

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

DATE: February 1, 2024

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit renewal and amendment, pursuant to Sections 6500 and 6513 of the San Mateo County Zoning Regulations, to allow the modification of the existing cell site by removal and replacement of six (6) AT&T panel antennas located inside a “chimney” screening enclosure and associated equipment located on the rooftop and within the apartment building. Removal and replacement of six (6) Remote Radio Units (RRU’s), and installation of three (3) additional RRU’s, and associated supporting equipment, on the rooftop, and within an apartment building located at 723 Marsh Road in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN2004-00085 (AT&T Mobility)

PROPOSAL

The applicant proposes to renew and amend their use permit to allow the continued operation, modification, and expansion of an existing AT&T telecommunications facility on the roof, and within a residential apartment building. The existing facility consists of six (6) AT&T panel antennas located inside a rectangular, white “chimney” screening enclosure, associated equipment including six (6) Remote Radio Units (RRUs), surge protectors, fiber/coax connections, a GPS antenna, as well as a 7-foot tall rectangular “chimney” screening.

The applicant proposes to amend the Use Permit in order to remove and replace the six (6) panel antennas, as well as remove and replace six (6) Remote Radio Units (RRU's) and add three (3) additional Remote Radio Units with associated supporting hardware, bringing the total count of Remote Radio Units to nine (9) on site.

RECOMMENDATION

1. Approve the Use Permit Renewal and Amendment, County File Number PLN 2004-00085, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Randall Cohen, Project Planner, Telephone 650/383-4658

Applicant: Greg Davis of J5 Infrastructure Partners, agent for New Cingular Wireless, LLC.

Owner: Despres Trust

Public Notification: A ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project.

Location: 723 Marsh Road, Menlo Park

APN(s): 060-143-320

Existing Zoning: Neighborhood Business District (C-1)/Combining District (S-1)

General Plan Designation: Neighborhood Commercial

Existing Land Use: 14-unit, 3-story multi-family residential apartment building with rooftop telecommunications facilities. Existing telecommunications facilities and antennas are listed in table below:

| Table 1 Existing Telecommunications Facilities and Antennas | | |
|--|---|-----------------------------------|
| <i>Carrier of Each Existing Antenna Facility</i> | <i>Number of Existing Antennas</i> | <i>Location on Rooftop</i> |
| T-Mobile – Cylinder – Cylinder Enclosure | 1 | Northeast (Front right) |
| T-Mobile – Cylinder | 2 | Northeast (Front left) |
| Verizon – Concealment Cylinder | 8 | Northwest (Middle right) |
| Verizon – Concealment Cylinder | 4 | Northwest (Middle left) |
| AT&T – Chimney Enclosure | 6 | Southwest (Middle center) |
| 5 Existing Structures | 21 Existing Antennas | |

Flood Zone: FEMA Flood Insurance Rate Map Zone C (Area of Minimal Flooding); Panel Number: 060311 0256B; Effective Date: July 5, 1984.

Environmental Evaluation: Categorically exempt from California Environmental Quality Act (CEQA) under provisions of Class 1, Section 15301 (continued use of an existing facility) and Class 3, Section 15303 (installation of small facilities) of the CEQA Guidelines.

Setting: The subject apartment building is located on the west side of Marsh Road between Fair Oaks Avenue and Bay Road. The property is located at the eastern border of the unincorporated North Fair Oaks neighborhood and is adjacent to the Town of Atherton and the cities of Menlo Park and Redwood City. An automotive detail shop lies immediately to the north of the property and a gas station lies to the south. Single-family residential uses are located in the North Fair Oaks area to the west and in the City of Atherton to the east.

The site is developed with a 14-unit, 3-story apartment building. The roof contains a number of wireless telecommunications facilities operated by AT&T, Sprint/Nextel, Metro PCS, and T Mobile (a Verizon Wireless facility has also obtained approval and is currently under construction).

Chronology:

| <u>Date</u> | <u>Action</u> |
|------------------|--|
| March 1, 2004 | - Application for Original Use Permit (PLN2004-00085) for a 6 antenna cell site on the roof of the apartment building, with 3 associated equipment cabinets located inside the existing building. |
| October 5, 2005 | - Original Use Permit is approved by the Zoning Hearing Officer. |
| October 27, 2005 | - Project receives final approval. |
| September 2007 | - Planning staff performs Administrative Review and observes that only 3 of 4 sides of the cellular facility are enclosed. The 3 sides that are visible from Marsh Road are enclosed. However, the 4th side that faces 18th Avenue is visible from the street level. Planning staff requests the applicant to install an additional screen on the portion of the cellular facility that faces 18th Avenue. |
| April 7, 2008 | - Planning staff notes that all outstanding issues have been resolved and completes the Administrative Review. |
| June 14, 2010 | - Application for Use Permit Renewal is received. |
| October 2010 | - Expiration of the original Use Permit. |

- Unknown - Use Permit Renewal Application is modified to include proposed amendments, including the installation of six (6) panel antennas located inside a new 2nd “chimney” screening enclosure.
- January 19, 2012 - Zoning Hearing Officer public hearing. Renewal is approved.
- July 18, 2023 - Building permit application received to replace the existing antennas and RRUs with newer models and to add three additional RRUs.
- September 14, 2023 - Planning Application for cell site Use Permit Renewal received and deemed incomplete.
- September 18, 2023 - Project is deemed complete on this date.

DISCUSSION

A. **KEY ISSUES**

1. **Compliance with Previous Conditions of Approvals**

Compliance with each of the conditions of approval of the 2012 Use Permit Renewal are discussed below, including a recommendation as to whether each condition should be retained and/or modified going forward.

- a. **Condition No. 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 January 19, 2012. Any modifications beyond that which were approved by the Zoning Hearing Officer will be subject to review and approval by the Community Development Director and may require review at a public hearing. Minor modifications that are largely consistent with this approval may be approved at the discretion of the Community Development Director.

Compliance with condition? Yes.

Recommend to retain condition? Yes, but modified as follows:

Modified Condition No. 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 February 1, 2024. Any modifications beyond that which were approved by the Zoning Hearing Officer will be subject to review and approval by the Director of Planning and Building and may require review at a public hearing.

Minor modifications that are largely consistent with this approval may be approved at the discretion of the Director of Planning and Building.

- b. **Condition No. 2:** The applicant shall apply for and obtain a building permit prior to installing any of the new facilities, as approved by the Zoning Hearing Officer on January 19, 2012. The applicant shall install the facilities in accordance with the approved plans and must adhere to all current codes in effect at the time of construction.

Compliance with condition? Yes.

Recommend to retain condition? Yes, but modified as follows:

Modified Condition No. 2: “The applicant shall apply for and obtain a building permit prior to installing any of the new facilities, as approved by the Zoning Hearing Officer on February 1, 2024. The applicant shall install the facilities in accordance with the approved plans and must adhere to all current codes in effect at the time of construction.”

- c. **Condition No. 3:** Per Section 6512.6 (Use Permit Term, Renewal and Expiration), this permit shall be valid for ten (10) years from the date of this approval and shall expire on January 19, 2022. If continuation of this use is desired, the applicant shall file a Use Permit Renewal Application with the Planning and Building Department six months prior to its expiration and pay the fees applicable at that time. An Administrative Review and payment of associated fees, for staff’s review of the project for compliance with conditions of approval of this use permit.

Compliance with condition? No. The applicant filed for a Use Permit Renewal in September 2023 after the permit’s expiration.

Recommend to retain condition? Yes, but modified as follows:

Modified Condition No. 3: “Per Section 6512.6 (Use Permit Term, Renewal and Expiration), this permit shall be valid for ten (10) years from the date of this approval and shall expire on February 1, 2034. If continuation of this use is desired, the applicant shall file a Use Permit Renewal Application with the Planning and Building Department six months prior to its expiration and pay the fees applicable at that time.”

- d. **Condition No. 4:** All antenna screening structures, and associated cable trays and equipment authorized by this permit shall be painted to match the existing building. Color verification shall be required in the field after the applicant has painted the screening the approved color, but before the applicant schedules a final inspection.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- e. **Condition No. 5:** Noise levels produced by proposed construction activities shall comply with the San Mateo County Noise Ordinance contained in Chapter 4.88 (Noise Control) of the County Ordinance Code. Construction activities shall be limited to the hours 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. Construction operations shall be prohibited on Sunday and any national holiday.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- f. **Condition No. 6:** The applicant shall install and maintain warning signage and antenna barriers as approved by the Zoning Hearing Officer and as necessary to comply with all FCC standards regulating human exposure to Radio Frequency (RF) – Electromagnetic Energy emissions (as described in the EBI Consulting report, dated October 27, 2011 and shown on plans as approved by the Zoning Hearing Officer). All such measures shall be indicated in the building permit application materials and their installation shall be verified by a building inspector prior to final approval of the building permit.

Compliance with condition? Yes.

Recommend to retain condition? Yes, but modified as follows:

The applicant shall install and maintain warning signage and antenna barriers as approved by the Zoning Hearing Officer and as necessary to comply with all FCC standards regulating human exposure to Radio Frequency (RF) – Electromagnetic Energy emissions (as described in the Waterford Consulting report, dated January 12, 2023 and shown on plans as approved by the Zoning Hearing Officer). All such measures shall be indicated in the building permit application materials and their installation shall be verified by a building inspector prior to final approval of the building permit.

- g. **Condition No. 7:** 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 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. Removal or modification of the facility and associated installations require a demolition/building permit from the Building Inspection Section.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- h. **Condition No. 8:** The applicant shall continue to 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.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- i. **Condition No. 9:** While the use permit for the operation of the wireless telecommunications facility is valid for 10 years following approval by the Zoning Hearing Officer, the approval of the modifications to the facility is valid for only one year, in which time the applicant shall apply for and be issued a building permit for said modifications. An extension may be considered upon submittal of an application for permit extension at least 30 days prior to the permit's expiration.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- j. **Condition No. 10:** The applicant shall maintain the color of all approved facilities (including enclosures, all exposed cables, antenna barriers, and other equipment) in a manner that is consistent with the color samples on file or the color of the building (should it change). 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 previously approved colors, including requesting a minor modification to change the color of the antenna structures should the color of the building change.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- k. **Condition No. 11:** The applicant shall provide the name, title, phone number, mailing address, and email address of one or more contact persons at AT&T, to which future correspondence from the County should be addressed. This person(s) will serve as the long-term contact person(s) for this project for the purposes of permit renewal. Should the long-term contact person(s) change, the property owner is responsible for contacting the County to establish new long-term contact person(s).

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- l. **Condition No. 12:** The Property Owner is responsible for maintaining the property in a manner consistent with all County regulations, including conditions of approval applied to permits (i.e., use permits) for on-site wireless telecommunications facilities. All use permits shall be maintained in an “active”, non-expired status. Non-compliance with any applicable County regulations may result in the initiation of a violation case and referral of the case to the Planning and Building’s Department’s Code Compliance Section. Per Section 6105.1 (Zoning and Building Violation) of the County Zoning Regulations, except as provided in Sections 6105.2 and 6105.3, no permit for development shall be issued for any lot that has an existing zoning or building violation.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

- m. **Condition No. 13:** Prior to the Current Planning Section’s approval of the building permit for this project, the Property Owner shall demonstrate that each of the telecommunication’s facilities at the site has been accurately labeled with the name of the carrier having ownership and that each facility has an approved active use permit.

Compliance with condition? Yes.

Recommend to retain condition? Yes.

B. USE PERMIT AMENDMENT TO EXPAND TELECOMMUNICATIONS FACILITY

1. Proposed Amendments to Use Permit

The proposed modifications to the existing conditions include the following:

- *Additional Antennas and Equipment:* Remove and replace six (6) panel antennas within existing screen box. Remove six (6) RRUs and install nine (9) RRUs on roof level. New equipment will be added to existing equipment located within a ground-floor equipment room. Existing cable tray from the ground floor equipment room, up the building's eastern façade, and along the roof to the new antenna locations will be maintained.
- *Screening Enclosure:* Existing 7-foot tall rectangular "chimney" screening enclosure will be utilized.

2. Compliance with the Policies of the County's General Plan

Policy 7.15 (*Designation of Land Uses*) describes the primary feasible uses associated with the "Neighborhood Commercial" land use designation as "Trade and distribution uses including but not limited to retail trade; service uses including but not limited to business and professional offices." The current multiple-family residential use of the property is legal, non-conforming to the commercial-zoned district, where a use permit was and is required for the establishment of any residential use. County records indicate that the building was constructed in the 1960s. However, it appears that no use permit was issued for the establishment of the residential use. However, due to County approval of various permits at the property, the use and structure are assumed to be legal.

Policies 8.2 (*Land Use Objectives for Urban Communities*), 8.5 (*Definition of Urban Community*), and 8.8 (*Designation of Existing Urban Communities*) designate North Fair Oaks as an existing Urban Community and define Urban Communities as large, populated areas which contain a wide range of residential land use densities and a mix of land uses which provide services to surrounding areas and meet, in part, the internal shopping, employment and recreational needs of the community residents, and encourage the location of a mix of commercial and industrial uses. The project site is located on a block located in a completely single-family residential area, where the eastern half of the block is primarily zoned for commercial uses, with the exception of two parcels zoned R-3 located north of the project site. The proposed project would provide improved (in-building, in-transit, and outdoor) coverage for AT&T customers using personal telecommunication devices within approximately 0.5-mile of the project site.

3. Compliance with the Wireless Telecommunication Facilities Regulations

The existing AT&T facility is located on the roof of an apartment building that currently supports cell facilities for other carriers including T-Mobile and Verizon. The site is considered a co-location facility.

a. Permit Requirements

Per Section 6513 (Permit Requirements and Standards for Co-Location Facilities) of the Wireless Telecommunications Facilities Regulations, co-location facilities operating under a use permit which does not allow for the extent of site improvements involved in the co-location project or where a CEQA document which addresses the environmental impacts of future co-location of facilities has not been certified or adopted, require a use permit in accordance with Chapter 24 of the Zoning Regulations.

Compliance with Use Permit Findings

In order to approve the proposed Use Permit Amendment, the Zoning Hearing Officer must make the following findings:

- (1) *That the establishment, maintenance and/or conducting of the proposed 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.*

The Radio Frequency Emissions Compliance Report, prepared by Waterford Consultants, and included as Attachment I, concluded that in the worst-case scenario emitted power density may exceed the FCC's general public exposure limit within approximately 12 feet of AT&T's proposed antennas at the main roof level. Modeling also indicates that the worst-case scenario emitted power density may exceed the FCC's occupational limit within approximately 3 feet of the proposed antennas at the main roof level. Per the report, based on the FCC criteria, there are no measured areas on any accessible rooftop, balcony, or ground-level walking/working surface that exceed the FCC's occupational and general public exposure limits at this site. Likewise, no interior areas would exceed these limits.

The applicant is proposing to maintain an approximately 3.5-foot tall chainlink/rope barrier to be located within 12 feet of both existing and proposed antennas to deter public access within these areas. In addition, the applicant will maintain existing warning signage. As proposed, the site is compliant with FCC rules and regulations.

While the chimney screening enclosure and a portion of the antenna barriers will be visible from Marsh Road and Fair Oaks Avenue, Condition No. 10 requires the antenna barriers and the screening enclosure to be painted to match the building. As conditioned, visual impacts from rights-of-ways are minimized. The site is not located within a scenic corridor or a design review district. As an unmanned communication facility, its operation will not create new traffic or noise impacts.

- (2) *That the approval of this cellular telecommunication addition is necessary for the public health, safety, convenience or welfare of the community.*

The proposed project intends to provide improved (in-building, in-transit, and outdoor) coverage for AT&T customers using personal telecommunication devices within approximately 0.5-mile of the project site. The FCC has established the desirability and need for mobile and wireless telephone service to facilitate communication between mobile units and the existing wire-dependent telephone system. The wireless network supported by these antenna facilities provides greater mobility and accessibility than the landline networks can offer. Based on the foregoing, the project is considered necessary for public health, safety, convenience, and welfare.

b. Standards

As the site is considered a co-location facility (pursuant to the definitions contained in Section 6511.C), the proposed permit renewal is subject to Sections 6513.1 (*Development and Design Standards for Co-location Facilities*) and 6513.2 (*Performance Standards for Co-location Facilities*) of the Wireless Telecommunications Regulations. Project compliance with these sections is discussed below:

(1) *Development and Design Standards*

Section 6513.1.B requires that the visual impact of new facilities be minimized, to the extent possible. As discussed previously, portions of the project will be partially visible from Marsh Road and Fair Oaks Avenue. Condition Nos. 4 and 10 minimize project visual impact to travelers along these roads by requiring antenna barriers and the screening enclosure to be painted to match the building. The project will also be minimally visible from 18th Avenue, a street with single-family homes located west of the project site in North Fair Oaks. The site is not visible from properties to the east of the

site in Atherton due to screening provided by numerous mature trees located along the east side of Marsh Road.

The screening enclosure is just over 7 feet tall and will reach a maximum height of 37 feet 4 inches above grade. While the C-1/S-1 Zoning District has a maximum height limit of 36 feet above grade, Section 6513.1.F.3 stipulates that building-mounted wireless telecommunications facilities may exceed a zoning district's height restrictions up to 16 feet above the building's roofline. The proposed enclosure exceeds the 36-foot height limit by 1-foot-4 inches and protrudes 7 feet-4 inches above the building's roofline. As such, the proposal is consistent with this standard.

The remaining improvements (installation of minor equipment, racks, cable runs, etc.) will not be visible from the exterior because they are either located within the existing ground-floor equipment room or setback from the roof edge a sufficient distance so that they will not be visible from adjacent properties.

(2) Performance Standards

As discussed previously, the RF Compliance Report, prepared by Waterford Consultants and included as Attachment I, concluded that the worst-case emitted power density may exceed the FCC's general public limit within approximately 12 feet of AT&T's proposed antennas at the main roof level and may exceed the FCC's occupational limit within approximately 3 feet of AT&T's proposed antennas at the main roof level. Per the report, based on the FCC criteria, there are no measured areas on any accessible rooftop, balcony, or ground-level walking/working surface that exceed the FCC's occupational and general public exposure limits at this site. Likewise, no interior areas would exceed these limits. As proposed and conditioned, including conditions to require maintenance of existing antenna barriers and warning signs, the project will comply with FCC rules and regulations.

C. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) under provisions of Class 1, Section 15301 (continued use of an existing facility) and Class 3, Section 15303 (installation of new small facilities) of the CEQA Guidelines.

D. REVIEWING AGENCIES

Building Inspection Section
Menlo Park Fire Protection District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Roof Plan
- E. Equipment and Construction Detail
- F. East Exterior Elevations
- G. South Exterior Elevations
- H.1 Photo Simulation View 1
- H.2 Photo Simulation View 2
- I. EMF Report

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2004-00085

Hearing Date: February 1, 2024

Prepared By: Randall Cohen,
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

1. That the establishment, maintenance and/or conducting of the proposed 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. While the Radio Frequency Emissions Compliance Report, prepared by Waterford Consultants concluded that the worst-case emitted power density may exceed the Federal Communications Commission's (FCC) general public limit within approximately 12 feet of AT&T's proposed antennas at the main roof level and may exceed the FCC's occupational limit within approximately 3 feet of AT&T's proposed antennas at the main roof level, as proposed and conditioned, including required installation of antenna barriers and posting of warning signage, the project would comply with FCC rules and regulations.
2. That the approval of this use permit renewal for an existing cellular telecommunication facility is necessary for the public health, safety, convenience, or welfare of the community, as the proposed project would provide improved (in-building, in-transit, and outdoor) coverage for AT&T customers using personal telecommunication devices within approximately 0.5 miles of the project site. The FCC has established the desirability and need for mobile and wireless telephone service to facilitate communication between mobile units and the existing wire-dependent telephone system.

For the Environmental Review, Find:

3. That the project is Categorical Exempt under provisions of Class 1, Section 15301 (continued use of an existing facility) and Class 3, Section 15303 (installation of small facilities) of the California Environmental Quality Act Guidelines.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

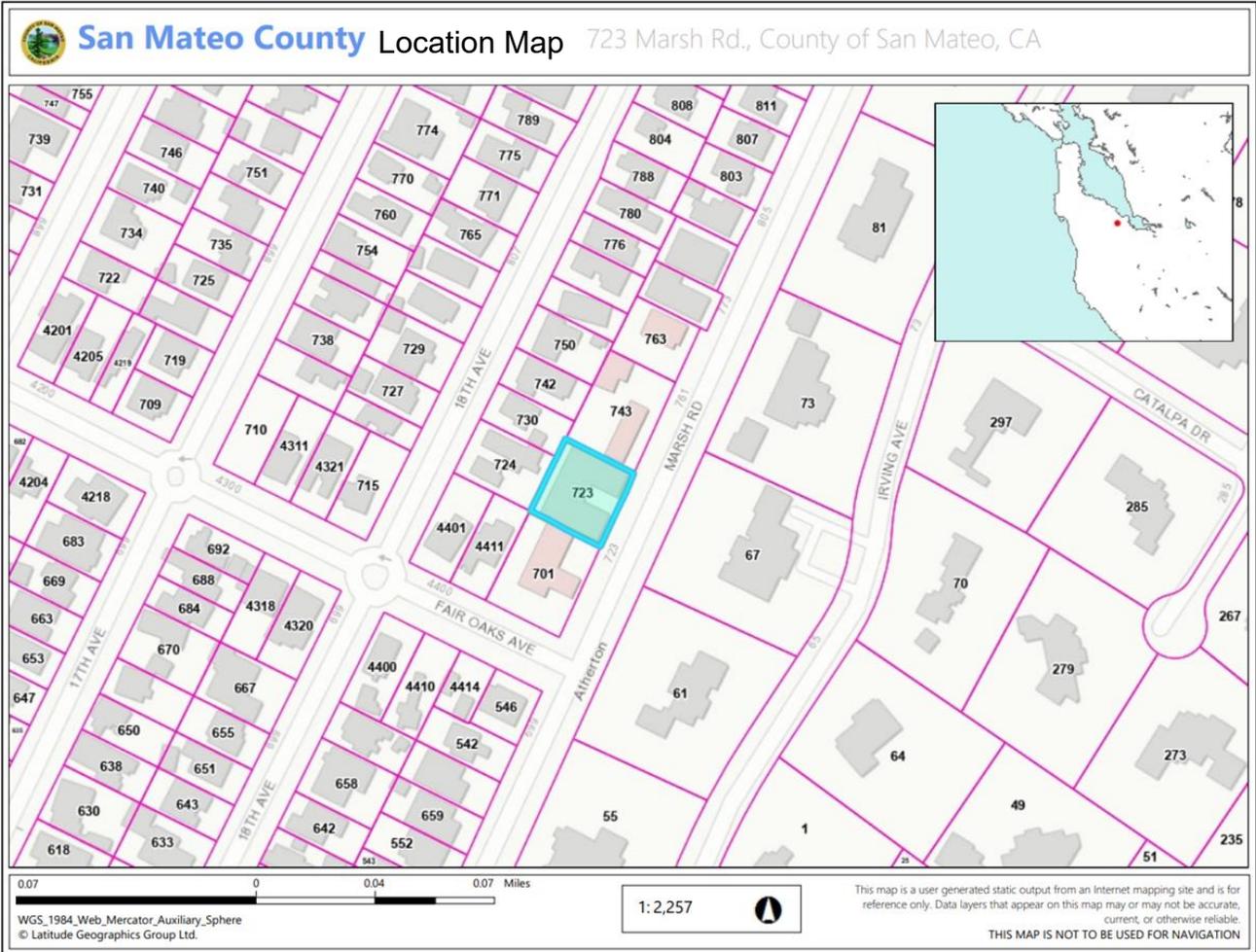
1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on February 1, 2024. Any modifications beyond that which were approved by the Zoning Hearing Officer will be subject to review and approval by the Director of Planning and Building and may require review at a public hearing. Minor modifications that are largely consistent with this approval may be approved at the discretion of the Director of Planning and Building.
2. The applicant shall apply for and obtain a building permit prior to installing any of the new facilities, as approved by the Zoning Hearing Officer on February 1, 2024. The applicant shall install the facilities in accordance with the approved plans and must adhere to all current codes in effect at the time of construction.
3. Per Section 6512.6 (Use Permit Term, Renewal and Expiration), this permit shall be valid for ten (10) years from the date of this approval and shall expire on February 1, 2034. If continuation of this use is desired, the applicant shall file a Use Permit Renewal Application with the Planning and Building Department six months prior to its expiration and pay the fees applicable at that time.
4. All antenna screening structures, and associated cable trays and equipment authorized by this permit shall be painted to match the existing building. Color verification shall be required in the field after the applicant has painted the screening the approved color, but before the applicant schedules a final inspection.
5. Noise levels produced by proposed construction activities shall comply with the San Mateo County Noise Ordinance contained in Chapter 4.88 (Noise Control) of the County Ordinance Code. Construction activities shall be limited to the hours 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. Construction operations shall be prohibited on Sunday and any national holiday.
6. The applicant shall install and maintain warning signage and antenna barriers as approved by the Zoning Hearing Officer and as necessary to comply with all FCC standards regulating human exposure to Radio Frequency (RF) – Electromagnetic Energy emissions (as described in the Waterford Consulting report, dated January 12, 2023, and shown on plans as approved by the Zoning Hearing Officer). All such measures shall be indicated in the building permit application materials and their installation shall be verified by a building inspector prior to final approval of the building permit.

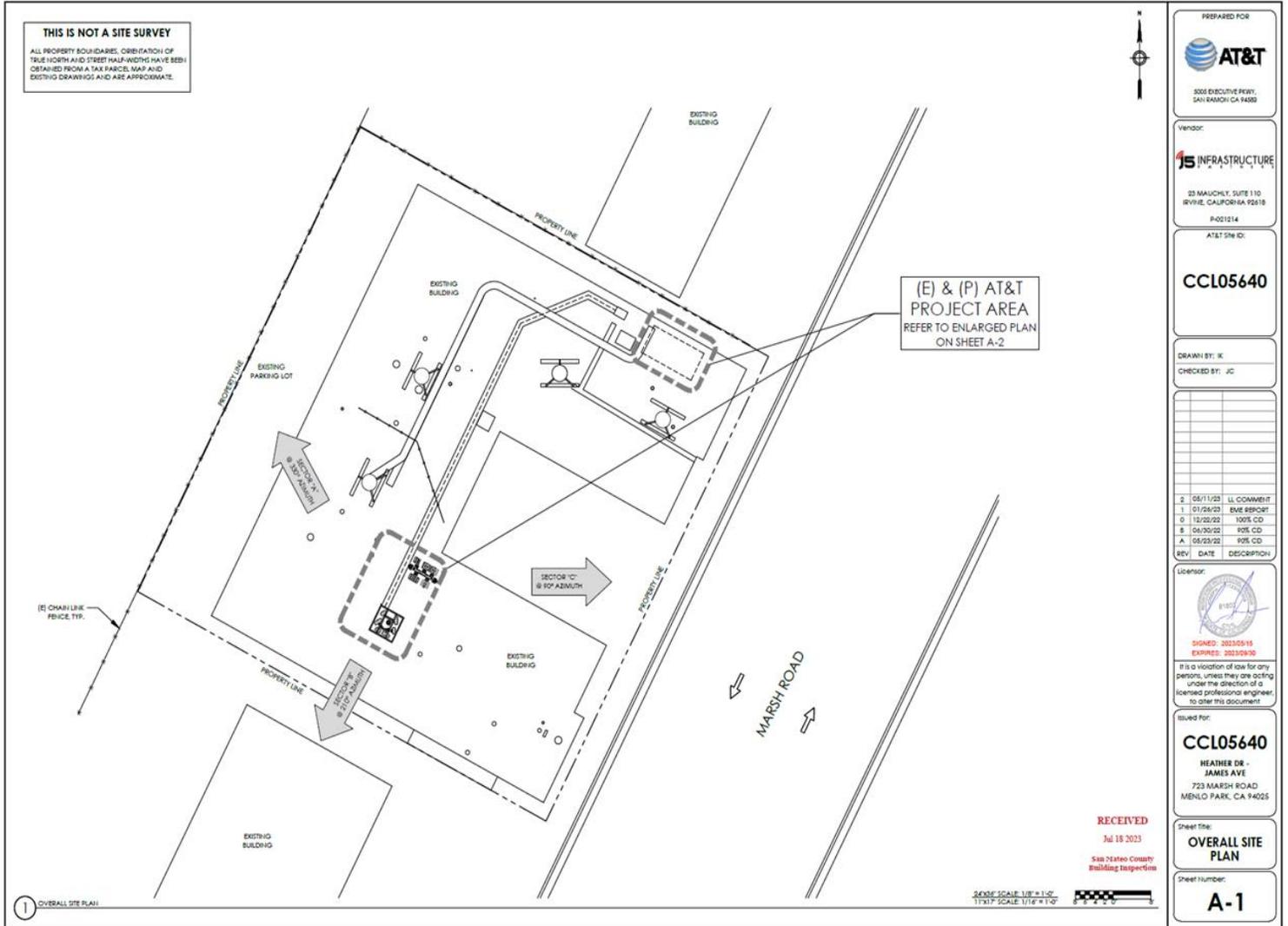
7. This installation shall be removed in its entirety at that time when this technology becomes obsolete, when the facility is no longer needed to achieve coverage objectives, or if the facility remains inactive for six consecutive months. If any of these circumstances occur, the entire facility, including all antennas and associated equipment, cables, power supplies, etc., shall be removed and the site shall be returned to its pre-construction state. Removal or modification of the facility and associated installations require a demolition/building permit from the Building Inspection Section.
8. The applicant shall continue to 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.
9. While the use permit for the operation of the wireless telecommunications facility is valid for 10 years following approval by the Zoning Hearing Officer, the approval of the modifications to the facility is valid for only one year, in which time the applicant shall apply for and be issued a building permit for said modifications. An extension may be considered upon submittal of an application for permit extension at least 30 days prior to the permit's expiration.
10. The applicant shall maintain the color of all approved facilities (including enclosures, all exposed cables, antenna barriers, and other equipment) in a manner that is consistent with the color samples on file or the color of the building (should it change). 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 previously approved colors, including requesting a minor modification to change the color of the antenna structures should the color of the building change.
11. The applicant shall provide the name, title, phone number, mailing address, and email address of one or more contact persons at AT&T, to which future correspondence from the County should be addressed. This person(s) will serve as the long-term contact person(s) for this project for the purposes of permit renewal. Should the long-term contact person(s) change, the property owner is responsible for contacting the County to establish new long-term contact person(s).
12. The Property Owner is responsible for maintaining the property in a manner consistent with all County regulations, including conditions of approval applied to permits (i.e., use permits) for on-site wireless telecommunications facilities. All use permits shall be maintained in an "active", non-expired status. Non-compliance with any applicable County regulations may result in the initiation of a violation case and referral of the case to the Planning and Building's Department's Code Compliance Section. Per Section 6105.1 (Zoning and Building Violation) of the County Zoning Regulations, except as provided in Sections 6105.2 and

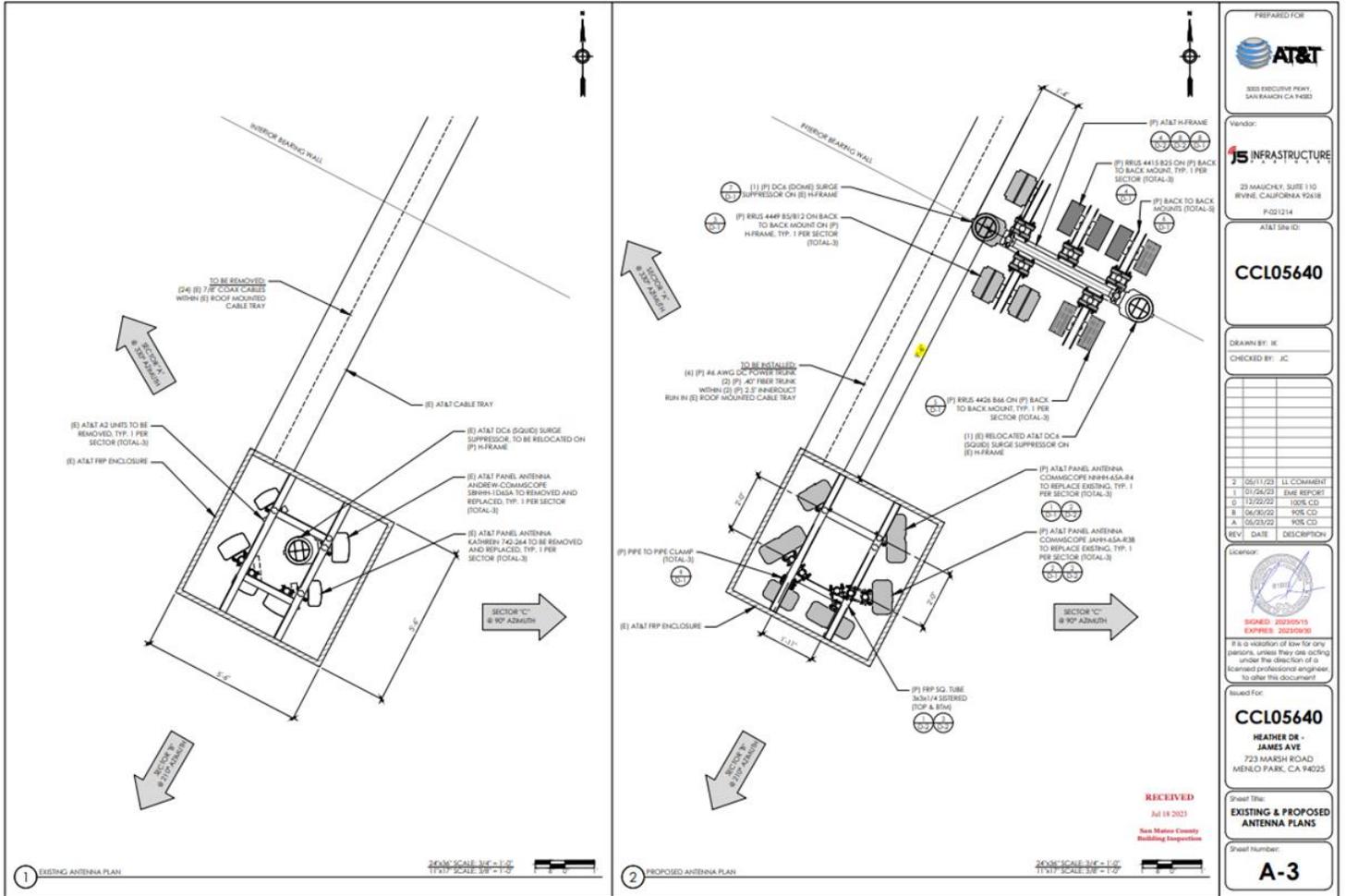
6105.3, no permit for development shall be issued for any lot that has an existing zoning or building violation.

13. Prior to the Current Planning Section's approval of the building permit for this project, the Property Owner shall demonstrate that each of the telecommunications facilities at the site has been accurately labeled with the name of the carrier having ownership and that each facility has an approved active use permit.

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PREPARED FOR:

 3005 EXECUTIVE PARK
 SAN RAMON, CA 94583

Vendor:
J5 INFRASTRUCTURE
 25 MAUCHEY, SUITE 110
 IRVINE, CALIFORNIA 92618
 P:925.212.14
 AT&T Site ID:

CCL05640

DRAWN BY: JE
 CHECKED BY: JC

| REV | DATE | DESCRIPTION |
|-----|----------|-------------|
| 2 | 05/11/23 | LL COMMENT |
| 1 | 01/24/23 | EME REPORT |
| 0 | 12/02/22 | ISSUE CD |
| B | 06/09/22 | ISSUE CD |
| A | 05/23/22 | ISSUE CD |

Licensee:

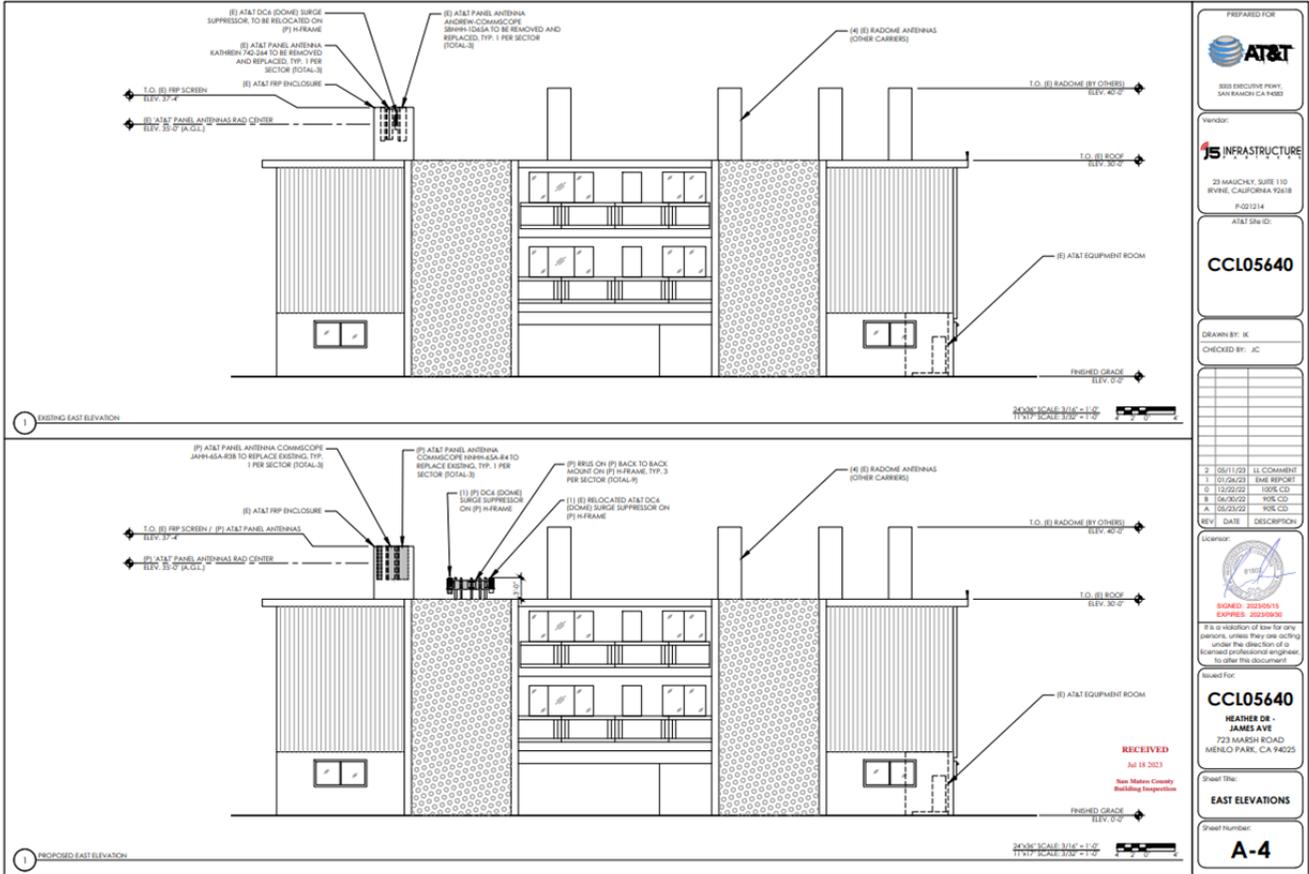
 LICENSE: 202300115
 EXPIRES: 20250930

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CCL05640
 HEATHER DE - JAMES AVE
 723 MARSH ROAD
 MENLO PARK, CA 94025

Sheet Title:
EXISTING & PROPOSED ANTENNA PLANS

Sheet Number:
A-3



PREPARED FOR

3000 EXECUTIVE PKWY.
SAN RAMON, CA 94583

Vendor:

23 MAUCHLEY SUITE 110
IRVINE, CALIFORNIA 92618
P: 927.1214
AT&T SBU ID:
CCL05640

DRAWN BY: JK
CHECKED BY: JC

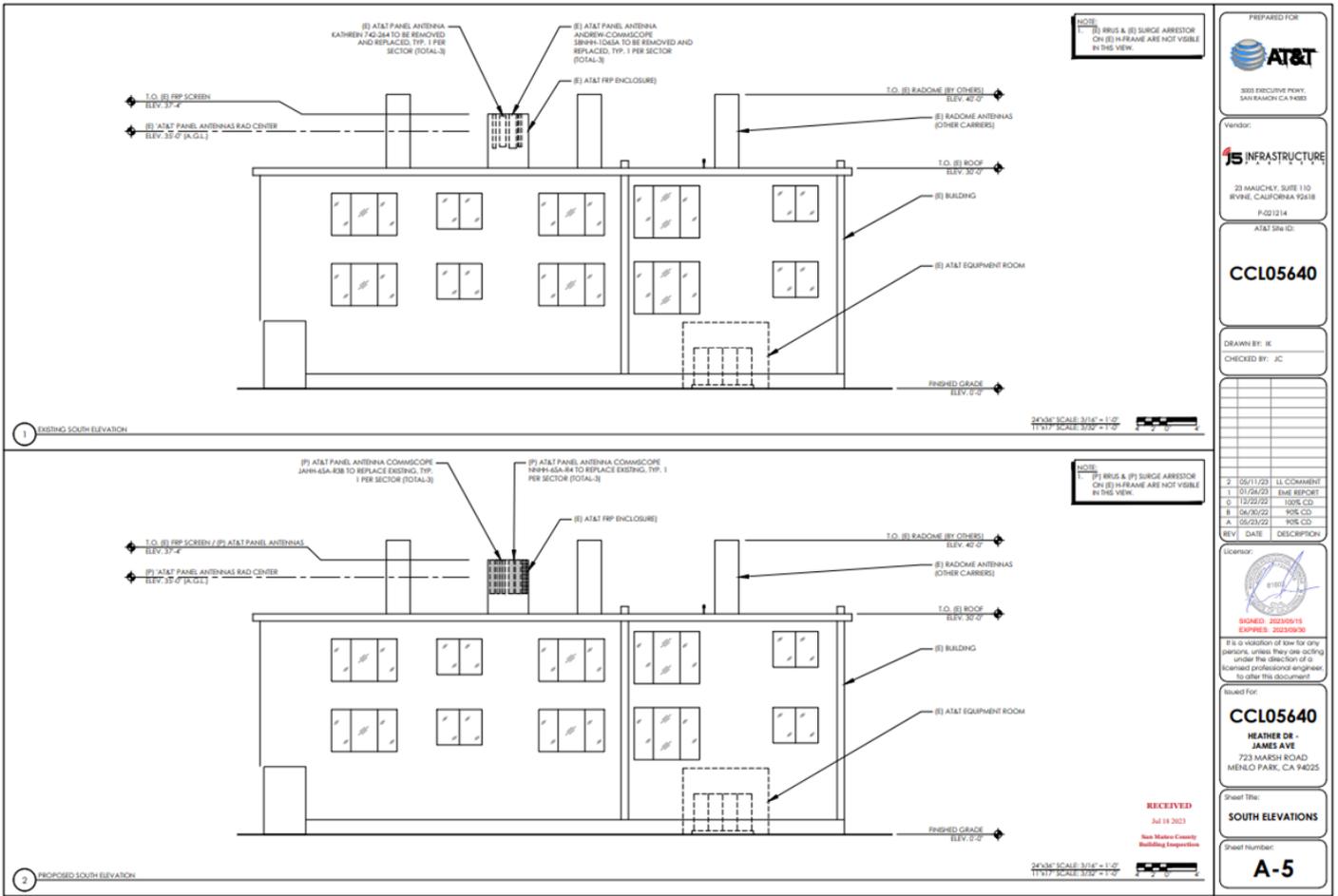
| REV | DATE | DESCRIPTION |
|-----|----------|--------------|
| 1 | 05/11/23 | 1.1. COMMENT |
| 2 | 05/11/23 | 1.1. COMMENT |
| 3 | 12/22/22 | 100% CD |
| 4 | 06/20/22 | 10% CD |
| 5 | 05/23/22 | 10% CD |

ISSUED FOR:

CCL05640
HEATHER DR. - JAMES AVE
723 MARSH ROAD
MENLO PARK, CA 94025

Subject Title:
EAST ELEVATIONS

Sheet Number:
A-4



PREPARED FOR

3033 EXECUTIVE PARK, SAN RAMON, CA 94583

Vendor:

23 MARSHLEY, SUITE 110 IRVINE, CALIFORNIA 92618
 P.021214
 AT&T Site ID:

CCL05640

DRAWN BY: BE
 CHECKED BY: JC

| REV | DATE | DESCRIPTION |
|-----|----------|-------------|
| 2 | 05/11/23 | UL COMMENT |
| 1 | 01/24/23 | EME REPORT |
| 0 | 11/22/22 | RISK CD |
| B | 06/30/22 | RISK CD |
| A | 05/23/22 | RISK CD |

License:

SIGNED: 20230515
 EXPIRES: 20230930

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Issued For:

CCL05640
 HEATHER DE - JAMES AVE
 723 MARSH ROAD
 MENLO PARK, CA 94025

Sheet Title:
SOUTH ELEVATIONS

Sheet Number:
A-5



PROPOSED





PROPOSED





Radio Frequency Emissions Compliance Report For AT&T Mobility

| | | | |
|--------------|--|----------------------|--------------|
| Site Name: | Heather Dr - James Ave | Site Structure Type: | Rooftop |
| Address: | 723 Marsh Road Menlo Park, CA 94025 | Latitude: | 37.4738941 |
| Report Date: | January 12, 2023 | Longitude: | -122.188773 |
| | | Project: | Modification |

Compliance Statement

Based on information provided by AT&T Mobility and predictive modeling, the Heather Dr - James Ave installation proposed by AT&T Mobility will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. At the rooftop of 723 Marsh Road, delineating areas that are predicted to exceed the FCC MPE limits with barriers and RF alerting signage and restricting access to these areas to authorized personnel that have completed RF safety training is required for Occupational environment compliance. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings.

Certification

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



David Charles Cotton, Jr.
Registered Professional Engineer (Electrical)
State of California, 18838

General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Page 1

Table 1: FCC Limits

| Frequency (MHz) | Limits for General Population/ Uncontrolled Exposure | | Limits for Occupational/ Controlled Exposure | |
|-----------------|--|--------------------------|--|--------------------------|
| | Power Density (mW/cm ²) | Averaging Time (minutes) | Power Density (mW/cm ²) | Averaging Time (minutes) |
| 30-300 | 0.2 | 30 | 1 | 6 |
| 300-1500 | f/1500 | 30 | f/300 | 6 |
| 1500-100,000 | 1.0 | 30 | 5.0 | 6 |

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4\pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left(\frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P_{in} is the power input to the antenna, θ_{BW} is the horizontal pattern beamwidth and h is the aperture length.

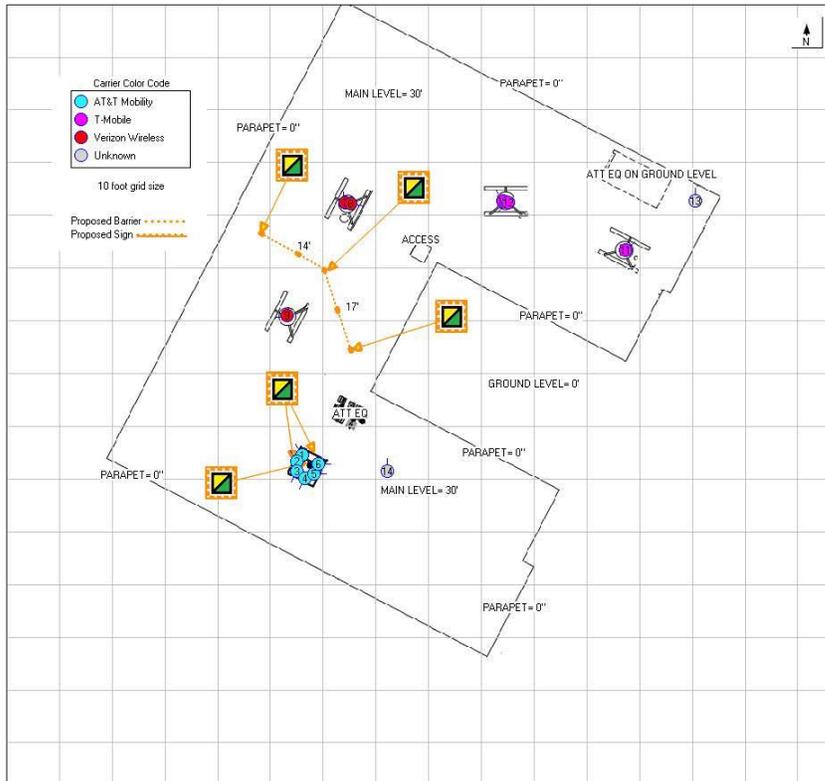
Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. This analysis includes a statistical factor reducing the actual power of the antenna system to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience.

For any area in excess of 100% General Population MPE, access controls with appropriate RF alerting signage must be put in place and maintained to restrict access to authorized personnel. Signage must be posted to be visible upon approach from any direction to provide notification of potential conditions within these areas. Subject to other site security requirements, occupational personnel should be trained in RF safety and equipped with personal protective equipment (e.g. RF personal monitor) designed for safe work in the vicinity of RF emitters. Controls such as physical barriers to entry imposed by locked doors, hatches and ladders or other access control mechanisms may be supplemented by alarms that alert the individual and notify site management of a breach in access control. Waterford Consultants, LLC recommends that any work activity in these designated areas or in front of any transmitting antennas be coordinated with all wireless tenants.

Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all AT&T Mobility operations is 9.9276% of the FCC General Population limits. Based on the operating parameters in Appendix A, the cumulative power density level at this location from all antennas is 16.7337% of the FCC General Population limits. Incident at adjacent buildings depicted in Figure 1, the maximum predicted power density level resulting from all AT&T Mobility operations is 33.1123% of the FCC General Population limits. Based on the operating parameters in Appendix A, the cumulative power density level at this location from all antennas is 34.4248% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings.

For accessible areas at the roof level of 723 Marsh Road, the maximum predicted power density level resulting from all AT&T Mobility operations is 1169.87824% of the FCC Occupational limits (5849.3912% of the FCC General Population limits). Based on the operating parameters in Appendix A, the cumulative power density level at this location from all antennas is 1171.54424% of the FCC Occupational limits (5857.7212% of the FCC General Population limits). Based on the operating parameters in Appendix A, the maximum cumulative predicted power density level from all antennas on the interior top floor is 4.3387% of the FCC General Population limits. For areas on the roof near the antennas that are predicted to exceed the General Population limits, barriers and RF alerting signs (Caution) should be posted to be visible upon approach to provide notification of potential conditions at these areas. These recommendations are depicted in Figures 2.2.1, and 2.2 AT&T Mobility is required to perform ongoing coordination with other wireless operators to maintain overall site compliance. Any work activity in front of transmitting antennas should be coordinated with AT&T Mobility.

Figure 2: Compliance Requirement Diagram (Alpha Sector)



■ Notice 2
 ■ Caution 2
 ■ Warning 2

Recommendations

AT&T Mobility Alpha Sector

Caution 2 sign required behind the antennas and on the outside of the cupola walls

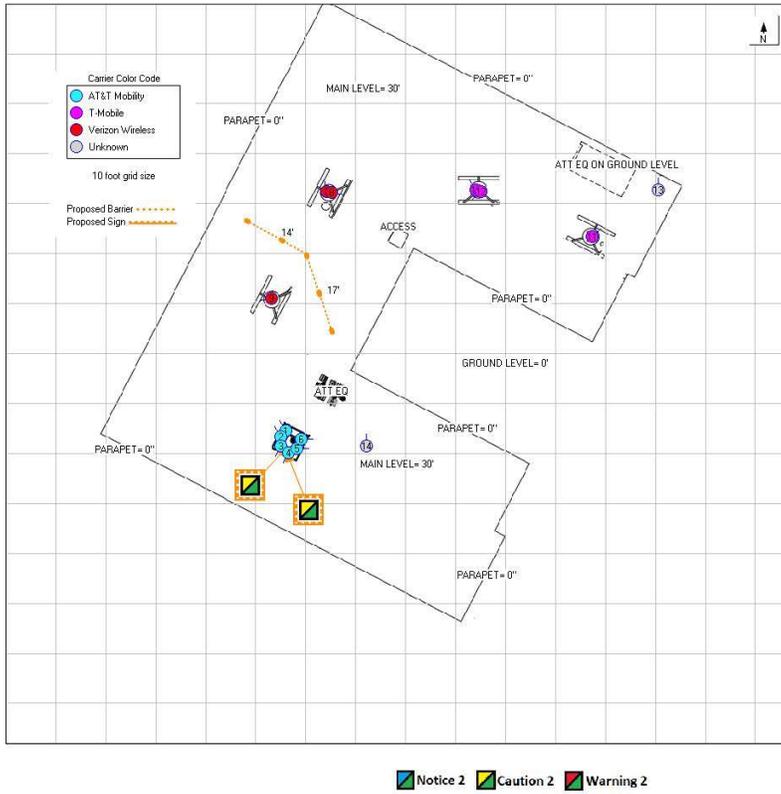
AND

Caution 2 signs required on the barriers visible from approach.

Materials –
 5 Post,
 6 Caution 2 Signs,
 Roughly 31' Chain.
 Barriers Space – 14'x17'

****Barriers must be built a minimum of 6 feet away from unprotected roof edge. Minimum of 39" of parapet wall**

Figure 2.1: Compliance Requirement Diagram (Beta Sector)



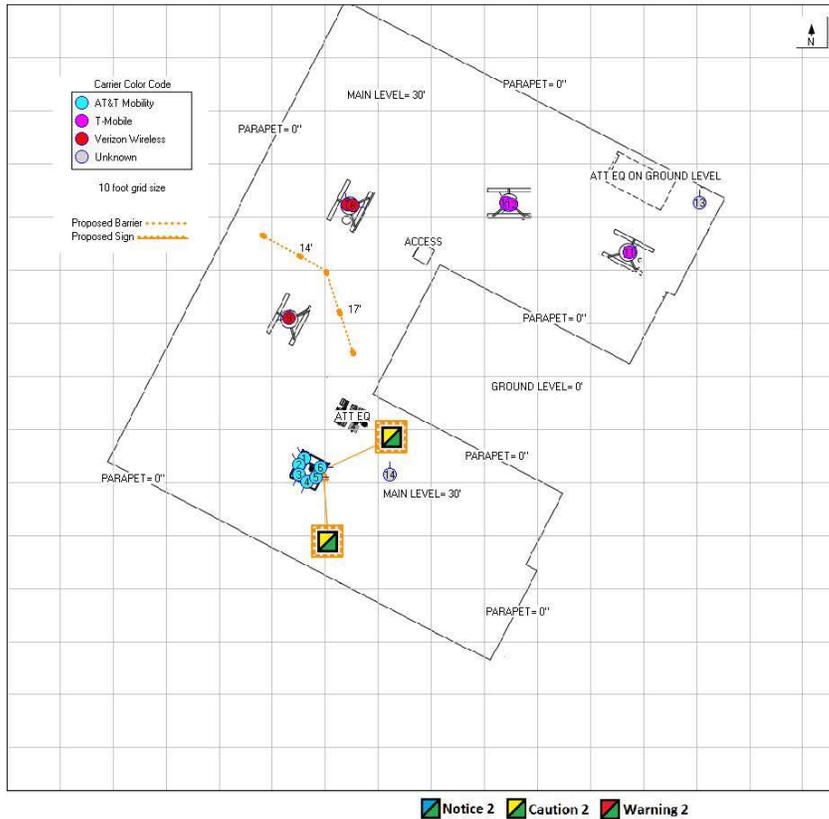
Recommendations

AT&T Mobility Beta Sector

Caution 2 sign required behind the antennas and on the outside of the cupola wall

Materials –
2 Caution 2 Signs.

Figure 2.2: Compliance Requirement Diagram (Gamma Sector)



Recommendations

AT&T Mobility Gamma Sector

Caution 2 sign required behind the antennas and on the outside of the cupola wall

Materials –

2 Caution 2 Signs.

Appendix A: Operating Parameters Considered in this Analysis

| Antenna #: | Carrier: | Manufacturer | Pattern: | Band (MHz): | Mech Az (deg): | Mech DT (deg): | H BW (deg): | Length (ft): | TPO (W): | Channels: | Loss (dB): | Gain (dBd): | ERP (W): | EIRP (W): | Rad Center (ft): |
|------------|----------|--------------|-----------------------|-------------|----------------|----------------|-------------|--------------|----------|-----------|------------|-------------|----------|-----------|------------------|
| 1 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 700 | 330 | 0 | 74 | 4.6 | 40 | 4 | 0 | 10.35 | 1734 | 2845 | 35 |
| 1 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 850 | 330 | 0 | 66 | 4.6 | 40 | 4 | 0 | 11.55 | 2286 | 3751 | 35 |
| 1 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 1900 | 330 | 0 | 58 | 4.6 | 40 | 4 | 0 | 15.35 | 5484 | 8997 | 35 |
| 2 | AT&T | COMMSCOPE | JAHH-65A-R3B 02DT | 850 | 330 | 0 | 64 | 4.6 | 40 | 2 | 0 | 11.44 | 1115 | 1828 | 35 |
| 2 | AT&T | COMMSCOPE | JAHH-65A-R3B 00DT | 2100 | 330 | 0 | 61 | 4.6 | 60 | 4 | 0 | 14.84 | 7315 | 12001 | 35 |
| 3 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 700 | 210 | 0 | 74 | 4.6 | 40 | 4 | 0 | 10.35 | 1734 | 2845 | 35 |
| 3 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 850 | 210 | 0 | 66 | 4.6 | 40 | 4 | 0 | 11.55 | 2286 | 3751 | 35 |
| 3 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 1900 | 210 | 0 | 58 | 4.6 | 40 | 4 | 0 | 15.35 | 5484 | 8997 | 35 |
| 4 | AT&T | COMMSCOPE | JAHH-65A-R3B 02DT | 850 | 210 | 0 | 64 | 4.6 | 40 | 2 | 0 | 11.44 | 1115 | 1828 | 35 |
| 4 | AT&T | COMMSCOPE | JAHH-65A-R3B 00DT | 2100 | 210 | 0 | 61 | 4.6 | 60 | 4 | 0 | 14.84 | 7315 | 12001 | 35 |
| 5 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 700 | 90 | 0 | 74 | 4.6 | 40 | 4 | 0 | 10.35 | 1734 | 2845 | 35 |
| 5 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 850 | 90 | 0 | 66 | 4.6 | 40 | 4 | 0 | 11.55 | 2286 | 3751 | 35 |
| 5 | AT&T | COMMSCOPE | NNHH-65A-R4 02DT | 1900 | 90 | 0 | 58 | 4.6 | 40 | 4 | 0 | 15.35 | 5484 | 8997 | 35 |
| 6 | AT&T | COMMSCOPE | JAHH-65A-R3B 02DT | 850 | 90 | 0 | 64 | 4.6 | 40 | 2 | 0 | 11.44 | 1115 | 1828 | 35 |
| 6 | AT&T | COMMSCOPE | JAHH-65A-R3B 00DT | 2100 | 90 | 0 | 61 | 4.6 | 60 | 4 | 0 | 14.84 | 7315 | 12001 | 35 |
| 7 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 700 | 350 | 0 | 65 | 8 | 40 | 2 | 0 | 13.2 | 1671 | 2742 | 37 |
| 7 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 850 | 350 | 0 | 62 | 8 | 40 | 2 | 0 | 13.53 | 1803 | 2959 | 37 |
| 7 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 1900 | 350 | 0 | 66 | 8 | 20 | 4 | 0 | 15.17 | 2631 | 4316 | 37 |
| 7 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 2100 | 350 | 0 | 62 | 8 | 60 | 4 | 0 | 15.82 | 9167 | 15039 | 37 |
| 8 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 700 | 100 | 0 | 65 | 8 | 40 | 2 | 0 | 13.2 | 1671 | 2742 | 37 |
| 8 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 850 | 100 | 0 | 62 | 8 | 40 | 2 | 0 | 13.53 | 1803 | 2959 | 37 |
| 8 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 1900 | 100 | 0 | 66 | 8 | 20 | 4 | 0 | 15.17 | 2631 | 4316 | 37 |
| 8 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 2100 | 100 | 0 | 62 | 8 | 60 | 4 | 0 | 15.82 | 9167 | 15039 | 37 |
| 9 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 700 | 260 | 0 | 65 | 8 | 40 | 2 | 0 | 13.2 | 1671 | 2742 | 37 |
| 9 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 850 | 260 | 0 | 62 | 8 | 40 | 2 | 0 | 13.53 | 1803 | 2959 | 37 |
| 9 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 1900 | 260 | 0 | 66 | 8 | 20 | 4 | 0 | 15.17 | 2631 | 4316 | 37 |
| 9 | Verizon | COMMSCOPE | NHH-65C-R2B 00DT | 2100 | 260 | 0 | 62 | 8 | 60 | 4 | 0 | 15.82 | 9167 | 15039 | 37 |
| 10 | T-Mobile | RFS | APXVTM14 ALU-I20 00DT | 2500 | 330 | 0 | 65 | 4.7 | 20 | 8 | 0 | 15.9 | 6225 | 10212 | 35 |
| 11 | T-Mobile | RFS | APXVTM14 ALU-I20 00DT | 2500 | 50 | 0 | 65 | 4.7 | 20 | 8 | 0 | 15.9 | 6153 | 10095 | 35 |
| 12 | T-Mobile | RFS | APXVTM14 ALU-I20 00DT | 2500 | 230 | 0 | 65 | 4.7 | 20 | 8 | 0 | 15.9 | 6153 | 10095 | 35 |
| 13 | Unknown | GENERIC | PANEL 6FT 00DT | 1900 | 0 | | 66 | 6 | 23.8 | 1 | 0 | 15.84 | 914 | 1499 | 35 |
| 14 | Unknown | GENERIC | YAGI 3.5FT | 450 | 0 | 0 | 60 | 3.5 | 6.2 | 1 | 0 | 12.1 | 100 | 164 | 33 |

Notes: Table depicts recommended operating parameters for AT&T Mobility proposed operations. Co-located antenna parameters based on industry standards. Signal propagation loss due to rooftop building material assumed to be 6 dB.