



Wireless Permit Appeal

2317 Armada Way

Sustainability & Infrastructure Commission

October 11, 2023

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Senior Engineer – Public Works

Agenda

➤ Wireless Permit Permitting Process

- SMMC 17.10 – Regulate Aesthetics and Design Standards
- Limitation – City cannot regulate RF emissions, nor address alleged health concerns related to RF emissions compliant with FCC regulations
- Limitation – City cannot regulate wireless telecommunication providers' service coverage/capacity
- Limitation – City cannot prohibit any service provider's ability to provide personal wireless services

➤ Wireless Permit Appeal Process

➤ Background of Permit & Appeal

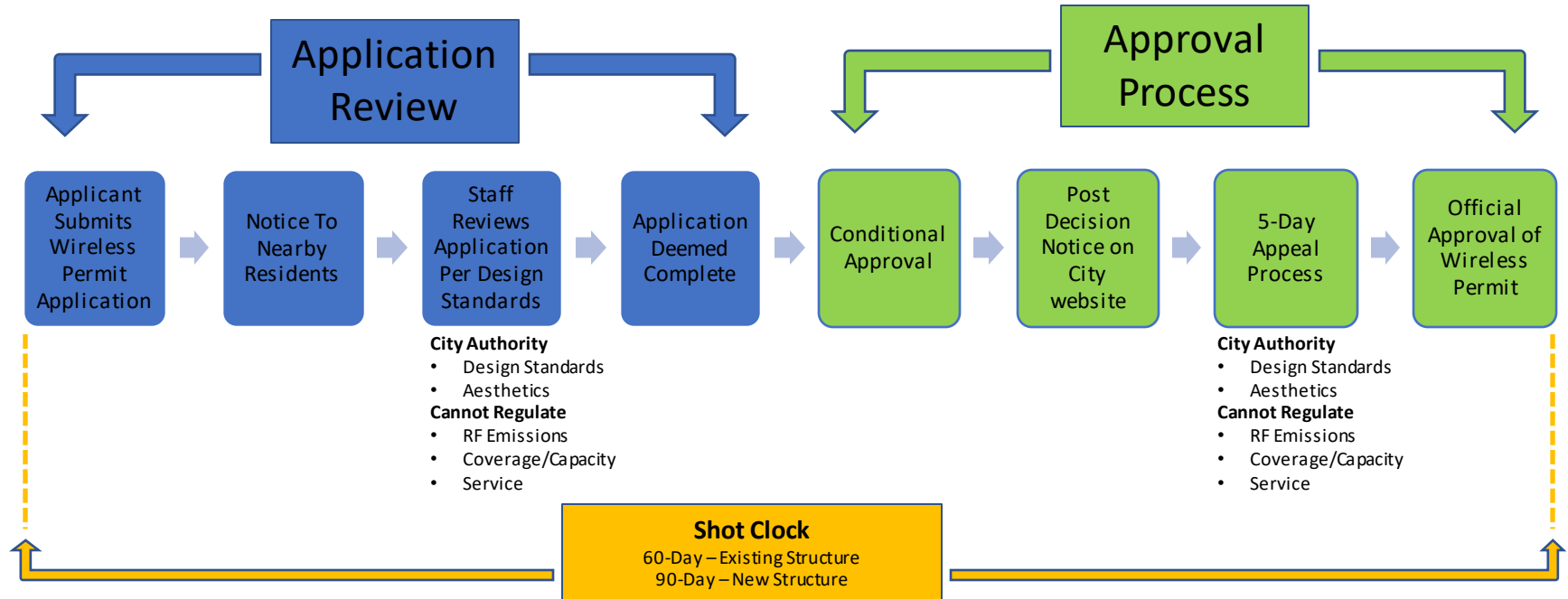
➤ Staff Recommendation

➤ Decision & Next Steps

- *Wireless Permit Applicant available for questions*



Permitting Process



Appeal Process

San Mateo Regulations (SMMC 17.10)

- Submit appeal within 5-days of the Decision Notice
- Appeals based on: Site Location, Pole Selection, Design Criteria
- Appellant has the **burden of proof**

FCC Regulations (47 U.S.C. 332(c)(7)(B))

- Appeals will not be permitted if based on environmental effects from RF emissions that comply with all applicable FCC regulations, nor any other subject matter regulated by the FCC

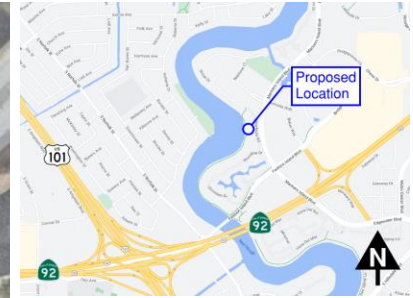
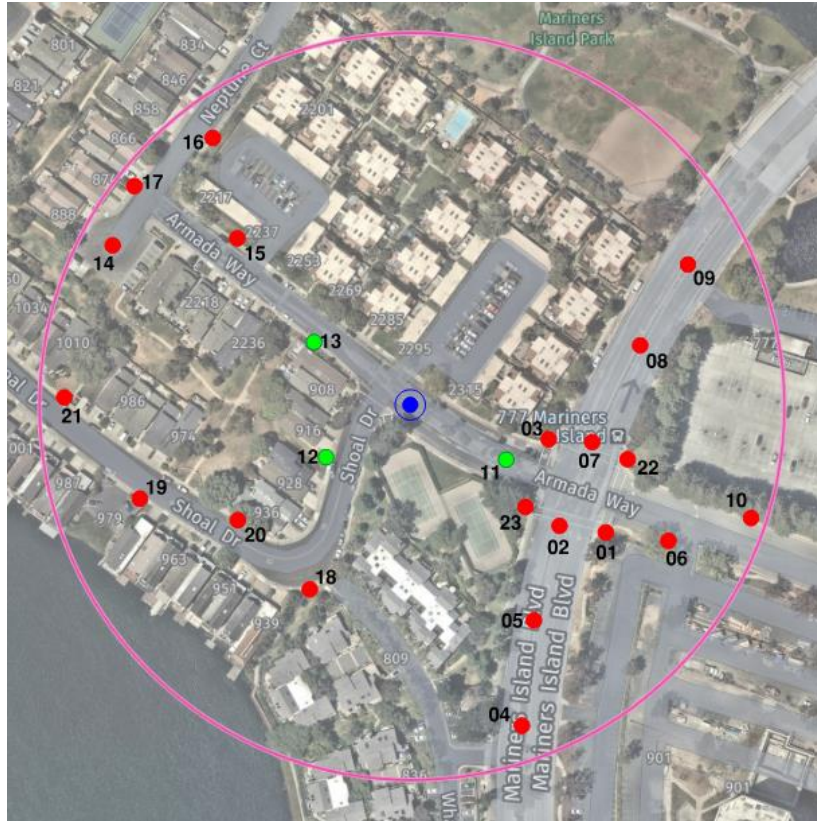
Other City Limitations

- Cannot control capacity and coverage objectives of the Communications Provider
- Cannot enforce or require the removal of trees to facilitate a utility



Background – Permit WC-2023-000136

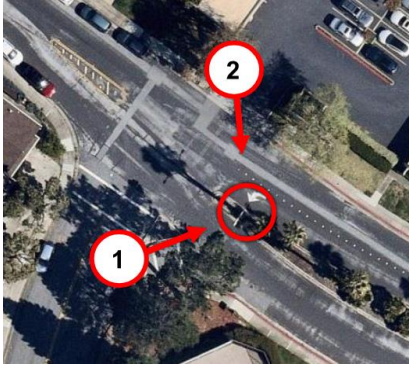
- **Applicant:** Crown Castle
- **Location:** 2317 Armada Way
- **Application Submitted**
May 9, 2023
- **500-ft Notice Posted**
May 16 & July 25, 2023
- **Conditional Approval**
September 6, 2023
- **Appeal Submitted**
September 8, 2023



LEGEND

- City Limits
- 500-ft Radius
- Proposed Location
- Unacceptable Alternate
- Acceptable Alternate

Background – Permit WC-2023-000136



Background – Appeal

Appellant #1's Case

- Pole Selection: Neighborhood Aesthetics and suggests to use Alternate #12 instead

Appellant #2's Case

- Pole Selection: Suggests selecting an alternate site based on concerns over property values

Crown Castle's Response

- Alternate #12 is located significantly closer to a single-family home and more obtrusive
- City can regulate the use of the ROW but cannot prohibit the use by wireless providers
Telecommunications Act of 1996
- Studies have found that small cell installations do not decrease property values
Joint Venture Silicon Valley (2021) "Economic Impact to Residential Real Estate"



Staff Recommendation

- Application satisfies SMMC 17.10 and complies with all FCC regulations
- Alternate #12 is not a preferable location because it is closer to a residential structure
- Property values are not a consideration in the Design Standards and application review process. Property value assessment is impractical

Recommendation:

Deny the appeals and uphold the conditional approval of the permit



Decision & Next Steps

Decision

- S&I Commission shall review the appeal and issue a decision.
- The decision shall be final and not subject to any further appeals.

Next Steps

- If appeal is denied, the wireless permit will be deemed approved.
- If appeal is granted, the wireless permit will be deemed denied.



Thank you for your time

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<https://www.cityofsanmateo.org/3865/Small-Cell-Infrastructure>

Stewards of your infrastructure

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