



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 2

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: Sustainability & Infrastructure Commission
FROM: Azalea Mitch
PREPARED BY: Public Works Department
MEETING DATE: March 10, 2021
SUBJECT: 5G Wireless Communications Facilities Permit Applications – Exception from Design Standards

RECOMMENDATION:

Hold a public hearing to consider 5G minor wireless permit applications and approve the applications

BACKGROUND:

The City adopted an ordinance in 2018 that established a process for the installation of wireless telecommunication sites in the public right-of-way. In accordance with State Public Utilities Code (PUC) Section 7901, telephone companies, which include wireless telecommunications service providers, have a statutory right to install equipment in the public right-of-way. However, in accordance with PUC Section 7901.1, cities have the statutory right to regulate “the time, place, and manner” in which the equipment is installed.

Modus, Inc. submitted applications (included as Attachment 1) on behalf of Verizon, Inc. (Modus/Verizon) for five (5) small cells on City-owned streetlights to the City on June 12, 2020. The small cells are located adjacent to the addresses and are listed in the applications with the location designations identified in the table below.

| Street Address | Modus/Verizon Location Designation (See attached applications) |
|------------------------------|---|
| 5 W. 37 th Avenue | CA_SF_SANMATEO_101 |
| 2942-2944 S. Norfolk Street | CA_SF_SANMATEO_133 |
| 1001 Railroad Avenue | CA_SF_SANMATEO_190 |
| 1626 S. El Camino Real | CA_SF_SANMATEO_157 |
| 733 N. San Mateo Drive | CA_SF_SANMATEO_255 |

Based on the review of the submitted documents, staff determined that the applications and proposed installations meet the required findings for approval as outlined in San Mateo Municipal Code (SMMC) 17.10.070(a)(1-4) with the exception that the small cells did not comply with all the design regulations. Specifically, the proposed installations do not meet the requirement that equipment be located “entirely on the pole in a vertical arrangement” and that antennas are to be mounted at the top of the pole, not on the side. The City’s Design and Engineering Standards and relevant sections from the SMMC are included for reference as Attachments 2 and 3, respectively.

SMMC Section 17.10.070(c) states that if an applicant claims that strict compliance with the design regulations would effectively prohibit the applicant's ability to provide personal wireless services, the Sustainability and Infrastructure Commission may grant a limited exception from such requirements if the following findings are met:

- A. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and
- B. The applicant has provided the Sustainability and Infrastructure Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- C. The applicant has provided the Sustainability and Infrastructure Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Chapter; and
- D. The applicant has provided the Sustainability and Infrastructure Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- E. The applicant has demonstrated to the Sustainability and Infrastructure Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

Attachment 4 to this Agenda Report is a letter submitted by Modus/Verizon documenting the above findings for each application. Staff believes the applicant has shown that the design of these small cell facilities is the least non-compliant configuration that will still achieve the applicant's technical objective. Furthermore, the current design allows for less equipment to be located on the pole itself, resulting in a less visibly obtrusive facility. Staff recommends approving the design standards exception based on the findings submitted.

In an effort to improve the small cell application process, Public Works staff is currently reviewing the portions of the SMMC applicable to small cells and the Design and Engineering Standards. New design requirements are being developed to allow for a broader range of antenna alignments that minimize visual impacts. Staff will be presenting the proposed modifications of the code and standards for review at a future Sustainability and Infrastructure Commission meeting.

BUDGET IMPACT:

There is no budget impact associated with holding a public hearing.

ENVIRONMENTAL DETERMINATION:

This hearing is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

Notice was mailed to all residents and properties within a 500-foot radius of the location and posted at the site. In addition, notice of this meeting was emailed to individuals signed up for notification and posted on the Small Cell Infrastructure webpage.

ATTACHMENTS

- Att 1 - 5G Applications for Five (5) Locations
- Att 2 - Design and Engineering Standards
- Att 3 - SMMC Chapter 17.10 "Wireless Communications Facilities in the Public Right-Of-Way"
- Att 4 - Required Findings Reports

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