

**PLANNING COMMISSION
AGENDA REPORT**



**CITY OF MILLBRAE
621 Magnolia Avenue
Millbrae, CA 94030**

<p>SUBJECT: DISCRETIONARY USE PERMIT to allow a wireless telecommunications facility and related equipment for commercial purposes on private property within the public right of way in the Open Space (O) Zoning District. (Public Hearing)</p> <p>ATTACHMENTS:</p> <ol style="list-style-type: none"> 1. Project Description 2. Neighbor Consultation Forms 3. Site Photo and Photo Simulation 4. Alternative Site Study 5. Radio Frequency (RF) Exposure Report 6. Cell Site Coverage Maps 7. Cell Project Location Map 8. Environmental Noise Study 9. Alternative Cell Technology 10. Project Plans 11. Cell Equipment Design Options A-D 	<p>Report No. 7b</p>
	<p>For Agenda of: December 3, 2018</p>
	<p>Address: 797 Santa Margarita (Barcelona)</p>
	<p>Property Owner: PG&E</p>
	<p>Applicant: Verizon Wireless</p>
	<p>Originator: Sam Fielding Senior Planner</p>
	<p>Application submittal date: October 31, 2017 Application deemed complete date: March 8, 2018 Prior Planning Commission meeting date(s): April 2, 2018, April 16, 2018, June 4, 2018</p>

<p>REPORT TYPE: ACTION <input checked="" type="checkbox"/> INFORMATIONAL <input type="checkbox"/></p> <p>ITEM TYPE: CONSENT <input type="checkbox"/> PUBLIC HEARING <input checked="" type="checkbox"/> EXISTING BUSINESS <input type="checkbox"/> NEW BUSINESS <input type="checkbox"/></p>
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RECOMMENDATION

Staff recommends that the Planning Commission review the project, consider the public testimony and the Findings, as presented, and consider adopting the attached Resolution approving the application for a Discretionary Use Permit to allow a wireless telecommunications facility and related equipment for commercial purposes on private property within the public right of way, across the street from 797 Santa Margarita Avenue, subject to the attached Conditions of Approval, in the Open Space (O) Zoning District. (Public Hearing)

BACKGROUND

Project Address: Across the street from 797 Santa Margarita Avenue					
	Site	North	South	East	West
General Plan	Open Space	Low Density Residential,	Low Density Residential	Low Density Residential	Low Density Residential

Zoning	O	R-1	R-1	R-1	R-1
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The project site is on a PG&E wooden pole located on the northeast corner of the intersection of Santa Margarita Avenue and Barcelona Drive, across the street from the Montessori School baseball field. The utility pole is surrounded by dense shrubs and mature trees that screen the utility pole location from all adjacent residential neighbors with the exception of 760 and 791 Santa Margarita on the two corners across the street. The area is in the foot hills of the north central portion of Millbrae, between the Spur Trail to the west and Green Hills Country Club to the south within the Open Space (O) Zoning District adjacent to a residential zone. The open space property consists of dense trees, vegetation and a steep ravine.

PREVIOUS MEETINGS

This project was heard at the April 2, 2018 Planning Commission hearing. At the hearing the Commissioners and members of the public expressed concerns about:

1. Visual aesthetics from perspective of project location homes,
2. Noise impacts;
3. Verizon capacity need and future planned cell project location map;
4. Community outreach;
5. Alternative technology options.

Planning Commissioners voted to deny the project based on these concerns not adequately addressed by the applicant. The applicant appealed the decision and later at the April 16, 2018 Planning Commission Hearing requested a vote to reconsider the denial of the discretionary use permit to schedule a subsequent Public Hearing for further consideration of the applications upon the applicant adequately addressing the concerns expressed at the April 2, 2018 Planning Commission Hearing. The Planning Commission voted to approve the request to rehear the four project sites at the May 21, 2018 Planning Commission Hearing. Subsequently, the applicant requested of staff that the hearing scheduled for May 21, 2018 be continued to June 4, 2018, in order to allow more time to complete the five requested items. To comply with the request for more community outreach, the applicant organized and staffed a community meeting held at the Millbrae Community Center on Thursday, May 17, 2018 from 7:00 PM to 8:30 PM to provide information for the four small cell project locations: 826 Brookside Lane, 427 Anita Drive, 797 Santa Margarita Avenue/Barcelona Drive and 448 Bayview Avenue.

The information on Visual Impact, Noise Impacts, Wireless Capacity Needs and Project Map and Alternative Technology and Community Outreach as requested by Planning Commission was evaluated by staff in the Issues and Analysis section below.

To address the visual impact of the small cell equipment at this location, on October 23, 2018, the applicant submitted four small cell equipment design options for staff review. The analysis and staff recommended design is discussed in the Small Cell Equipment Design Options section below

PROPOSAL

Verizon Wireless is proposing to install a small cellular standalone site at this location to improve the network coverage and capacity of their network. Small cellular sites are short range mobile cell sites used to complement larger macro cells (cell towers) and enable the Verizon network to add capacity to high traffic areas. (See attached Cell Site Coverage Maps).

The proposed wireless telecommunications facility and related equipment will be located on an existing private utility pole within the public right of way and will be installed and operated in compliance with all applicable ordinances and regulations. The installation of wireless telecommunication facilities is regulated by local, state and federal ordinances and regulations, including Millbrae Municipal Code Chapter 10.30, as well as by the State of California, California Public Utility Commission (CPUC), and Federal Communication Commission (FCC).

The applicant will install one antenna and associated equipment including: (1) canister antenna on an existing wooden utility pole, (2) new Remote Radio Units (RRUs), (1) new utility disconnect switch on pole, appropriate warning signage, ground rods and buss bar, conduit installation for power and telco, (1) new electrical meter on existing pole and (1) new hand hole at ground level. The applicant will be required to obtain an Encroachment Permit from the Public Works Department for the installation of ground equipment within the public-right-of-way as a Condition of Approval for this project.

ISSUES & ANALYSIS

The applicant is requesting a Discretionary Use Permit to allow a wireless telecommunications facility and related equipment for commercial purposes on private property (PG&E private utility pole) within the public right of way, across the street from 797 Santa Margarita and, in the Open Space (O) Zoning District adjacent to a residential zone. The proposed wireless telecommunications facility and related equipment is an expansion of an existing telecommunications network which will enlarge the existing wireless phone coverage area, increase call capacity, and enhance the overall quality of service for existing and future Verizon customers.

Discretionary Use Permit

This wireless communications facility requires approval of a Discretionary Use Permit by the Planning Commission. Millbrae Municipal Code Section 10.30.050 generally allows the Community Development Director to approve wireless communications facilities on public property – including rights of way – and in commercial or industrial zones by administrative permit. However, if the proposed facility impacts a residential zone, the Community Development Director may determine that a use permit is required. In general, the Community Development Director requires use permits for wireless communications facilities where the public property is a public right of way in or adjacent to a residential zone.

Alternative Site Analysis

The applicant prepared an Alternative Site Analysis (see attached Alternative Site Analysis) as required by the Community Development Departments' submittal requirements for wireless communication facilities.

In addition to the existing utility pole site selected, Verizon Wireless considered (3) three alternative private utility poles located adjacent to 740 Barcelona Drive, 760 Santa Margarita Avenue and 797 Santa Margarita Avenue (pole located across the street from the proposed site). The three alternative sites were eliminated for the following reasons: The utility pole adjacent to 740 Barcelona Drive is located closer to a residential home than the proposed site; the utility pole adjacent to the 760 Santa Margarita site is a more visually impactful location at the crest of Santa Margarita with no mature trees or shrubs surrounding the pole to help screen the equipment; and the utility pole located adjacent to 797 Santa Margarita Avenue is located in a clearing with a view of the Montessori school baseball field which would be a more visually obtrusive location compared to the proposed location which has mature trees and shrubs surrounding the pole to help screen the equipment.

According to the applicant, existing antenna towers, monopoles, and rooftops located more than 150 feet from the proposed location are not viable alternatives for the small cell network because they do not meet Radio Frequency Coverage requirement and the network objectives of Verizon Wireless.

Radio Frequency (RF) Environmental Evaluation Report

The applicant submitted the Radio Frequency (RF) Environmental Evaluation Report (prepared by EBI Consulting), as required for this application. (See attached Radio Frequency (RF) Exposure Report)

The purpose of the RF Report is to determine the radio frequency electromagnetic exposure (RF-EME) levels from the Verizon wireless communications equipment at the proposed site. The FCC has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. The RF Report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields. A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place.

According to the report prepared by EBI Consulting, based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed antenna at this site that exceed the FCC's occupational or general public exposure limits at this site. At the nearest walking/working surfaces to the Verizon antenna, the maximum power density generated by the Verizon antenna is approximately 5.90 percent of the FCC's general public limit (1.18 percent of the FCC's occupational limit). Workers should be informed about the presence and locations of antennas and their associated fields. Recommended control measures are outlined in Section 5.0 and within the Site Safety Plan signage in the RF-EME report prepared

by EBI Consulting. This Site Safety Plan includes procedures to shut down and lockout/tag-out this wireless equipment in accordance with Verizon's standard operating protocol.

Staff review of the RF Environmental Evaluation Report for the facility shows that the cumulative nonionizing electromagnetic radiation calculations (NIER) emitted by the facility and any nearby facilities will be consistent with FCC regulations. Federal law prohibits staff from basing its permitting decision on the effects of radio frequency emissions so long as the radio frequency emissions comply with the FCC's standards. This includes the effects that radio frequency emissions may have on property values or public health.

Noise Impact

All wireless communication facilities shall be designed to minimize noise. If a facility is located in or within one hundred feet of a residential district, noise attenuation measures shall be included to reduce noise levels to a maximum exterior noise level of 60 Ldn (day-night average sound level) at the Facility site's property lines. (MMC Chapter 10.30.040 (J)). The day-night average sound level (Ldn or DNL) is the average noise level over a 24-hour period.

An Environmental Noise Assessment Report (ENAR) was prepared by EBI Consulting for Verizon to evaluate the noise impacts from the proposed Verizon small cell project located at the project site. Project noise levels from the equipment installation at 797 Santa Margarita Avenue (Barcelona Drive) were calculated using noise modelling software and manufacturer specifications for the equipment installed. There are no intentional acoustic emitting components within the antenna or Remote Radio Unit, (RRU) and therefore, no audible output from the antenna, coaxial cables, RRU units, or associated power conductors can be expected. There is a Cube Power Cabinet that will be installed and sound level propagation calculations were performed to determine the projected equipment sound levels at a distance of 9 meters (29.6 feet) from the nearest property line. The analysis by EBI determined that the dBA (A-weighted sound level) from the Cube Power Cabinet (with heat exchanger) will be less than the required 60 dBA (Ldn limit). The site will produce intermittent noise but will not exceed the allowable noise limits at the nearest residential property line.

Based on the results of the study, EBI concluded that the project site would not exceed the applicable noise level limits. Based on staff review of the ENAR and the submitted plans there will be no significant noise impacts at this project site.

Visual Impacts

In response to the Planning Commissioners request to provide additional visual simulations from the perspective of the property owner, the applicant submitted supplemental visual simulations of the proposed cell project location on the pole from the front and side angles facing the homes across the street.

The applicant submitted proposed site location photos (see attached Site Photos) showing the existing pole location and a photo simulation at the proposed site showing the wireless antenna located on top of the pole and the proposed support equipment located 7 feet high from grade. The

utility pole is surrounded by dense mature trees and vegetation which will screen and provide a natural backdrop to the equipment located on the wooden utility pole. The site will only be visible to two residences located across the street on the southeast and southwest corner of the intersection.

The antenna canister will be mounted at the top of the pole and the bottom of the equipment will be located at a height of 7 feet above the ground as required by PG&E utility pole requirements. The wireless equipment will project about 2.5 feet from the pole and be rotated at an approximate 45 degree angle, outside of the public right-of way area (sidewalk), towards the northwest side of the utility pole away from the sidewalk. In addition, the electrical meter, power cabinet, RRUs and antenna will be painted Brown to match the existing PG&E pole.

Staff conducted a site visit (3/14/18), reviewed the applicant's site photos, photo simulations and plan designs to minimize visual impact by matching the equipment with brown color of the existing pole and rotating the equipment away from the sidewalk. The utility pole is surrounded by dense shrubs and mature trees that screen the utility pole location from all adjacent residential neighbors with the exception of 760 and 791 Santa Margarita on the two corners across the street. The wooden utility pole blends in with the green vegetation backdrop when viewed from across the street.

Based on evaluation of this information for the proposed installation of the wireless communication equipment at this site staff acknowledges that the utility pole will appear bulkier with the new equipment but the surrounding dense mature trees and vegetation and painting of the equipment with a brown color to match the existing pole, will help screen the equipment. Small cell installations are similar to other utility and communication devices installed on poles throughout urban environments. Staff considers that this proposal will not rise to the level of creating a significant visual impact to the property or surrounding properties. Staff recommends the applicant install design option D, which is the least visually obtrusive design for the site. (see Small Cell Design Option analysis below).

Wireless Capacity Needs and Project Map

In addition to the four (4) cell projects being heard at the June 4, 2018 Planning Commission Hearing, as of May 22, 2018 Verizon proposes to install twelve (12) small cell projects in Millbrae. One (1) of the project locations (1551 El Camino Real), is a wireless communication facility located in a commercial zone subject to staff level approval only. Ten (10) small cell projects have been submitted to the Planning Department for review and are located within residential areas in Millbrae and require Planning Commission approval. Lastly, one (1) site (1385 Magnolia Ave.) the applicant is preparing to submit for review. See attached Verizon Small Cell Telecommunication Sites map for a list of site id, address, application status and map location.

Alternative Technology

The applicant submitted a summary of information on alternatives to small cell telecommunication technology. The applicant states that original cell technology relied on very large communication towers to provide coverage for sizable geographic areas. These Macro-cells, introduced in the early 2000's, were used to address capacity requirements for voice and data peaking. According to the

applicant, currently, data use is the primary factor causing the need to increase system capacity. Small cell technology was standardized about 10 years ago to provide additional network capacity. The first small cell towers were the size of a large refrigerator but recently the amount and size of the equipment has been streamlined and can provide service with a radius of up to 1,000 feet. The applicant states that currently, small cell technology is the only option available to address capacity gaps in areas of high demand, other than the installation of macro-towers. Based on a review of this information, it is staff's view that small cell project installations have a less visual impact than new large cell towers in residential zones and the small cell installations address capacity data gap needs that towers are less able to address.

Small Cell Equipment Design Options

The applicant submitted four small cell equipment design options for the proposed location that portray two views of the existing site and photo simulation of the proposed small cell equipment. (Attachment 10 Small Cell Equipment Design Options). Staff designated the options as options A-D. The four options offer variations on the antennae canister design and placement location on the pole. Below is a summary of the four types of designs:

Option A: A two (2) foot wireless antenna attached to the top of the pole and be enclosed in an antenna shroud with smart meter inside.

Option B: A four (4) foot antenna installed at the top of the pole and proposed smart meter attached below the support equipment on the pole.

Option C: A wireless 2 foot mid-mount antenna attached at the upper one third portion of the pole with the smart meter attached below the support equipment on the pole.

Option D: A wireless 2 foot antenna attached to the top of the pole and the smart meter attached below the support equipment on the pole.

After review of the four options staff recommends that Commissioners select **Design Option D**. This design is the least visually intrusive of the four options. The other options are all more visually intrusive. Option A encloses the smart meter inside an antenna shroud on top of the pole, while removing the smart meter from below the support equipment, makes the antenna appear larger than the other options. Option B installs a longer 4 foot antenna at the top of the pole which is visually larger than all three other options. Option C attaches a more intrusive mid-mount antenna, with arm on the upper portion of the pole, which is a more visually bulky design. The smart meter attached below the support equipment is a feature of Options B-D and its slim profile and size does not significantly visually impact the pole any more than the support equipment. For these reasons, Option D is the preferable design option.

Public Notice Requirement

The City of Millbrae Community Development Department follows legally required public noticing requirements outlined in the Municipal Code Section 10.05.2900 including: publishing the Planning Commission meeting date, not less than ten days prior to the hearing, in a newspaper

of general circulation in the city and mailing notice cards to property owners within a 300 foot radius of the subject property. In addition, staff posts notices in at least three public places along the street and stakes a placard at the subject property at least ten days before the public hearing. At least three days before the meeting, staff posts the project meeting date on the City website Planning Commission calendar; and on the bulletin boards at City Hall and the Millbrae Public Library.

Neighborhood Response

In accordance with the City of Millbrae Community Development Departments’ Submittal Requirements for Residential Development to notify each adjacent property owner abutting the project site, a total of 10 Proof of Neighbor Consultation forms from the adjacent residences were delivered to residences and submitted to staff and the response was as follows:

Response	#	Address	Date Sent	Date Staff Received
Support	0			
Oppose	0			
Unable to contact		663 Santa Barbara Ave. (USPS certified mail)	12/18/17	1/9/18
		671 Santa Barbara Ave. (USPS certified mail)	12/18/17	1/9/18
		679 Santa Barbara Ave. (USPS certified mail)	12/18/17	1/9/18
		797 Santa Margarita Ave. (USPS certified mail)	12/18/17	1/9/18
		675 Santa Barbara Ave. (USPS certified mail)	12/18/17	1/9/18
		667 Santa Barbara Ave. (USPS certified mail)	12/18/17	1/9/18
		740 Santa Barcelona Drive (USPS certified mail)	12/18/17	1/9/18
		747 Barcelona Drive (USPS certified mail)	12/18/17	1/9/18
		760 Santa Margarita Ave. (USPS certified mail)	10/13/17	10/31/17
		791 Santa Margarita Ave. (USPS certified mail)	10/13/17	10/31/17

Staff did not receive any new completed neighbor consultation forms from either the applicant or turned in by the adjacent neighbors. The applicant submitted 10 USPS certified mail receipts confirming they sent a project description and reduced set of plans to the neighbors for review. The project was properly noticed to all residents within 300 ft. for the December 3, 2018 Planning Commission meeting. The proposed project plans have not change except for the four equipment design options A-D.

Community Outreach

A community meeting was organized by the applicant and held at the Millbrae Community Center on Thursday, May 17, 2018 from 7:00 PM to 8:30 PM to provide information for the four small cell project locations: 826 Brookside Lane, 427 Anita Drive, 797 Santa Margarita Avenue/Barcelona Drive and 448 Bayview Avenue. Verizon noticed all residents living within 300 feet of the project sites, posted the meeting in social media (Verizon Facebook page), and noticed the meeting in the May 12, 2018 weekend edition of the San Mateo County Daily. As a courtesy the City of Millbrae posted a flyer of the meeting at City Hall and the Millbrae Public Library. The meeting was an “open house” format with Verizon representatives staffing information tables on RF frequency maps for four projects and citywide project map (available on

laptop computer), plan showing the location of the cell wireless equipment on the wooden utility pole), information on the four project site plans and information addressing health concerns. City staff also were present at the meeting to answer questions. Subsequently, on November 1, 2018, the applicant withdrew the small cell site applications for 826 Brookside Lane 427 Anita Drive and 448 Bayview Avenue.

REQUIRED FINDINGS

The following findings are required under Sections 10.05.2520.D and 10.30.050.B.2 of the Millbrae Municipal Code in order for the Planning Commission to approve the requested Use Permit:

Conditional Use Permit

- 1. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use; and**

The proposed wireless telecommunications facility and related equipment is an expansion of an existing use on the PG&E utility pole, which will enlarge the existing wireless phone coverage area, increase call capacity, and enhance the overall quality of service for existing and future Verizon customers. The proposal will not be detrimental to the health, safety, morals, comfort, and general welfare of persons residing or working in the neighborhood. The wireless communications facility complies with all FCC prescribed limits on RF-EME exposure levels and Millbrae noise level requirements (MMC Chapter 10.30.040 (J)).

- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to property and improvements in the neighborhood of such proposed use.**

The proposed wireless telecommunications facility and related equipment will be located on an existing private utility pole within the public right of way and will not be detrimental to property improvements in the neighborhood. The applicant has agreed to take steps to mitigate the aesthetic impacts of the proposed use.

Discretionary Use Permit

- a. No alternative site is available that would allow for issuance of an administrative permit for the facility.**

An administrative permit may be issued when the wireless communications facility 1) is on public property, a commercial zone, or an industrial zone; 2) meets certain criteria established in the Municipal Code; and 3) has no impacts to a residential zone or the Community Development Director determines that the impacts to the residential zone do not merit Planning Commission review. No alternative sites qualify for administrative use

permits because the alternative sites are also in a residential zone and are not located in a commercial or industrial zone. The proximity of the facility to residences justifies the need for a use permit.

- b. The facility either: 1) does not require an Rf Environmental Evaluation Report; or 2) the Rf Environmental Evaluation Report for the facility shows that the cumulative NIER emitted by the facility and any nearby facilities will be consistent with FCC regulations.**

A radio frequency exposure report, prepared for this project by EBI Consulting, has been submitted which concludes that the facility would emit 5.90 percent of the FCC's general public limit (1.18 percent of the FCC's occupational limit) as prescribed by the Federal Communications Commission for a person anywhere at ground level. Based on the conclusions of the RF Report for the proposed facility site the cumulative NIER emitted by the facility will be consistent with FCC regulations.

- c. The facility will not have significant visual impacts.**

The proposed wireless telecommunications facility antenna and equipment will be located on an existing private PG&E utility pole. The antenna will be located at the top of the pole and the base of the wireless equipment will be located at least 7 feet above grade, rotated away from the sidewalk, on the pole. The equipment at the proposed site will be screened by dense mature trees and vegetation behind the utility pole helping to screen the equipment and the equipment will be rotated away from the sidewalk. In addition, the equipment and antenna will be painted brown to match the existing pole. The photo simulations indicate that the additional equipment will be visible, however the equipment would not be a significant visual impact due to the dense tree and vegetation backdrop providing screening to the cell equipment located on the utility wooden. Staff considers that this proposal will not rise to the level of creating a significant visual impact to the property or surrounding properties. Staff recommends installation of equipment design Option D as the least visually impactful design at the project site.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to subsection (b) of Section 15301, Existing Facilities of the CEQA Guidelines in that the project is a minor alteration to an existing structure owned by a public utility and used to provide public utility services (i.e. commercial telecommunications), and the project involves a negligible expansion of the use.

PLANNING COMMISSION ACTION:

Staff recommends that the Planning Commission review the project, consider the public testimony and the Findings, as presented, and consider adopting the attached Resolution approving the application for a Discretionary Use Permit to allow a wireless telecommunications facility and related equipment for commercial purposes on private property within the public right of way,

across the street from 797 Santa Margarita Avenue, subject to the attached Conditions of Approval, in the Open Space (O) Zoning District. (Public Hearing).

RESOLUTION NO.

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILLBRAE
APPROVING A DISCRETIONARY USE PERMIT TO ALLOW A WIRELESS
TELECOMMUNICATIONS FACILITY AND RELATED EQUIPMENT FOR
COMMERCIAL PURPOSES ON PRIVATE PROPERTY WITHIN THE PUBLIC
RIGHT OF WAY IN AN OPEN SPACE (O) ZONING DISTRICT.**

CITY OF MILLBRAE

WHEREAS, Verizon Wireless filed PA-1711-005 for a permit to allow a wireless telecommunications facility and related equipment for commercial purposes on a utility pole owned by Pacific Gas & Electric within the City of Millbrae's right of way; and

WHEREAS, the right of way is in the Open Space (O) Zoning District across the street from 797 Santa Margarita Avenue, a residential zoned property; and

WHEREAS, the Community Development Director has determined that the project will have an impact on a residential zone, and that a Discretionary Use Permit is necessary because the site is located in a residential zone and not in a commercial or industrial zone and the proximity of the facility to residences justifies the need for a use permit; and

WHEREAS, the Planning Commission held a properly noticed public hearing on December 3, 2018 at which time the Commission heard all persons wishing to speak and considered all pertinent information; and

WHEREAS, the staff report for this action and all its attachments are hereby incorporated by reference; and

WHEREAS, the project is consistent with the City's General Plan, Development Code, and is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301(b) of the CEQA Guidelines; and

WHEREAS, this Planning Commission, having considered the evidence received at the public hearing duly noticed, desires to recommend approval of the project in the manner proposed and referenced above and in accordance with the following findings;

Conditional Use Permit:

- 1. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use; and**

The proposed wireless telecommunications facility and related equipment is an expansion of an existing use on the PG&E utility pole, which will enlarge the existing wireless phone coverage area, increase call capacity, and enhance the overall quality of service for existing and future Verizon customers. The proposal will not be detrimental to the health, safety, morals, comfort, and general welfare of persons residing or working in the neighborhood. The wireless communications facility complies with all FCC prescribed limits on RF-EME exposure levels and Millbrae noise level requirements (MMC Chapter 10.30.040 (J)).

- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to property and improvements in the neighborhood of such proposed use.**

The proposed wireless telecommunications facility and related equipment will be located on an existing private utility pole within the public right of way and will not be detrimental to property improvements in the neighborhood. The applicant has agreed to take steps to mitigate the aesthetic impacts of the proposed use.

Discretionary Use Permit:

- a. No alternative site is available that would allow for issuance of an administrative permit for the facility.**

An administrative permit may be issued when the wireless communications facility 1) is on public property, a commercial zone, or an industrial zone; 2) meets certain criteria established in the Municipal Code; and 3) has no impacts to a residential zone or the Community Development Director determines that the impacts to the residential zone do not merit Planning Commission review. No alternative sites qualify for administrative use permits because the alternative sites are also in a residential zone and are not located in a commercial or industrial zone. The proximity of the facility to residences justifies the need for a use permit.

- b. The facility either: 1) does not require an Rf Environmental Evaluation Report; or 2) the Rf Environmental Evaluation Report for the facility shows that the cumulative NIER emitted by the facility and any nearby facilities will be consistent with FCC regulations.**

A radio frequency exposure report, prepared for this project by EBI Consulting concludes that the facility would emit 5.90 percent of the general public limit (1.18 percent of the occupational limit) prescribed by the Federal Communications Commission for a person anywhere at ground level. Based on the conclusions of the RF Report for the proposed facility site the cumulative NIER emitted by the facility will be consistent with FCC regulations.

- c. The facility will not have significant visual impacts.**

The proposed wireless telecommunications facility antenna and equipment will be located on an existing private PG&E utility pole. The antenna will be located at the top of the pole and the base of the wireless equipment will be located at least 7 feet above grade, rotated away from the sidewalk, on the pole. The equipment at the proposed site will be screened by dense mature trees and vegetation behind the utility pole helping to screen the equipment and the equipment will be rotated away from the sidewalk. In addition, the equipment and antenna will be painted brown to match the existing pole. The photo simulations indicate that the additional equipment will be visible, however the equipment would not be a significant visual impact due to the dense tree and vegetation backdrop providing screening to the cell equipment located on the utility wooden. Staff considers that this proposal will not rise to the level of creating a significant visual impact to the property or surrounding properties. Staff recommends installation of equipment design option D as the least visually impactful design at the project site.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE PLANNING COMMISSION THAT:

1. The recitals set forth above are true and correct and are hereby incorporated herein by this reference and full set forth in their entirety.
2. The Discretionary Use Permit for the proposed project is approved, subject to the Conditions of Approval, attached hereto and incorporated by reference. The Discretionary Use Permit shall not have any force and effect until the permittee acknowledges in writing 1) the receipt of the permit; and 2) the permittee's acceptance of the Conditions of Approval.
3. This resolution shall be effective immediately. Staff is directed to issue the Discretionary Use Permit to the applicant no sooner than ten days from the effective date of this resolution.

PASSED AND ADOPTED as a Resolution of the City of Millbrae Planning Commission at the public meeting held on the 3rd of December 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIR

ATTEST:

SECRETARY

CONDITIONS OF APPROVAL

Project: 797 Santa Margarita

Date: December 3, 2018

GENERAL REQUIREMENTS:

1. A Revocable Encroachment Permit issued by the Department of Public Works, Engineering Division, is required and shall be obtained prior to installation.
2. The wireless communication facility shall conform to these conditions of approval and to the approved plans and documents on file in the Community Development Department as approved and dated March 19, 2018. No significant changes or modifications shall be made to the facility without prior review and written approval by the Community Development Director.
3. The proposed micro antenna canister, equipment cabinets, metering device and all cables shall be painted a brown color to match the existing PG&E pole.
4. The wireless communication facility site shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties.
5. The wireless communication facility, including all equipment and structure(s), shall conform to Uniform Building Code requirements. A Building Permit Application shall be submitted within six (6) months of the date of this approval; otherwise, this approval shall expire, unless a request for an extension is submitted in writing to the Community Development Department.
6. This Discretionary Use Permit and all rights hereunder shall be **valid for five (5) years** from the date of approval its effective date. This permit may be renewed prior to the date of expiration. At the discretion of the Community Development Director, this permit may be renewed administratively, with or without a hearing pursuant to Municipal Code Section 10.30.080.C, as amended from time to time.
7. This approval shall become invalid if the wireless communication facility ceases to operate under the terms or conditions specified by this permit and/or to the regulations specified in Title 10, Chapter 6 of the Millbrae Municipal Code. Upon written notification specifying non-compliance with any of the terms or conditions of this permit and/or to the regulations of the Millbrae Municipal Code, the operator will be required to cease and remove the facility from its location within ninety (90) days.
8. Failure to comply with any of the terms or conditions of this permit shall be cause for further enforcement action subject to the issuance of a citation and/or revocation and termination of all rights thereunder by the City of Millbrae.

SPECIAL CONDITIONS:

- A. Any proposed deviation from the Planning Commission approved plans/exhibits shall be shown to City Staff for a determination of significance. All such deviations deemed significant by City Staff shall be reviewed and approved by the Planning Commission and reflected in revised building plans prior to construction.
- B. Hours of construction are limited from Monday to Friday 7:30 A.M. To 7:00 P.M., Saturday 8:00 A.M. to 6:00 P.M., with Sunday and holidays from 9:00 A.M. to 6:00 P.M.
- C. Small Cell Equipment Design Option D (2 foot antenna on top of pole with smart meter below support equipment), shall be installed at the proposed site.