

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: June 6, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Amendment, pursuant to Sections 6500 of the San Mateo County Zoning Regulations, to install an emergency backup generator for the wireless telecommunications facility located at 333 O'Neill Avenue in the unincorporated Harbor Industrial area of San Mateo County.

County File Number: PLN 2011-00077 (AT&T)

PROPOSAL

The applicant has proposed to install an emergency diesel backup generator next to a commercial building (333 O'Neill Avenue), where an existing wireless telecommunications facility is located on the roof. The 190-gallon 30-kilowatt diesel generator and associated equipment is part of AT&T's development of the First Responder Network (FirstNet) as authorized by the Federal Middle Class Tax Relief and Job Creation Act (2012). The purpose of this network is to provide exclusive and priority access to first responders during times of local or national emergencies. The generator will be placed on a 4-foot by 10-foot concrete pad on the east side of the existing Public Storage building, behind existing landscaping and fencing. No changes are proposed to the telecommunication facility itself.

The telecommunication facility's Use Permit is valid until September 1, 2021, thus no renewal is proposed at this time.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Amendment, County File Number PLN 2011-00077, by making the required findings and adopting the conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Kelsey Lang, Project Planner, Telephone 650/599-1549

Applicant: General Dynamics Wireless Services on behalf of AT&T Mobility

Owner: PSA Institutional Partners, LP

Location: 333 O'Neill Avenue, Harbor Industrial District

APN: 046-010-100

Size: 1.02 acres

Existing Zoning: M-1 (Light Industrial District)

General Plan Designation: General Industrial

Sphere-of-Influence: City of Belmont

Existing Land Use: Commercial storage building with telecommunication facilities.

Water Supply: Mid-Peninsula Water District

Sewage Disposal: Harbor Industrial Sewer Maintenance District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Community Panel No. 06081C0169F, dated July 16, 2015.

Environmental Evaluation: Categorically exempt under the provisions of Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing public or private structures.

Setting: The subject parcel is located at the northern edge of the unincorporated Harbor Industrial District and is surrounded by a wide variety of industrial land uses. The City of Belmont borders O'Neill Avenue to the north and the Belmont Trailer Park is located 170 feet east of the property.

Chronology:

<u>Date</u>	<u>Action</u>
September 1, 2011	- Use Permit approved for rooftop telecommunications facility.
February 2, 2016	- Minor modification to replace three antennas and install other associated equipment (e.g., RRUs) within the equipment shelter.
March 27, 2019	- Major amendment submitted for the installation of the diesel generator.
April 24, 2019	- Major amendment deemed complete.
June 6, 2019	- Zoning Hearing Officer public hearing.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

The proposal has been reviewed against and found to be consistent with all applicable General Plan (GP) Policies. The applicable GP policies are listed and discussed below.

Visual Quality Policies

Policies 4.15 (*Appearance of New Development*), and 4.36 (*Urban Area Design Concept*) discuss regulating development to promote and enhance site relationships and other aesthetic considerations; and to ensure that new development is designed and constructed to contribute to the orderly development of the locality.

The proposed generator will be located between the eastern property line and the existing two-story commercial storage building. The associated power switch equipment will be wall mounted adjacent to existing wall mounted conduits a few feet from the generator. The generator will be located behind an existing chain link slatted fence and landscaped area and will not be accessible or visible from public viewpoints or neighboring buildings. The generator and associated equipment have been given conditional approval by the Building Inspection Section and Belmont-San Carlos Fire Department to ensure health, safety, and fire access requirements are met, thus contributing to the orderly development on the parcel.

Urban Land Use Policies

Policies 8.24 (*Land Use Compatibility*), 8.36 (*Uses*) and 8.39 (*Height, Bulk, and Setbacks*) discusses compatible uses with neighboring land uses, allowable uses in zoning districts consistent with the overall land use designation, and the regulations of height, bulk, and setback requirements to ensure size and scale of development, sufficient light and air in and around structures for public health and safety.

The land use designation of this parcel is General Industrial Urban and zoned Light Industrial which allows for manufacturing and processing uses including but not limited to fabricating, assembling, and storing products (Table 7.1P). Wireless telecommunications facilities are an allowed use in this district, subject to permitting, and the use is compatible with adjacent land uses. The addition of an emergency generator is consistent with the allowed uses and will be compliant with the development standards of the M-1 Zoning District further discussed in Section A.2, below.

2. Conformance with Zoning Regulations

The commercial storage building was constructed in 1999, and the telecommunications facility was approved in 2011. The use of the building as a commercial storage facility with telecommunication facility is consistent with uses permitted in the M-1 (Light Industrial) Zoning District. The proposed accessory diesel generator is an expansion of the telecommunications facility and requires a Use Permit Amendment, discussed in detail below in Section A.3 of this report. The proposed generator is compliant with the development standards outlined below.

	Minimum Required	Proposed
Front Yard Setback	0	176'
Right Side Yard Setback	0	136'
Left Side Yard Setback	0	6'-8"
Rear Yard Setback	0	136'
Maximum Height	75'	8'

3. Conformance with the Wireless Telecommunication Facilities Ordinance

Staff has determined that the project complies with the applicable standards of the Wireless Telecommunication Facilities (WTF) Ordinance, as discussed below.

a. Development and Design Standards

Sections 6512.2.A, 6512.2.B, 6512.2.C, and 6512.2.D require new wireless telecommunication facilities to be located outside of Sensitive Habitats, outside of Residentially (R) zoned properties (unless no other option exists), and to co-locate when possible.

The site contains a commercial storage building located within the Harbor Industrial District, which supports a wide variety of industrial land uses. This application is located within the Harbor Industrial area (zoned M-1) which is not located in a mapped sensitive habitat area and is not a Residential (R) zone. This generator does not provide an increase in network coverage and does not change the feasibility of future colocation for additional wireless facilities.

Sections 6512.2.E, 6512.2.F and 6512.2.G seek to minimize and mitigate visual impacts by siting new facilities outside of the

public view, using natural vegetation for screening, painting equipment to blend with existing landscaping (such as non-reflective materials), and designing the facility to blend in with the surrounding environment.

The generator is proposed to be placed in an area that is outside of the public viewshed in the rear side yard of the commercial storage building. The generator is proposed to be located behind existing vegetation (mature shrubbery) and chain link fencing with privacy slats. The generator is 8 feet tall, which will not be viewable from the front of the site, or from adjacent sites; therefore, paint color and material verification will not be required.

Section 6512.2.H requires the facility to comply with all the requirements of the underlying zoning district.

As discussed in Section A.2, the placement of the generator conforms to the underlying regulations of the M-1 zone.

Sections 6512.2.I, 6512.2.J, and 6512.2.K include requirements for facilities developed in PAD, RM, RM-CZ, TPZ, TPZ-CZ, or any Residential (R) District.

This site is not within any of the above-mentioned districts.

Section 6512.2.L requires that diesel generators are only installed when the use of electricity, natural gas, solar, wind, or other renewable energy sources are not feasible.

The emergency back-up diesel generator is required to provide service to first responders during times of local or national emergencies. The applicant has provided that:

- (1) Electricity is not guaranteed to be available during an emergency or power outage.
- (2) Natural gas services are terminated in earthquakes and fire hazards.
- (3) There is insufficient space for solar panels and additional batteries. Batteries exist on-site but are not capable of supplying the site during a sudden power draw.
- (4) Wind energy is not capable of supplying the site during a sudden power draw.

b. Performance Standards

The proposed project meets the required standards of Section 6512.3 (*Performance Standards for New Wireless Telecommunication Facilities that are Not Co-Location Facilities*) for lighting, licensing, provision of a permanent power source, timely removal of the facility, and visual resource protection. There is no lighting proposed, visual impacts will continue to be minimal, existing road access will be used, and the conditions of approval will require maintenance and/or removal of the facilities when they are no longer in operation.

Chapter 4.88 of the San Mateo County Code outlines interior and exterior noise standards for residential and other sensitive receptor uses (e.g., schools, hospitals) as well as general noise regulation of objectionable noise in any neighborhood. The Noise Ordinance also provides for exemptions which include *any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work* (Section 4.88.360.D *Exemptions*). However, even with the exemption, the applicant is taking steps to reduce noise by installing the highest level of sound attenuation casing (Level 2). The application states that the generator will run for 30-60 minutes per month for maintenance and testing during the day in a “no-load” situation. In the “no-load” situation the dB(A) (A-weighted decibels) seven meters (approximately 23 feet) away from the generator would be 67 dB(A) – approximately the noise level of a vacuum cleaner. The nearest dwelling unit is approximately 170 feet, on the other side of industrial warehouses, making it unlikely that the noise would be intrusive. If the generator is used for emergency purposes it will comply with the Noise Ordinance.

4. Use Permit Findings

In order to approve the Use Permit amendment, the Zoning Hearing Officer must make the following findings.

- a. **That the establishment, maintenance, and/or conducting of the use will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

To support the existing telecommunications facility, the diesel generator will only operate in emergencies where electric power supply has failed, and for 30-60 minutes monthly for testing. The operation of the generator for emergencies is exempt from the County Noise Ordinance (Section 4.88.360 D). No other modifications to the telecommunications facility is proposed at this time.

- b. **That this telecommunication facility is necessary for the public health safety, convenience, or welfare of the community.**

The use is to provide a secure network for first responders during local and national emergencies. Other sources of backup power during emergencies have been explored, and no other option is feasible. The support that the backup generator will provide the system is considered necessary for public health, safety, convenience and welfare.

5. Conditions of Last Approval

Staff has amended Conditions of Approval Nos. 1, 2 and 10 to reflect this amendment.

Staff is recommending adding Conditions of Approval Nos. 7, 8, 9 and 11 to ensure that no trees are removed on the site, that all infrastructure is removed if licenses are revoked, that the generator is only used for the proposed purpose, and that the appropriate hazardous material agencies are notified about the generator installation.

All other conditions remain unchanged from the most recent use-permit approval.

B. ENVIRONMENTAL REVIEW

Categorically exempt to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

C. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Geotechnical Engineering Section
Environmental Health Services
Belmont-San Carlos Fire Department
City of Belmont

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. Photos of Existing Conditions

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2011-00077

Hearing Date: June 6, 2019

Prepared By: Kelsey Lang, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is categorically exempt from environmental review, per Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing public or private structures.

Regarding the Use Permit, Find:

2. That the establishment, maintenance, and/or conducting of the uses will not, under the circumstances of these particular cases, be detrimental to the public welfare or injurious to the property or improvements in said neighborhood because the projects will meet current Federal Communications Commission (FCC) standards as shown in the radio frequency radiation reports and have been conditioned to maintain valid FCC and California Public Utilities Commission (CPUC) licenses.
3. That the telecommunication facility and the proposed amendment to the telecommunication facility is necessary for the public health, safety, convenience, or welfare of the community in that installing cellular facilities, and an emergency generator to support the facilities, at this location will provide increased and improved cellular coverage in the area for residents, commuters, and emergency personnel.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on June 6, 2019. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.

2. This permit shall be valid for ten (10) years from the date of the original approval and shall expire on September 1, 2021. If continuation of this use is desired, the applicant shall file a use permit renewal application with the Planning and Building Department six (6) months prior to its expiration and pay the fees applicable at that time.
3. The applicant shall paint all new rooftop facilities a light brown/beige color to match that of the existing building and be consistent with the photo simulations on file. The applicant shall arrange for color verification prior to calling for a final inspection.
4. The applicant shall continue to maintain the color of all existing facilities in a manner that is consistent with the color samples on file. Over time paint colors fade and, as result, facilities may become more visually prominent than initially proposed. The applicant shall continue to take all necessary measures to ensure that the site remains consistent with all approved colors. This includes all screen walls and rooftop facilities approved by this permit.
5. This installation shall be removed in its entirety at that time when this technology becomes obsolete, when the facility is no longer needed to achieve coverage objectives, or if the facility remains inactive for six (6) consecutive months. If any of these circumstances occur, the entire facility, including all antennas and associated equipment, cables, power supplies, etc., shall be removed and the site shall be returned to its pre-construction state to the extent practicable.
6. The applicant shall submit proof of its FCC and CPUC licenses/registrations prior to receiving final approval on the building permit. The applicant shall keep their FCC license active and in good standing throughout this permit's 10-year term. The applicant shall immediately notify the Planning and Building Department if any changes to their license occur.
7. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
8. This facility and all equipment associated with it shall be removed in its entirety by the applicant within ninety (90) days if the FCC license and registration are revoked or if the facility is abandoned or no longer needed. The owner and/or operator of the facility shall notify the Planning Department upon abandonment of the facility.
9. The generator will be used solely for emergency purposes and maintenance associated with such. Should a regular power supply become necessary, additional review will be required.

Building Inspection Section

10. The applicant shall apply for and obtain a building permit prior to beginning construction.

Environmental Health Services

11. At the building permit stage, the applicant will need to notify Environmental Health Service's Certified Unified Program Agency (CUPA) for the addition of the proposed generator and if required, make any necessary updates to the hazardous material business plan.

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ATTACHMENT B



VICINITY MAP

Project Site



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

File Numbers:

Attachment:



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ATTACHMENT C

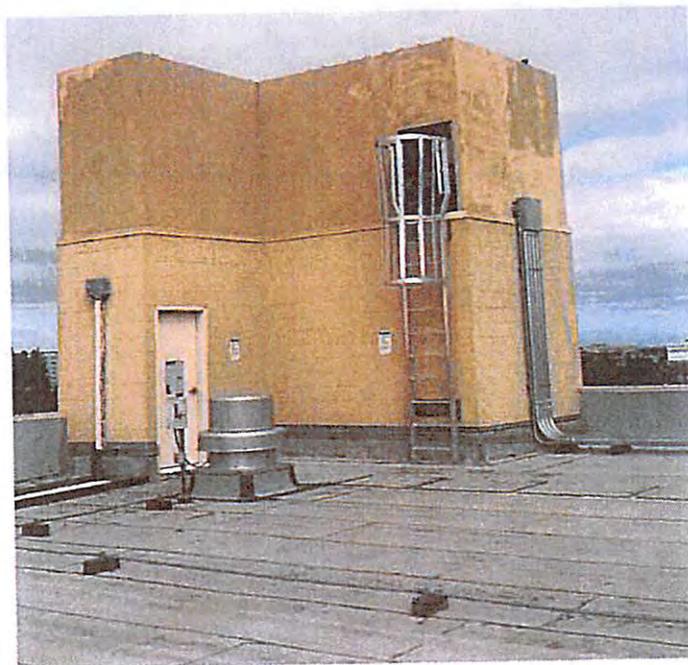


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ATTACHMENT D



Existing Ingress/Egress from Oniell Ave. No changes proposed.



Existing AT&T antenna penthouse atop storage building.

RECEIVED

MAR 27 2019

San Mateo County
Planning Division

PLN2011-00077



1. Rental Office
2. Storage Building
3. AT&T antennas
4. Proposed Generator Location



Generator Location, facing northwest. Concealed behind existing privacy slatted chain-link fence. Parking lot and landscaping located on opposite side of fence.