

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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W9b

Prepared August 26, 2010 (for September 15, 2010 hearing)

To: Coastal Commissioners and Interested Persons

From: Charles Lester, Deputy Director
Ruby Pap, District Supervisor
Madeline Cavalieri, Coastal Planner

Subject: Final Coastal Commission Certification Review for County of San Mateo Local Coastal Program Amendment No. SMC-MAJ-1-09 (Wireless Facilities)

At the December 10, 2009 Coastal Commission meeting in San Francisco, the Commission approved, with suggested modifications, County of San Mateo Local Coastal Program (LCP) Major Amendment No. SMC-MAJ-1-09. The amendment established regulations for wireless telecommunication facilities.

By actions taken May 11, 2010 and August 10, 2010, the County of San Mateo adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit 1). The required six month timeframe for the County to accept the suggested modifications was extended by the Commission at its June 9, 2010 hearing. The County acted within the extended timeframe, which ends June 10, 2011.

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., September 15, 2010), and notification of this certification and Commission concurrence will be forwarded to the County.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the County of San Mateo to accept the Commission's suggested modifications for LCP Amendment No. SMC-MAJ-1-09 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the County of San Mateo LCP as directed by the Commission's approval with suggested modifications of LCP Amendment No. SMC-MAJ-1-09; the amended LCP will be certified as of today's date (i.e., September 15, 2010). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: County's Acceptance of the Coastal Commission's Suggested LCP Modifications

RESOLUTION NO. 070739

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION ACCEPTING MODIFICATIONS REQUESTED BY THE CALIFORNIA COASTAL COMMISSION AMENDING THE SAN MATEO COUNTY LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN BY MODIFYING CHAPTER 24.5 TO DIVISION VI, PART ONE, OF THE SAN MATEO COUNTY ORDINANCE CODE (ZONING REGULATIONS), REGULATIONS FOR TELECOMMUNICATION FACILITIES, AND DIRECTING STAFF TO TRANSMIT THIS RESOLUTION TO THE COASTAL COMMISSION FOR CERTIFICATION

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, in November, 1980, the San Mateo County Local Coastal Program (LCP) was certified by the California Coastal Commission; and

WHEREAS, since its certification, the LCP has been amended various times, to improve Coastal Act conformance or respond to local circumstances; and

WHEREAS, the LCP Implementation Plan does not currently contain regulations specific to the construction, expansion, and operation of telecommunication facilities; and

WHEREAS, in order to protect public health, safety, and the environment, it is in the public's interest for this County to establish rules and regulations addressing certain land uses relating to the construction, design, siting, major modification, and operation of wireless communication facilities and their compatibility with surrounding land uses in the Coastal Zone; and

WHEREAS, on December 9, 2008, after holding an initial public hearing on October 28, 2008, the Board of Supervisors conducted a public hearing on the zoning text/LCP amendments relating to telecommunication facilities, considered all comments received, determined that the amendment is consistent with the General Plan, and certified the Negative Declaration; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of the Board of Supervisors meeting announcement in the San Mateo County Times and Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements to interested parties; and

WHEREAS, all interested parties were afforded the opportunity to be heard at all public hearings; and

WHEREAS, the County of San Mateo intends to adopt and implement these amendments in a manner fully consistent with the California Coastal Act; and

WHEREAS, the matter herein is an individual amendment to the County's Local Coastal Program Implementation Plan and requires certification by the Coastal Commission as being in conformity with, and adequate to carry out, the provisions of the certified Land Use Plan before the amendment can become effective; and

WHEREAS, on December 10, 2009, the Coastal Commission certified the amendments, subject to suggested modifications; and

WHEREAS, this Board agrees that the modifications to the County's LCP Implementation Plan amendments suggested by the Coastal Commission are appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors:

1. Acknowledges receipt of the Coastal Commission's suggested modifications.
2. Accepts and agrees to the suggested modifications, and has adopted, by ordinance and resolution, amendments to both the Zoning Regulations and the LCP, respectively.
3. Agrees to issue Coastal Development Permits subject to the County's certified LCP, as amended.
4. Submits this resolution and said adopted ordinance to the Coastal Commission.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors amends the San Mateo County LCP Implementation Plan to add Chapter 24.5 to Division VI, Part One, of the San Mateo County Ordinance Code (Zoning Regulations) and will carry out this amendment in accordance with the Coastal Act.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors directs staff to submit this resolution to the Coastal Commission for certification of conformity with the California Coastal Act.

AND, BE IT FURTHER RESOLVED, that this Local Coastal Program amendment shall not have the force of law within the Coastal Zone until the California Coastal Commission has certified it as conforming with the California Coastal Act.

* * * * *

Regularly passed and adopted this 11th day of May, 2010.

AYES and in favor of said resolution:

Supervisors: MARK CHURCH
CAROLE GROOM
RICHARD S. GORDON
ROSE JACOBS GIBSON
ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors: NONE

Absent Supervisors: NONE

Richard S. Gordon
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson
Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

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**ORDINANCE AMENDING CHAPTER 24.5 TO DIVISION VI, PART ONE, OF THE
SAN MATEO COUNTY ORDINANCE CODE (ZONING REGULATIONS) FOR
WIRELESS TELECOMMUNICATION FACILITIES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. The San Mateo County Ordinance Code, Division VI, Part One, Chapter 24.5, is hereby amended as follows:

CHAPTER 24.5. WIRELESS TELECOMMUNICATION FACILITIES

SECTION 6510. PURPOSE. The purpose of this chapter is to establish regulations for the establishment of wireless telecommunication facilities within the unincorporated area of San Mateo County, consistent with the General Plan, and with the intent to:

- A. Allow for the provision of wireless communications services adequate to serve the public's interest within the County.
- B. Require, to the maximum extent feasible, the co-location of wireless telecommunication facilities.
- C. Encourage and require, to the maximum extent feasible, the location of new wireless telecommunication facilities in areas where negative external impacts will be minimized.
- D. Protect and enhance public health, safety, and welfare.
- E. The regulations in this chapter are intended to be consistent with State and Federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of

prohibiting personal wireless services within San Mateo County; or (3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental/health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

SECTION 6511. DEFINITIONS. For purposes of this chapter, the following terms shall have the meanings set forth below:

- A. "Abandoned." A facility shall be considered abandoned if it is not in use for six consecutive months.
- B. "Administrative review" means consideration of a proposed co-location facility by staff for consistency with the requirements of this chapter, the consideration of which shall be ministerial in nature, shall not include conditions of approval, and shall not include a public hearing.
- C. "Co-location" means the placement or installation of wireless telecommunication facilities, including antennas and related equipment on, or immediately adjacent to, an existing wireless telecommunication facility.
- D. "Co-location facility" means a wireless telecommunication facility that has been co-located consistent with the meaning of "co-location" as defined in Section 6511.C. It does not include the initial installation of a new wireless telecommunication facility that will support multiple service providers.
- E. "Wireless telecommunication facility" or "WTF" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems. Wireless telecommunication facility does not include radio or television broadcast facilities.

SECTION 6512. PERMIT REQUIREMENTS AND STANDARDS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-

LOCATION FACILITIES. All new wireless telecommunication facilities that are not co-location facilities must meet the following standards and requirements:

SECTION 6512.1. PERMIT REQUIREMENTS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES.

A use permit will be required for the initial construction and installation of all new wireless telecommunication facilities, in accordance with requirements, procedures, appeal process, and revocation process outlined in Sections 6500 through 6505 of Chapter 24 of the Zoning Regulations, except as modified by this chapter.

SECTION 6512.2. DEVELOPMENT AND DESIGN STANDARDS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-

LOCATION FACILITIES. All new wireless telecommunication facilities must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

- A. New wireless telecommunication facilities shall be prohibited in a Sensitive Habitat, as defined by Policy 1.8 of the General Plan (Definition of Sensitive Habitats) for facilities proposed outside of the Coastal Zone, and by Policy 7.1 of the Local Coastal Program (Definition of Sensitive Habitats) for facilities proposed in the Coastal Zone, except when all of the following written findings are made by the reviewing authority: (1) There is no other feasible location(s) in the area; and (2) There is no alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas; and (3) Prohibiting such facility would be inconsistent with federal law; and (4) Adverse impacts to the sensitive habitat are minimized to the maximum extent feasible; and (5) Unavoidable impacts are mitigated so that there is no loss in habitat quantity or biological productivity.
- B. New wireless telecommunication facilities shall not be located in areas zoned Residential (R), unless the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility. See Section 6512.5.B.11 for additional application requirements.

- C. New wireless telecommunication facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact.
- D. Except where aesthetically inappropriate, new wireless telecommunication facilities must be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible.
- E. The adverse visual impact of utility structures shall be avoided by: (1) siting new wireless telecommunication facilities outside of public viewshed whenever feasible; (2) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (3) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening wireless telecommunication facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing wireless telecommunication facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. Landscaping shall be maintained by the property or facility owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- F. Paint colors for the wireless telecommunication facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the wireless telecommunication facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- G. The exteriors of wireless telecommunication facilities shall be constructed of non-reflective materials.

- H. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, Design Review in the DR district(s), Architectural Review in designated Scenic Corridors, and Coastal Development Permit regulations in the CZ or CD zones.
- I. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
1. In the PAD, RM, RM-CZ, TPZ, and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less.
 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that new or co-located equipment on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district, or, if the public right-of-way is not in a district, in the closest adjacent district, by 10% of the height of the existing structure, or by five feet, whichever is less.
 3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district.
- J. In any Residential (R) district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of Sections 6410 through 6411 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless

telecommunication facility already exists on a parcel, no accessory building in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.

- K. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.
- L. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

SECTION 6512.3. PERFORMANCE STANDARDS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION

FACILITIES. No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Wireless telecommunication facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- B. The applicant shall file, receive, and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable

regulatory bodies prior to initiating the operation of the wireless telecommunication facility. The applicant shall supply the Planning and Building Department with evidence of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.

- C. Once a use permit is obtained, the applicant shall obtain a building permit and build in accordance with the approved plans.
- D. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- E. The wireless telecommunication facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC license and registration are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
- F. Wireless telecommunication facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements visual resource protection requirements of Section 6512.2.E, and F above (e.g., landscape maintenance and painting), as well as all other applicable zoning standards and permit conditions.
- G. Road access shall be designed, constructed, and maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.
- H. A grading permit may be required, per Sections 8600-8609 of the County Ordinance Code. All grading, construction and generator maintenance activities associated with the proposed project shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday or as further restricted by the terms of the use permit. Construction activities will be prohibited on Sunday and any nationally observed

holiday. Noise levels produced by construction activities shall not exceed 80-dBA at any time.

- I. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.
- J. If technically practical and without creating any interruption in commercial service caused by electronic magnetic interference (EMI), floor space, tower space and/or rack space for equipment in a wireless telecommunication facility shall be made available to the County for public safety communication use.

SECTION 6512.4. ADDITIONAL REQUIREMENTS AND STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES IN THE COASTAL ZONE.

- A. New wireless telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, unless no feasible alternative exists, the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. New wireless telecommunication facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts.
- C. At the time of renewal of the Use Permit in accordance with Section 6512.6 or the Coastal Development Permit (CDP) in accordance with Section 6512.4.C, or at the time of an amendment to the Use Permit or Coastal Development Permit, if earlier, the applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable environmental impacts, including reducing visual impacts in accordance with Section 6512.2.E, to the maximum extent feasible.
- D. New wireless telecommunication facilities shall obtain a CDP, pursuant to Section 6328.4, and the period of development authorization for any such CDP shall be limited to ten years.

SECTION 6512.5. APPLICATION REQUIREMENTS FOR NEW WIRELESS TELECOMMUNICATION FACILITIES THAT ARE NOT CO-LOCATION FACILITIES.

- A. A Major Development Pre-Application will be required for all new wireless telecommunication facilities in accordance with the procedures outlined in Sections 6415.0 through 6415.4 of the San Mateo County Zoning Regulations, unless there is an existing wireless telecommunication facility within a 1-mile radius of the proposed facility. This requirement may be waived at the discretion of the Community Development Director or his/her designee.
- B. In addition to the requirements set forth in Chapter 24, Use Permits, applicants for new wireless telecommunication facilities shall submit the following materials regarding the proposed wireless telecommunication facility:
1. A completed Planning Permit application form.
 2. A completed Use Permit for a Cellular or Other Personal Wireless Telecommunication Facility Form.
 3. A completed Environmental Information Disclosure Form.
 4. Proof of ownership or statement of consent from the owner of the property.
 5. A site plan, including a landscape plan (if appropriate under the provision of Section 6512.2.E), and provisions for access.
 6. Elevation drawing(s).
 7. Photo simulation(s) of the wireless telecommunication facility from reasonable line-of-sight locations from public roads or viewing locations.
 8. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.

9. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of the access road.
10. For projects that are technically capable of accommodating additional facilities, a description of the planned maximum ten-year buildout of the site for the applicant's wireless telecommunication facilities, including, to the extent possible, the full extent of wireless telecommunication facility expansion associated with future co-location facilities by other wireless telecommunication facility operators. The applicant shall use best efforts to contact all other wireless telecommunication service providers in the County known to be operating in the County upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The County shall, within 30 days of its receipt of an application, identify any known wireless telecommunication providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the 10-year buildout plan. If future co-locations are not technically feasible, an explanation shall be provided of why this is so.
11. Identification of existing wireless telecommunication facilities within a 2.5-mile radius of the proposed location of the new wireless telecommunication facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation why the alternatives considered were either unacceptable or infeasible. If an existing tower was listed among the alternatives, the applicant must specifically address why the modification of such tower is not a viable option. The written explanation shall also state the radio frequency coverage and/or capacity needs and objective(s) of the applicant.

12. A statement that the wireless telecommunication facility is available for future co-location projects, or an explanation of why future co-location is not technologically feasible.
13. A Radio Frequency (RF) report describing the emissions of the proposed wireless telecommunication facility and, to the extent reasonably ascertainable, the anticipated increase in emissions associated with future co-location facilities.
14. The mandated use permit application fee, and other fees as applicable.
15. Depending on the nature and scope of the project, other application materials, including but not limited to a boundary and/or topographical survey, may be required.
16. Applications for the establishment of new wireless telecommunication facilities inside Residential (R) zoning districts and General Plan land use designations shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative non-residential sites or combination of non-residential sites available to eliminate or substantially reduce significant gaps in the applicant carrier's coverage or network capacity.

SECTION 6512.6. USE PERMIT TERM, RENEWAL AND EXPIRATION. Use permits for wireless telecommunication facilities, including approval of the ten-year buildout plan as specified by Section 6512.5.B.10, shall be valid for ten years following the date of final approval. The applicant shall file for a renewal of the use permit and pay the applicable renewal application fees six months prior to expiration with the County Planning and Building Department, if continuation of the use is desired. In addition to providing the standard information and application fees required for a use permit renewal, wireless telecommunication facility use permit renewal applications shall provide an updated buildout description prepared in accordance with the procedures established by Section 6512.5.B.10.

Where required, renewals for use permits for existing wireless telecommunication facilities constructed prior to the effective date of this chapter [January 9, 2009] are subject to the provisions of Sections 6512 through 6512.5. Renewals of use permits approved after the effective date of this chapter shall only be

approved if all conditions of the original use permit have been satisfied, and the ten-year buildout plan has been provided. If the use permit for an existing wireless telecommunication facility has expired, applications for co-location at that site, as well as after-the-fact renewals of use permits for the existing wireless telecommunication facilities, will be subject to the standards and procedures for new wireless telecommunication facilities outlined in Sections 6512 through 6512.5.

SECTION 6513. PERMIT REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES.

- A. Co-location Facilities Requiring a Use Permit. In accordance with Section 65850.6 of the California Government Code, applications for co-location will be subject to the standards and procedures outlined for new wireless telecommunication facilities, above (in Section 6512 through 6512.6), if any of the following apply:
1. No use permit was issued for the original wireless telecommunication facility,
 2. The use permit for the original wireless telecommunication facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project, or
 3. No Environmental Impact Report (EIR) was certified, or no Negative Declaration or Mitigated Negative Declaration was adopted for the location of the original wireless telecommunication facility that addressed the environmental impacts of future co-location of facilities.
- B. Permit Requirements for Other Co-location Facilities. Applications for all other co-locations shall be subject to a building permit approval. Prior to the issuance of a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original use permit, by submitting an application to the Planning and Building Department for an administrative review of the original use permit, including all information requests and all associated application fees, including specifically those for administrative review of a use permit, which fee shall be equivalent to the fee established for a use permit inspection.

SECTION 6513.1. DEVELOPMENT AND DESIGN STANDARDS FOR CO-LOCATION FACILITIES.

- A. The co-location facility must comply with all approvals and conditions of the underlying use permit for the wireless telecommunication facility.
- B. The adverse visual impact of utility structures shall be avoided by: (1) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (2) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening co-location facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing co-location facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunication facility(ies) on the site. Landscaping shall be maintained by the owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- C. Paint colors for the co-location facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- D. The exteriors of co-location facilities shall be constructed of non-reflective materials.
- E. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, and Coastal Development Permit regulations in the CZ or CD zones.

- F. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
1. In the PAD, RM, RM-CZ, TPZ and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less.
 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that new or co-located equipment on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district, or, if the public right-of-way is not in a district, in the closest adjacent district, by 10% of the height of the existing structure, or by five feet, whichever is less.
 3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no facility, monopole or antenna shall exceed the maximum height for structures allowed in that district.
- G. In any Residential (R) district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of Sections 6410 through 6411 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building(s) in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is(are) constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication

facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.

- H. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.
- I. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.
- J. Expansion of co-location facilities beyond the footprint and height limit identified in the planned maximum ten-year buildout of the site as specified in Section 6512.5.B.10, or in the original use permit for the facility, shall not be subject to administrative review and shall instead comply with the use permit provisions for new wireless telecommunication facilities in Sections 6512 through 6512.5, unless a minor change or expansion beyond these limits is determined to be a minor modification of the use permit by the Community Development Director. If the Community Development Director does determine that such change or expansion is a minor modification, the change or expansion shall instead be subject to the provisions of Sections 6513 through 6513.4.
- K. At the discretion of the Community Development Director, a co-location proposal that is smaller in extent, footprint, height, number of antennas or accessory buildings, or is otherwise smaller than that proposed in the ten-year build out plan as specified in Section 6512.5.B.10, may be considered using the administrative review provisions of Sections 6513 to 6513.4 if it will have less environmental impact than the original plan.

SECTION 6513.2. PERFORMANCE STANDARDS FOR CO-LOCATION

FACILITIES. No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- B. The applicant shall file, receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the co-location facility. The applicant shall supply the Planning and Building Department with evidence of each of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
- C. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- D. The co-location facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC licenses required to operate the site are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
- E. Co-location facility maintenance shall implement visual resource protection requirements of Section 6513.1.B, and C above (e.g., landscape maintenance and painting).
- F. Road access shall be maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.

- G. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.
- H. If technically practical and without creating any interruption in commercial service caused by electronic magnetic interference (EMI), floor space, tower space and/or rack space for equipment in a wireless telecommunication facility shall be made available to the County for public safety communication use.

SECTION 6513.3. ADDITIONAL REQUIREMENTS AND STANDARDS FOR CO-LOCATION FACILITIES IN THE COASTAL ZONE.

- A. Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, shall only be allowed if the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. Co-location facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning Districts, except that no public hearing shall be required.
- C. Pursuant to Public Resources Code Sections 30106 and 30610(b) as well as Title 14, Section 13253(b)(7) of the California Code of Regulations, the placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.

SECTION 6513.4. APPLICATION REQUIREMENTS FOR CO-LOCATION FACILITIES. Applicants that qualify for administrative review of co-location facilities in accordance with Section 6513 shall be required to submit the following:

- A. A completed Planning Permit application form.

- B. Proof of ownership or statement of consent from the owner of the property and/or the primary operator of the wireless telecommunication facility where the co-location is proposed.
- C. A site plan showing existing and proposed wireless telecommunication facilities.
- D. Elevation drawing(s) showing existing and proposed wireless telecommunication facilities.
- E. A completed Environmental Information Disclosure Form.
- F. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.
- G. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunication facility or use permit.
- H. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC) and the use permit for the existing wireless telecommunication facility.
- I. The mandated administrative review fee, and other fees as applicable.
- J. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location equipment. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

SECTION 6514. SEVERABILITY. If any provision of this Chapter 24.5 to Division VI, Part One, of the San Mateo County Ordinance Code (Zoning Regulations) or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 2. Outside of the Coastal Zone, this ordinance shall be in full force and effect 30 days after adoption by the San Mateo County Board of Supervisors. Within the Coastal Zones (CZ or CD), this ordinance shall take force and effect immediately upon final certification by the Coastal Commission.

Regularly passed and adopted this 11th day of May, 2010.

AYES and in favor of said ordinance:

Supervisors: MARK CHURCH
 CAROLE GROOM
 RICHARD S. GORDON
 ROSE JACOBS GIBSON
 ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors: NONE

Absent Supervisors: NONE

Richard S. Gordon
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson
Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

ORDINANCE NO. 04517
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 24.5, WIRELESS TELECOMMUNICATION FACILITIES

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The San Mateo County Ordinance Code, Division VI, Part One, Chapter 24.5, Section 6513.3.B, is hereby amended, to read as follows:

Co-location facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning District. ~~except that no public hearing shall be required.~~

SECTION 2. This Ordinance shall be in full force as soon as the Coastal Commission has determined that it is legally adequate.

Regularly passed and adopted this 10th day of August, 2010.

AYES and in favor of said ordinance:

Supervisors: MARK CHURCH
CAROLE GROOM
RICHARD S. GORDON
ROSE JACOBS GIBSON
ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors: NONE

Absent Supervisors: NONE

Richard S. Gordon
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson
Marie L. Peterson, Deputy
Clerk of the Board of Supervisors