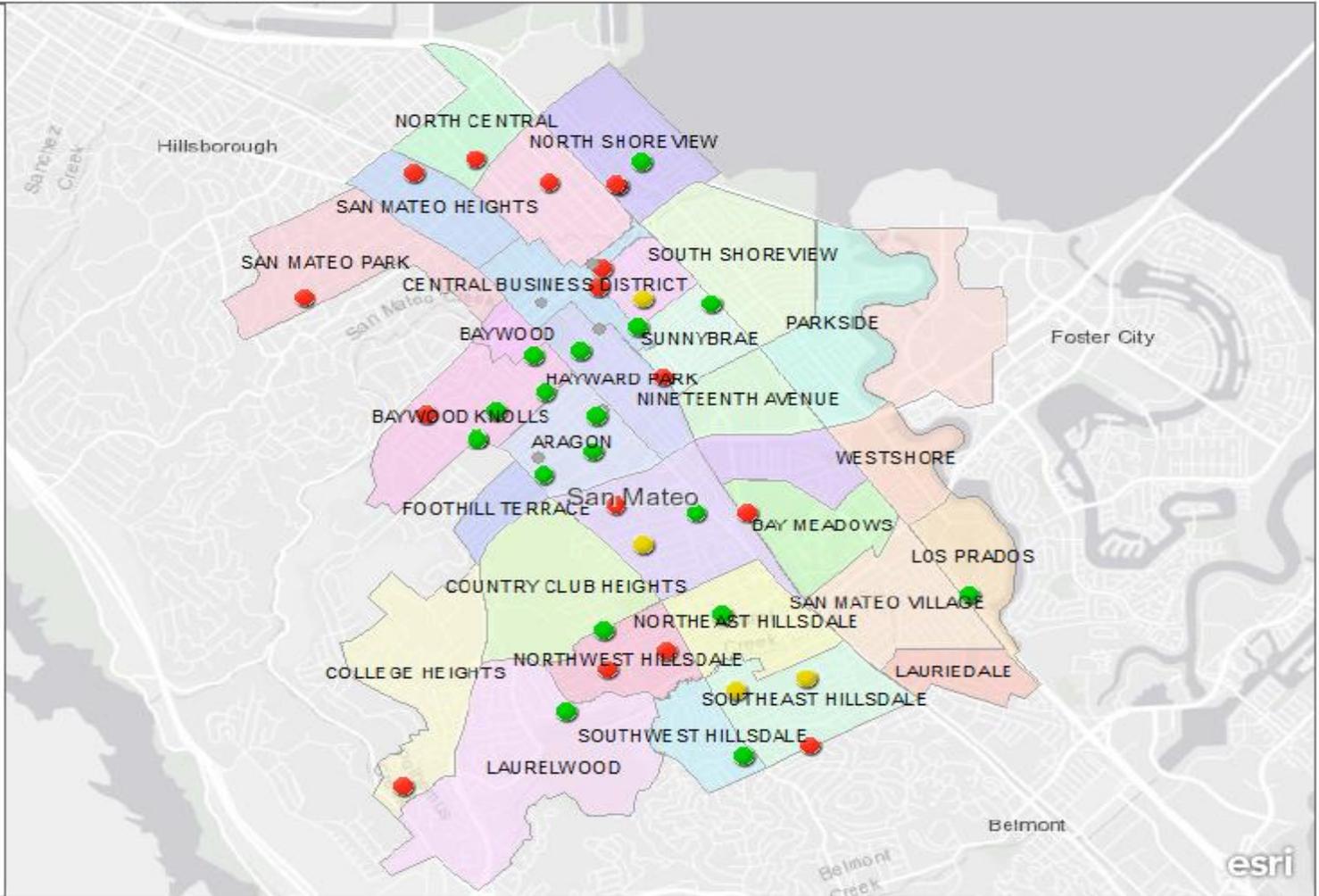
Pre-Ordinance Small Cells - Neighborhoods

Small Cell Map - Small Cell Pre Ordinance

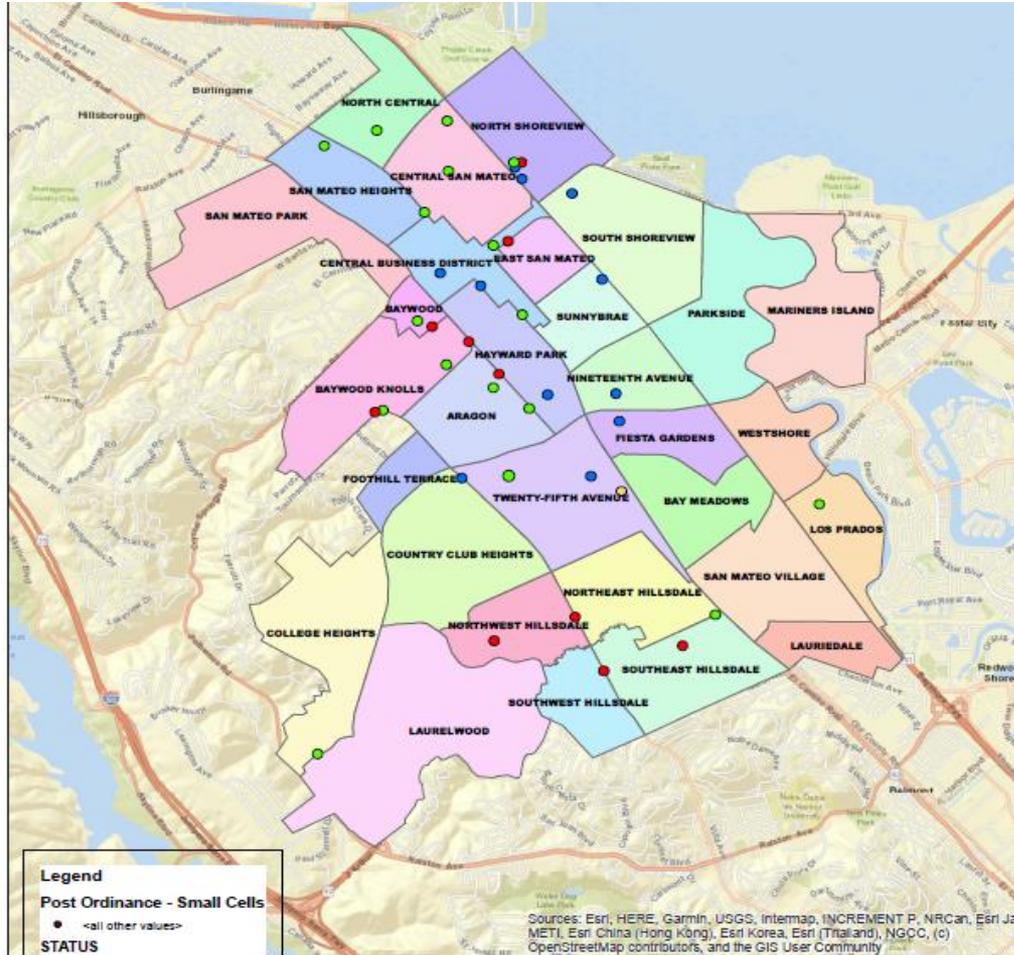
- Approved
- Denied
- In Progress
- Other

Project - NEIGHBORHOODS

- ARAGON
- BAY MEADOWS
- BAYWOOD
- BAYWOOD KNOLLS
- CENTRAL BUSINESS DISTRICT
- CENTRAL SAN MATEO
- COLLEGE HEIGHTS
- COUNTRY CLUB HEIGHTS
- EAST SAN MATEO
- FIESTA GARDENS
- FOOTHILL TERRACE
- HAYWARD PARK



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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri JA METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Legend
Post Ordinance - Small Cells

- <all other values>

STATUS

- Canceled
- Expired
- Issued
- Pending
- Under Review