



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
**765 Portola Road, Portola Valley, CA 94028**  
**Wednesday, September 15, 2010 – 7:30 p.m.**  
**Council Chambers (Historic Schoolhouse)**

---

**AGENDA**

Call to Order, Roll Call

Commissioners McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. Public Hearing: Request for Approval – Expired Conditional Use Permit (CUP) X7D-152 for existing wireless antenna facilities at Woodside Priory, 302 Portola Road, TowerCo and Sprint/Nextel Corporation
2. Public Hearing: Request for Approval for Amendments to Conditional Use Permit (CUP) X7D-138, 302 Portola Road, AT&T Wireless
3. Public Hearing: Request for Approval for Amendments to Conditional Use Permit (CUP) X7D-160, 945 Portola Road, AT&T Wireless
4. Public Hearing: Request for Approval for Amendments to Conditional Use Permit (CUP) X7D-161, 4115 Portola Road, AT&T Wireless
5. Public Hearing: Request for Approval for Amendments to Conditional Use Permit (CUP) X7D-132, 302 Portola Road, Verizon Wireless
6. Continued *Preliminary* Review of Conditional Use Permit (CUP) X7D-169, Request to Permit Additional Floor Area and Impervious Surface area on 229-Acre Parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: July 7, 2010 and July 21, 2010

Adjournment

## **ASSISTANCE FOR PERSONS WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

## **AVAILABILITY OF INFORMATION**

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

## **PUBLIC HEARINGS**

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

---

This Notice is posted in compliance with the Government Code of the State of California.

Date: September 10, 2010

CheyAnne Brown  
Planning & Building Assistant

---



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** July 28, 2010  
**RE:** Request for Approval – Expired Conditional Use Permit (CUP) X7D-152, Existing Wireless Antenna Facilities at Woodside Priory, 302 Portola Road  
**TowerCo and *Sprint/Nextel Corporation***

### **Request, Background and Planning Commission Consideration**

On August 4, 2010 the planning commission will conduct a public hearing on this request for the re-issuance of expired CUP X7D-152 that was authorized by the commission on October 4, 2000 for the installation of the existing “Nextel” wireless antenna facilities at the Priory. The permit expired in October 2005. The location of the facilities and general scope of improvements are shown on the attached vicinity map, which is a site plan for the Priory “antenna” area, and elevation sheet. The existing 50-foot tall pole, with antenna array, is to remain, as is the in-ground support equipment. No changes to the wireless services and equipment associated with the existing facility are proposed.

On February 3, 2010, the planning commission conducted a preliminary review of the request. The attached January 28, 2010 memo to the commission and minutes of the 2/3/10 meeting provide an overview of the preliminary review. On March 22, 2010, the ASCC also considered the request and recommended conditional approval as set forth in the attached minutes of the March 22<sup>nd</sup> meeting. The March 18, 2010 report to the ASCC is also attached for reference.

The original CUP approval resolution No. 2000-397A is attached, as is the staff report prepared for the original Nextel project.

Since the 2000 approval and permit expiration, TowerCo has purchased the antenna facilities and assumed the lease with the Priory for the antenna. TowerCo is not a wireless carrier, but leases space on its “tower” to Nextel, which is now known as Sprint Nextel Corporation and referred to herein as “***Sprint.***” The CUP request is only to allow the pole and antenna to continue the current wireless services, which are operated by Sprint under a FCC license. The attached MPE Compliance Certification Form dated February 2, 2010 has been provided to demonstrate that the facility continues to conform to FCC standards and that this conformance takes into account any nearby significant transmitting sources.

The existing coverage provided by the Sprint facilities is shown on the enclosed coverage map. **Blue** represents the strongest, "in-building" coverage, **Red** represents coverage that would only extend into vehicles and **Green** is for areas where coverage reaches only outside areas, called "on-street coverage." Also provided is a map of other Sprint sites within the greater area extending along Hwy 280 from Los Altos to roughly Menlo Park/Woodside. The applicant has advised that at this time there are no plans for additional antenna pole Sprint facilities and the use permit would be limited to the existing pole, in-ground equipment and existing antenna array. The pole could, however, accommodate additional antenna and with the original permit issuance, collocation was a condition of approval. If another carrier/antenna were proposed on the pole, further CUP consideration would first be needed.

### **Ordinance Requirements, Town Policies for Wireless Communication Facilities**

In order to grant a conditional use permit for the antenna installation, the planning commission must make the findings called for in Section 18.72.130 of the zoning ordinance. In addition, the proposal is to be considered against the provisions and required conditions set forth in the town's "*Policy Statement Regarding Wireless Communication Facilities.*" A copy of the policy statement is attached. The required findings in Section 18.72.130 are stated below and evaluated later in this report.

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.

8. For wireless communication facilities, that the proposed site location and facility design have the least adverse impact when compared with other feasible alternatives.

## Evaluation

As noted above, the current proposal is to re-issue the use permit for the existing facilities that continue to operate and serve the local Sprint wireless network. During preliminary review, it was suggested that any permit extension consider changes in technology and other possible facility changes to enhance the aesthetics of the existing installation at the Priory. This has been discussed with the applicant and considered by the ASCC. Further, we have conducted additional analysis relative to some of the questions that were raised during the recent planning commission consideration of the T-Mobile use permit application (X7D-170) for the water tank site at Peak Lane and Golden Oak Drive. Some information from this analysis follows:

1. **Changes in technology.** The town, through the town attorney's office, has engaged Mr. Jonathan Kramer, an attorney with significant expertise relative to FCC provisions, the wireless industry and the state of the art in wireless service. He has been retained to advise the town on the myriad of issues associated with local consideration of wireless applications, including review of town polices and regulations. He has advised that within the projected 10-year life of this request for permit re-issuance, no significant changes in technology relative to line of site service and the need for macro-cells on poles is likely or expected. Thus, the existing 50-foot macro-pole, in his opinion, has at least a 10-year life span in terms of the state of wireless service. In other words, the pole will not become obsolete in that time period.
2. **Minimum permit time frame.** As pointed out previously to the commission, State law mandates that a minimum time period for a permit for a wireless facility is 10 years unless there are significant land use issues involved that would support a shorter time period. We have also discussed this matter with Mr. Kramer and further with the town attorney. Mr. Kramer advised that he was one of the key persons involved in drafting the State provision. He clarified that the land use qualification was specifically intended to allow for consideration of changes that would result from formal redevelopment of an area and not for issues such as aesthetics or changes in technology. He advised that relative to the town's situations, the 10-year period would be the minimum and the town attorney concurs with Mr. Kramer's conclusions.
3. **Options for replacing the existing 50-foot pole to enhance aesthetics.** In follow-up to the preliminary commission review, this matter was discussed with the applicant's representative, Kathleen Hill. She and TowerCo., then spent time to pursue consideration of replacing the pole with a monopine and have been making attempts to discuss this option with the other wireless carriers at the Priory, including AT&T and Verizon. Ms. Hill has advised that TowerCo. would consider replacing the pole with a monopine or similar faux tree and would make the "tree" available to other carriers to reduce the visual clutter of poles at the Priory. TowerCo., however, would seek a 90-foot height to allow for additional collocation of up to three carriers beyond Sprint. This is a considerable added height and could result in significant potential for aesthetic impacts and we are not prepared at this time to recommend it be considered without appropriate evaluation. Further, at this time there is no indication that the added height would expand the coverage area.

Ms. Hill has made an attempt to contact the other carriers, but at this point has not had success in developing a plan for moving any other carrier from their current location to a new collocation "tree." Further, as is explained in the enclosed report on the status of the Verizon CUP request also to be discussed at the August 4<sup>th</sup> meeting, Verizon is now willing to consider a monopine option, as recommended by the ASCC, but would prefer this to be a 70-foot tall faux tree to meet its needs and also provide for collocation. Again, the matter of significant added height is an issue that would require careful aesthetic evaluation and should only be considered with assurances for collocation, expanded coverage and/or significant reduction in number of poles at the Priory site.

Ms. Hill has advised that TowerCo. remains committed to participate with the town to encourage further collocation of the facilities at the Priory and would, within the 10-year permit life, replace the pole with a monopine or other appropriate faux tree; but, at this time would ask that the permit be granted for continued use of the existing pole. TowerCo. is willing to paint the pole as recommended by the ASCC and also to participate in an overall landscape plan if that is desired by the town. These matters are all addressed in recommended conditions of permit re-issuance presented later in this report.

At this point, we are, as explained below, recommending approval of the re-issuance of the permit subject to a number of conditions that would, over time, hopefully improve the aesthetics of the wireless installations at the Priory. We are also recommending that the town proceed to have a wireless task force look at the town wireless guidelines and ordinances to enhance them as feasible and appropriate. This effort should include specific consideration of the conditions at the Priory and development of a plan for more collocation and overall improvement of the aesthetics of the Priory area that contains the wireless facilities. The ASCC should be involved with this effort, as should representatives of the wireless providers located at the Priory. Further, the effort should focus on setting priorities and a framework for additional facilities in the town in anticipation of future proposals that may need to be faced for sites in other areas.

Additional perspective on the town's authority relative to local control is set forth in the attached June 11, 2010 report from the town attorney that was discussed during the course of the public hearing on the T-Mobile application.

It is also noted that some of the questions raised during the course of the preliminary review of this project, e.g., relative to the policy statement provisions calling for service to 75% of the town, need to be addressed during the course of the task force work on the policy statement and town ordinance provisions.

### **Findings for Granting a Conditional Use Permit**

As to the findings required under Section 18.72.130 the following comments are offered.

1. **Proper community location.** In granting the original use permit, the commission found the Priory site proper for wireless service and, based on the continued use of the antenna and the wireless coverage maps provided by the applicant, we believe the commission can conclude that the facility remains in a proper community location. The Priory area offers a relatively high elevation for service to a significant portion of the

town. Further, the area is not immediately adjacent to single family residential neighborhoods and is at a location where aesthetic impacts can be minimized.

2. **Adequacy of Site.** The site was found adequate for the use with the original permit approval and we believe it is still adequate. It can accommodate the pole, or even a faux tree, without impacting the other site uses. Further, the antenna was installed and has been maintained without impacting slopes, tree cover or other site and area conditions. Also, the location has had minimum aesthetic impacts, and the use of a darker color, as recommended by the ASCC at its March 22, 2010 meeting and agreed to by the applicant, would further reduce potential aesthetic impacts.
3. **Adequacy of adjacent streets and roads.** The existing facility has been used and maintained with no impact on adjacent streets and roads. Thus, it appears that this finding can again be made.
4. **Adverse affects on abutting property or permitted use thereof.** There is no record that would indicate that the existing pole has had an adverse impact on abutting property or the permitted use of such properties. This finding was made with the original permit approval and there have been no changes that would suggest a basis for a change to that finding.
5. **Site safe from natural hazards.** The site is not in a flood plain nor is it on unstable slopes. In fact the site is designated **Sun**, which is considered stable ground on the town's map of land movement potential. The existing pole was found to conform to town building standards when permits for installation were granted and it was installed in conformance with the building permits. Further, since installation, according to the town's building official, there have been no significant code changes relative to the design standards for such poles. Nonetheless, the applicant should provide periodic reports verifying that the pole installation continues to be in proper condition in terms of structural integrity. A condition relative to this matter is included in the recommendations offered at the end of this report.
6. **Proposed use in Harmony with the purpose and intent of the zoning ordinance and general plan.** As a conditional use, a wireless communication facility is permitted in all zoning districts as long as it is to primarily serve the town and its spheres of influence (Section 18.36.020.D.). In this case, the facility coverage map shows that the existing facility is primarily for service to the town area around the antenna facility.

Beyond service, the key issues relative to zoning conformance are aesthetic impacts and conformity with the noise standards. The aesthetic impacts are addressed in comments presented above and in the application analysis conducted by the ASCC. Conditions have been provided to ensure periodic checking relative to noise and other more technical matters and also to enhance aesthetics over the life of the permit.

7. **Service to the town and its spheres of influence.** Again, as described on the wireless facility coverage map, the specific objective of this proposal is to continue to provide Sprint wireless service to a significant portion of the town.
8. **Proposed location and facility design have the least adverse impact when compared with other feasible alternatives.** The existing pole location, given distance from single-family residential neighborhoods, and the site conditions of topography and

tree cover, appear appropriate for continued provisions of the Sprint wireless services. This is an established location, and we conclude that its continued use is preferable to attempting to identify a different location or locations for similar services.

### **Compliance with the California Environmental Quality Act (CEQA)**

The project is categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).

### **Recommendations for Action**

If the planning commission determines it can make the required CUP findings and, unless information presented at the public hearing leads to other determinations, the actions outlined below are recommended.

1. **Environmental Impact.** Move to find the project categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).
2. **CUP Application.** Move to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the proposed CUP for continued use of the existing TowerCo, & Sprint/Nextel monopole at the Priory site subject to the provisions set forth in the attached statement of conditions dated July 28, 2010.

TCV

Attach.

Encl.

cc. Leslie Lambert, Planning Manager  
John Richards, Town Council Liaison  
Sandy Sloan, Town Attorney  
Kathleen Hill, TowerCo.  
Steve Toben, Mayor  
Angela Howard, Town Manager



**Conditions of Approval for  
TowerCo. Sprint/Nextel, 302 Portola Road, Application X7D-152  
July 28, 2010**

1. This conditional use permit shall be issued to TowerCo. with Sprint/Nextel as the wireless provider. The permit shall run with the land and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 10 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. TowerCo. or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.
2. TowerCo. or a future owner may request an extension of the 10-year life of this permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission reserves the right to require replacement of the facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
3. If the wireless facilities are transferred to another owner, the town shall be notified as soon as the transfer has been recorded. No additional carrier to Sprint/Nextel shall be permitted on the existing pole without first obtaining an amendment to this use permit. The planning commission may, however, permit Sprint/Nextel to be replaced by a different carrier if it determines that the new carrier provides similar services and coverage to Sprint/Nextel, or provides other or additional wireless services serving the needs of the town. Any replacement carrier shall be subject to the conditions of this permit and shall so acknowledge in a written statement or agreement to the satisfaction of the town attorney.
4. Within three months of the effective date of this use permit, TowerCo., Sprint/Nextel and the Priority shall enter into an agreement with the town guaranteeing maintenance of the site and facilities and removal of the pole and other facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 2. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.
5. Within 30 days of the effective date of this permit, the existing pole facility shall be repainted to the satisfaction of the ASCC in conformity with the March 22, 2010 recommendations of the ASCC.
6. On an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit.

7. TowerCo. or any future owner of the facilities shall allow for the opportunity for collocation of an additional wireless carrier on the pole. It is understood, however, that an amendment to this permit would be needed to identify and set specific provisions and conditions for accommodating the additional carrier as may be determined appropriate by the planning commission.
8. On an annual basis, TowerCo., or any future owner of the facilities, shall provide a report on the structural condition of the pole and its support system. This shall be to the satisfaction of the public works director.
9. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
10. Any emergency generators on the site shall be tested no more than necessary and only during weekday daylight hours.
11. As new technology becomes available, the permit holder shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. The provisions of this condition shall be considered by the planning commission at the time of each required two-year review. Specifically, the applicant shall provide a report to the commission on the state-of-the-art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as set forth by the town attorney.
12. In addition to the provisions in condition 10., TowerCo., Sprint/Nextel and any future owner of the facilities shall participate in town efforts to enhance the aesthetics of the wireless installations at the Priory. This shall include preparation of plans and implementation of such plans for added landscape screening and for replacement of the existing pole with a monopine or other faux tree, if the planning commission determines that such replacement would enhance site aesthetics, including moving other existing antenna facilities to the new faux tree. Within 60 days of the effective date of this permit, TowerCo. shall enter into an agreement with the town, to the satisfaction of the town attorney, agreeing to participate in this effort, replace the existing pole with a monopine or other faux tree to accommodate collocation and to pay its fair share of any landscaping efforts, including maintenance, that the town determines are needed.
13. If the TowerCo. or any future holder of this permit desires to make physical changes to the approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds they changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require conditional use permit amendment, he may refer them to the planning commission for review. If the commission determines the changes are consistent with the general provisions of the permit, it may approve the changes.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** September 9, 2010  
**RE:** Request for Approval – Amendments to Conditional Use Permits for  
**Existing AT&T Wireless Antenna Facilities:**  
X7D-138, 302 Portola Road, (Woodside Priory)  
X7D-160, 945 Portola Road  
X7D-161, 4115 Alpine Road

### **Request, Background and Overview of Planning Commission Consideration, ASCC Review**

On September 15, 2010 the planning commission is scheduled to conduct a public hearing on each of these three use permit amendment requests for modifications to existing AT&T Mobility (AT&T) wireless facilities at three locations in town. The locations are identified on the attached vicinity maps. One is for modifications to facilities on the existing antenna pole AT&T has at the Priory (CUP X7D-138) and two are for modifications to antenna on existing utility poles near 945 Portola Road and 4115 Alpine Road. No new poles are proposed with the applications; however, as a result of the staff and ASCC review processes the applicant amended the X7D-138 application to agree to work toward a new collocation facility with other wireless carriers at the Priory as explained further in this report.

Because the applications are part of the overall AT&T wireless system serving the town, they are discussed in this single report. For each, however, there are attached action pages that set the proposed approval conditions for each. Further, required CUP findings for each are evaluated in this report. Based on staff evaluation, and the preliminary review process, including ASCC consideration, conditional approval of each request is recommended. (Also, we have attempted to eliminate the amount of redundancy through use of one report, and have also, as referenced herein, relied on data in other reports on wireless applications before the commission for consideration on September 15, 2010).

The proposals, including existing and anticipated overall coverage with the new equipment, are discussed in the attached June 3, 2010 letter from the applicant. Colored versions of the coverage maps are enclosed. As noted in the June 3 letter, AT&T concludes that existing coverage from its facilities extends to over 75% of the town's population. The proposed improvements would, however, specifically enable the delivery of more advanced

wireless services to the Town, known as “3G” or “UTMS” Services. The existing and anticipated “3G” coverage is specifically shown on the enclosed colored coverage maps and identifies “Indoor,” “Good Outdoor,” “Outdoor,” and “Not Guaranteed,” areas. Some clarifying comments on the scope of coverage are provided in the June 3<sup>rd</sup> letter.

In addition to the letter, enclosed are the following plan materials for each of the proposed improvements to the existing facilities:

CUP X7D-138 (Priory, 302 Portola Road), received June 3, 2010:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome & Associates

CUP X7D-160 (945 Portola Road), received June 3, 2010:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome & Associates

CUP X7D-161 (4115 Alpine Road) revised plans received August 18, 2010:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome & Associates

In support of the proposals the applicant has provided attached data for each location as follows:

X7D-138, 302 Portola Road.

1. *Compliance Study on Radio Frequency Electromagnetic Fields Exposure* prepared by TRK Engineering dated 4/30/10. This study considers all of the antennas at the Priory site and provides the calculations based on the “worst-case scenario,” with all antennas transmitting at the maximum number of channels at one time, with each at its maximum power level. It concludes that the “maximum cumulative power density” for the proposed antennas with the other facilities in operation is calculated to be only 5.6% of the MPE (maximum permissible exposure) limit.” This is well within FCC standards.
2. *Noise Evaluation, August 31, 2010, Hammett & Edison, Inc.* The evaluation found that the measured noise levels were “below the town’s most restrictive limits for either daytime or nighttime” conditions.

X7D-160, 945 Portola Road.

1. *Compliance Study on Radio Frequency Electromagnetic Fields Exposure* prepared by TRK Engineering dated 4/30/10. This study concludes that the “maximum cumulative power density” for the proposed antennas is calculated to be only 2.8% of the MPE (maximum permissible exposure) limit.” This is well within FCC standards.
2. *Noise Evaluation, September 8, 2010, Hammett & Edison, Inc.* The evaluation found that the measured noise levels at 35 feet were 35.2 dBA and well below the nighttime limit of 40 dBA.

X7D-161, 4115 Portola Road.

1. *Compliance Study on Radio Frequency Electromagnetic Fields Exposure* prepared by TRK Engineering dated 4/30/10. This study concludes that the “maximum cumulative

power density” for the proposed antennas is calculated to be only 2.0% of the MPE (maximum permissible exposure) limit.” This is well within FCC standards.

2. *Noise Evaluation, September 8, 2010, Hammett & Edison, Inc.* The evaluation found that the measured noise was somewhat higher with the proposed new equipment, but that it would not exceed the town noise standards in terms of residential receptors. It concluded that at a distance of 25 feet into the west side property, the maximum sound would be 40 dBA and at the town’s nighttime limit, and that noise would decrease after 25 feet. This is not a use area on the site due to the slope and distance from the higher, developed portion of the property. The daytime noise limit would only be reached four feet into the site and then decrease further into the property. Nonetheless, we recommend that any action on this permit include provisions for measuring of sound after the equipment is installed and that if adjustments are needed to ensure against impacts on nearby residences, this be a permit requirement.

Additional data on the applications are provided in the attached August 5, 2010 staff report prepared for the August 9, 2010 preliminary review field meetings on the proposals. These were scheduled as joint sessions of the ASCC and planning commission, but only commissioners McIntosh and Zaffaroni were present. In addition to the staff report enclosed are the meeting minutes. The minutes contain considerable discussion of long-term plans for collocation of facilities at the Priory and this includes input by Verizon Wireless representatives. (For more information on the Verizon proposal, also considered at the August 9<sup>th</sup> site meeting, see the enclosed September 9, 2010 report on CUP amendment application X7D-132.)

Based on reactions to the plans as discussed at the August 9, 2010 preliminary review session, both AT&T and Verizon agreed to modify their Priory proposals. Specifically, they agreed to a process whereby, for a roughly one-year interim period they would place the new antenna on the existing poles to more immediately improve service in town. This would also include removal of the white whip antenna extensions.

During the one-year interim period AT&T and Verizon would work with each other and other carriers at the Priory to develop a plan for collocation of antenna on a “mono-pine.” Verizon has indicated that this would require a 70-foot tall faux tree, but the ASCC has encouraged consideration of design approaches that might limit the height. In any case, AT&T and Verizon have modified their request to agree to work with the town during the one-year interim period to develop a plan for collocation on a faux tree to the design satisfaction of the ASCC. This is provided for in the recommended conditions herein relative the AT&T Priory proposal and in the enclosed September 9, 2010 report on the Verizon CUP application.

Also in response to the August 9, 2010 site sessions, AT&T provided the revised access plans for the 4115 Alpine Road proposal (X7D-161). On August 30, 2010, this revised access plan was considered and found conditionally acceptable by the ASCC. The staff report prepared for the 8/30 meeting and meeting minutes are enclosed for reference.

In response to the notice for the August 9, 2010 meeting, two neighbor responses were received. Attached is an email dated July 28, 2010 from Amy and Bill Gurley, 188 Georgia Lane supporting the requests and improved wireless service in the community. Also, the neighbor uphill of the facility adjacent to 4115 Alpine Road discussed the project with Planning Manager Lambert and then, prior to the August 30, ASCC meeting, sent the attached August 30<sup>th</sup> email to Ms. Lambert. He initially expressed concern with the visual

condition of the existing pole mounted equipment, but noted that his main concern was to ensure the facility continued to operate within the FCC RF standards. In the 8/30 communication he stressed his concern over the visual impacts. The ASCC concurred with staff that the changes were minimal relative to the antenna. Further, as noted in the August 5<sup>th</sup> staff report, the Alpine Road facility is now within an undergrounding district and the town can be more limiting in permit life for this area.

As can be appreciated from the above discussion, some of the comments in this report, including reference to the August 9, 2010 site meeting have bearing on the Verizon CUP application, also to be considered at the September 15<sup>th</sup> meeting. Further, general comments on town regulation of wireless facilities are presented in the enclosed report dated July 28, 2010 relative to CUP X7D-152, also before the commission for hearing on September 15<sup>th</sup>. The commission should consider this information in review the AT&T requests as well as the Verizon application.

### **Ordinance Requirements, Town Policies for Wireless Communication Facilities**

In order to grant a conditional use permit for antenna installation, of amendment to an existing use permit, the planning commission must make the findings called for in Section 18.72.130 of the zoning ordinance. In addition, the proposal is to be considered against the provisions and required conditions set forth in the town's "*Policy Statement Regarding Wireless Communication Facilities.*" A copy of the policy statement is included with the report on the Verizon Wireless CUP application. The required findings in Section 18.72.130 are stated below and evaluated later in this report for each of the applications.

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the

- near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.
8. For wireless communication facilities, that the proposed site location and facility design have the least adverse impact when compared with other feasible alternatives.

## Evaluation

As noted above, general comments on town regulation of wireless facilities are provided in the enclosed July 28, 2010 report to the planning commission on CUP application X7D-152 (TowerCo./Nextel). These have bearing on the AT&T evaluation and CUP findings.

In this case, most of the staff evaluation on the three AT&T requests is contained in the attached materials associated with the August 9<sup>th</sup> and 30<sup>th</sup> ASCC meeting. The following comments relative to the necessary findings for each requested use permit amendment are based on these evaluations.

### **CUP Amendment X7D-138 (302 Portola Road, Priory), Findings for Granting CUP Amendment**

The following comments are offered relative to the findings required under Section 18.72.130.

1. **Proper community location.** When the original use permit was granted, the commission found the Priory site proper for wireless service and, based on the continued use of the antenna and the wireless coverage maps provided by the applicant, we believe the commission can conclude that the facility remains in a proper community location. The Priory area offers a relatively high elevation for service to a significant portion of the town. Further, the area is not immediately adjacent to single family residential neighborhoods and is at a location where aesthetic impacts can be minimized.
2. **Adequacy of Site.** The site was found adequate for the use with the original permit approval and we believe it is still adequate. It can accommodate the existing poles, or even a faux tree, without impacting the other site uses. Further, the support equipment is contained within the adjacent building and a small fenced enclosure.
3. **Adequacy of adjacent streets and roads.** The existing facility has been used and maintained with no impact on adjacent streets and roads. Thus, it appears that this finding can again be made.
4. **Adverse affects on abutting property or permitted use thereof.** There is no record that would indicate that the existing poles or antenna have had an adverse impact on abutting property or the permitted use of such properties. This finding was made with the original permit approval and there have been no changes that would suggest a basis for a change to that finding. As to the long-term plan for a faux tree, if this results in a reduction of facilities at the site, then the potential for any adverse impacts would be further reduced.
5. **Site safe from natural hazards.** The site is not in a flood plain nor is it on unstable slopes. In fact the site is designated **Sun**, which is considered stable ground on the town's map of land movement potential. The existing facilities were found to conform to town building standards when permits for installation were granted and they were

installed in conformance with the building permits. Further, since installation, according to the town's building official, there have been no significant code changes relative to the design standards for such poles. Any collocation mono-pole would have to also meet current building standards. Thus, we conclude both the interim and long-term plans would be safe from natural hazards.

- 6. Proposed use in Harmony with the purpose and intent of the zoning ordinance and general plan.** As a conditional use, a wireless communication facility is permitted in all zoning districts as long as it is to primarily serve the town and its spheres of influence (Section 18.36.020.D.). In this case, the facility coverage maps show that the modified facilities are primarily for enhanced service to the town area around the antenna facility.

Beyond service, the key issues relative to zoning conformance are aesthetic impacts and conformity with the noise standards. The aesthetic impacts are addressed in comments presented above and in the application analysis conducted by the ASCC. Conditions have been provided to ensure periodic checking relative to noise and other more technical matters and also to enhance aesthetics over the life of the permit.

- 7. Service to the town and its spheres of influence.** Again, as described on the wireless facility coverage map, the specific objective of this proposal is to continue to provide and enhance wireless service to a significant portion of the town.
- 8. Proposed location and facility design have the least adverse impact when compared with other feasible alternatives.** The existing pole locations, given distance from single-family residential neighborhoods, and the site conditions of topography and tree cover, appear appropriate for continued provisions of the AT&T wireless services. This is an established location, and we conclude that its continued use is preferable to attempting to identify a different location or locations for similar services. Further, we fully appreciated the efforts that both AT&T and Verizon are willing to commit to relative to reduction in the number of poles at the Priory through development and implementation of a collocation plan in a one-year period.

#### **CUP Amendment X7D-160 (945 Portola Road) Findings for Granting CUP Amendment**

The following comments are offered relative to the findings required under Section 18.72.130.

- 1. Proper community location.** The existing permit is for antenna mounted on the existing joint utility pole at the subject site to serve nearby residences and businesses and in-vehicle coverage along Portola Road. The change is only to antenna size, and the size change is minor. The scope of coverage would be enhanced with the replacement antenna and new equipment. When the original use permit was granted, the commission found the site proper for wireless service and the current proposal represents very minor changes to the existing facilities but improved service. We conclude that the facility is still proper in terms of community location and for the intended service.
- 2. Adequacy of Site.** The site was found adequate for the use with the original permit approval and based on ASCC site evaluation in August, it was again found adequate. We did identify a very minor concern over the equipment cabinets, but this was evaluated and determined not to be an issue. Thus, we conclude that the commission can find the site adequate for the amended antenna use.



3. **Adequacy of adjacent streets and roads.** The existing facility has been used and maintained with no impact on adjacent streets and roads. Thus, it appears that this finding can again be made. An encroachment permit will, however, be needed before the proposed improvements could be made.
4. **Adverse affects on abutting property or permitted use thereof.** There is no record that would indicate that the existing joint utility pole or antenna have had an adverse impact on abutting property or the permitted use of such properties. This finding was made with the original permit approval and there have been no changes that would suggest a basis for a change to that finding. Even if the antenna were not on the pole, the pole would remain with the other existing utility equipment.
5. **Site safe from natural hazards.** The site is not in a flood plain nor is it on unstable slopes. It is however, located in a fault setback area. The original permit was issued for this site and the finding made that it was safe from natural hazards because the equipment was considered a minor change to the existing utility pole. Further, wireless service is not the same utility as a water or sewer line. Thus, we conclude that for this minor change the commission can find the antenna use acceptable in terms of safety from natural hazards.
6. **Proposed use in Harmony with the purpose and intent of the zoning ordinance and general plan.** As discussed previously, as a conditional use, a wireless communication facility is permitted in all zoning districts as long as it is to primarily serve the town and its spheres of influence (Section 18.36.020.D.). As the coverage maps show, this facility is primarily for enhanced service to the town area around the existing utility pole and within the Portola Road corridor.

Beyond service, the key issues relative to zoning conformance are aesthetic impacts and conformity with the noise standards. The aesthetic impacts are addressed in application analysis conducted by the ASCC. Further, noise data have been provided to verify conformity with town standards. While utility poles are not considered attractive, placement of antenna on existing poles is preferred to construction of new poles that would add to the clutter along the town's roadways.

7. **Service to the town and its spheres of influence.** As shown on the wireless facility coverage map, the specific objective of this proposal is to continue to provide and enhance AT&T wireless service to the town.
8. **Proposed location and facility design have the least adverse impact when compared with other feasible alternatives.** This finding was made with the granting of the original permit and the proposed modifications are minor changes to the existing conditions. Again, we see these changes as being considerably less intrusive to a plan that would require installation of a new pole to support the desired upgraded antennas and support equipment.

#### **CUP Amendment X7D-161 (4115 Alpine Road), Findings for Granting CUP Amendment**

The following comments are offered relative to the findings required under Section 18.72.130.

1. **Proper community location.** The existing permit is for antenna mounted on the existing joint utility pole at the subject site to serve nearby residences and in-vehicle coverage along Alpine Road. The change is only to antenna size, and the size change is minor. As with the Portola Road proposal, the scope of coverage would be enhanced with the replacement antenna and new equipment. When the original use permit was

granted the commission found the site proper for wireless service and the current proposal represents very minor changes to the existing facilities but improved service. We conclude that the facility is still proper in terms of community location. The ASCC and staff do have some concerns with the proposed service access and need for screen planting, as discussed above, and these are addressed in recommended approval conditions.

2. **Adequacy of Site.** The site was found adequate for the use with the original permit approval and based on ASCC site evaluation in August, it was again found adequate. Again, there are some issues relative to the access plan, and the need for screen planting that are addressed in the proposed approval conditions.
3. **Adequacy of adjacent streets and roads.** The existing facility has been used and maintained with no impact on adjacent streets and roads. Thus, it appears that this finding can again be made. This would not have been the case with the original service access plan. Also, an encroachment permit will be needed before the proposed improvements could be made.
4. **Adverse affects on abutting property or permitted use thereof.** As noted above, the owner of the property to the west has expressed concern over the visual impacts of the existing and proposed replacement antennas. Even if the antenna were not on the pole, the pole would remain with the other existing utility equipment and wires. The ASCC considered the concerns and concluded that the changes were minor in terms of visual impacts. It is also noted, that the pole is located in the recently established Alpine Road utility undergrounding district and, as a result, it is highly likely that within a five to seven year period the existing pole would be eliminated. For this reason, we have recommended only a five-year life for this permit amendment, with the possibility of extension if it is determined that the utility undergrounding will not proceed as now anticipated. If the pole were, in fact, removed to accommodate undergrounding, then there would likely be the need to consider new use permits for wireless facilities in the undergrounding area along Alpine Road. The town should consider this as it works on any specific plans for utility undergrounding, as the demand for effective wireless service will likely increase over the next five to ten year period.
5. **Site safe from natural hazards.** The site is not in a flood plain and, based on review of the town's map of movement potential, it appears to be on stable slopes, but adjacent to a Ps area. There have been no indications of slope problems associated with the existing pole. Thus, the antenna and proposed equipment locations on the existing utility pole and adjacent to it appear safe from natural hazards. If, however, a new pole were to be proposed, then additional site investigations might need to be considered.
6. **Proposed use in Harmony with the purpose and intent of the zoning ordinance and general plan.** Again, as a conditional use, a wireless communication facility is permitted in all zoning districts as long as it is to primarily serve the town and its spheres of influence (Section 18.36.020.D.). As the coverage maps show, this facility is primarily to serve residences, on street and in-vehicle coverage within the Alpine Road corridor.

Beyond service, the key issues relative to zoning conformance are aesthetic impacts and conformity with the noise standards. The aesthetic impacts are discussed above. We reiterate that while utility poles are not considered attractive, placement of antenna on existing poles is preferred to construction of new poles that would add to the clutter along the town's roadways.

As to noise, as discussed above, we have some minor concerns relative to the noise from the proposed equipment, and these are addressed in a recommended permit condition.

7. **Service to the town and its spheres of influence.** As shown on the wireless facility coverage map, the specific objective of this proposal is to continue to provide AT&T wireless service to the town.
8. **Proposed location and facility design have the least adverse impact when compared with other feasible alternatives.** This finding was made with the granting of the original permit and the proposed modifications are minor changes to the existing conditions. Again, we see these changes as being considerably less intrusive to a plan that would require installation of a new pole to support the desired upgraded antennas and support equipment. Nonetheless, consideration of a new pole or poles may need to be faced if the existing pole is removed to facilitate utility undergrounding in the Alpine Road corridor.

### **Compliance with the California Environmental Quality Act (CEQA)**

The three subject use permit amendment projects are categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).

### **Recommendations for Action**

If the planning commission determines it can make the required CUP findings and, unless information presented at the public hearing leads to other determinations, the actions outlined below are recommended for the three use permit amendment requests. Separate actions should be taken for each application.

1. **Environmental Impact.** Move to find the each CUP amendment project individually categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).
2. **CUP Application.** Move to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the proposed CUP amendment applications for each of the three CUP amendment requests subject to the conditions set forth the attached Exhibit A (X7D-138), Exhibit B (X7D-160) and Exhibit C (X7D-161).

TCV

Attach.

Encl.

cc. Leslie Lambert, Planning Manager  
John Richards, Town Council Liaison  
Sandy Sloan, Town Attorney  
Mike Mangiantini, AT&T  
Steve Toben, Mayor  
Angela Howard, Town Manager



**Exhibit A**  
**Conditions of Approval for**  
**AT&T Wireless Facilities, 302 Portola Road**  
**CUP Amendment Application X7D-138**  
**September 9, 2010**

1. This amended conditional use permit is issued to AT&T for modification to the existing AT&T facilities at the subject property in accordance with the following plans received by the town on June 3, 2010 and the other conditions set forth herein:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome & Associates

The permit shall run with the site and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 10 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. AT&T or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

2. Pursuant to the use permit application as revised on August 19, 2010, for an interim period of one year, the new antennas may be installed on the existing AT&T poles while a plan is developed with Verizon Wireless and other carriers at the Priority site for collocation of antenna on a monopine or similar faux tree. Any such tree design shall be subject to design review and approval by the ASCC and shall address the recommendations of the ASCC as stated in the record of the August 9, 2010 ASCC meeting. Within nine months of the effective date of this permit amendment, the applicant shall inform the planning commission of the progress being made for implementation of the collocation "tree" plan. The commission may allow for additional time for the plan to be developed and implemented if it is satisfied that acceptable progress is being made on the plan.

For the interim period, it is understood that installation of the new antennas would include removal of the existing white whip extensions and that the antennas would be a dark brown color.

3. AT&T or a future owner may request an extension of the 10-year life of this permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission reserves the right to require replacement of the facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
4. If the wireless facilities are transferred to another owner, the town shall be notified as soon as the transfer has been recorded. No additional carrier to AT&T shall be permitted on the existing pole or any new collocation "tree" without first obtaining an amendment to this use permit. The planning commission may, however, permit AT&T to be replaced by a different carrier if it determines that the new carrier provides similar services and coverage to AT&T, or provides other or additional

- wireless services serving the needs of the town. Any replacement carrier shall be subject to the conditions of this permit and shall so acknowledge in a written statement or agreement to the satisfaction of the town attorney.
5. Within three months of the effective date of this use permit, AT&T and the Priory shall enter into an agreement with the town guaranteeing maintenance of the site and the facilities and removal of the pole and support facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 3. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.
  6. On an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit.
  7. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
  8. Any emergency generators on the site shall be tested no more than necessary and only during weekday daylight hours.
  9. As new technology becomes available, the permit holder shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. The provisions of this condition shall be considered by the planning commission at the time of each required two-year review. Specifically, the applicant shall provide a report to the commission on the state-of-the-art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as set forth by the town attorney.
  10. In addition to the collocation requirements set forth in condition 2, AT&T and any future owner of the facilities shall participate in town efforts to enhance the aesthetics of the wireless installations at the Priory. This shall include preparation of plans and implementation of such plans for added landscape screening as recommended by the ASCC during its August 9, 2010 application review. Within 60 days of the effective date of this permit, AT&T shall enter into an agreement with the town, to the satisfaction of the town attorney, agreeing to participate in this effort, and to pay its fair share of any landscaping, including maintenance, that the town determines are needed.

11. If AT&T or any future holder of this permit desires to make physical changes to the approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds they changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require conditional use permit amendment, he may refer them to the planning commission for review. If the commission determines the changes are consistent with the general provisions of the permit, it may approve the changes.

**Exhibit B**  
**Conditions of Approval for**  
**AT&T Wireless Facilities, 945 Portola Road**  
**CUP Amendment Application X7D-160**  
**September 9, 2010**

1. This amended conditional use permit is issued to AT&T for modification to the existing AT&T facilities at the subject location in accordance with the following plans received by the town on June 3, 2010 and the other conditions set forth herein:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome &  
Associates

- The permit shall run with the site and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 10 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. AT&T or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.
2. Prior to installation of the new facilities, the applicant shall apply for and receive an encroachment permit from the town's public works director.
  3. AT&T or a future owner may request an extension of the 10-year life of this permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission reserves the right to require replacement of the facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
  4. If the wireless facilities are transferred to another owner, the town shall be notified as soon as the transfer has been recorded. No additional carrier to AT&T shall be permitted on the existing utility pole. The planning commission may, however, permit AT&T to be replaced by a different carrier if it determines that the new carrier provides similar services and coverage to AT&T, or provides other or additional wireless services serving the needs of the town. Any replacement carrier shall be subject to the conditions of this permit and shall so acknowledge in a written statement or agreement to the satisfaction of the town attorney.
  5. Within three months of the effective date of this use permit, AT&T shall enter into an agreement with the town guaranteeing maintenance of the site and facilities and removal of the wireless facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 3. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.



6. On an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit.
7. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
8. As new technology becomes available, the permit holder shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. The provisions of this condition shall be considered by the planning commission at the time of each required two-year review. Specifically, the applicant shall provide a report to the commission on the state-of-the-art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as set forth by the town attorney.
9. If AT&T or any future holder of this permit desires to make physical changes to the approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds they changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require conditional use permit amendment, he may refer them to the planning commission for review. If the commission determines the changes are consistent with the general provisions of the permit, it may approve the changes.

**Exhibit C**  
**Conditions of Approval for**  
**AT&T Wireless Facilities, 4115 Alpine Road**  
**CUP Amendment Application X7D-161**  
**September 9, 2010**

1. This amended conditional use permit is issued to AT&T for modification to the existing AT&T facilities at the subject property in accordance with the following plans received by the town on August 18, 2010 and the other conditions set forth herein:

Photo Simulations, two sheets, Artistic Engineering  
Technical Plans and Specifications, 10 Sheets, prepared by Jeffrey Rome & Associates

- The permit shall run with the site and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 5 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. AT&T or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.
2. Prior to installation of the new facilities, the applicant shall apply for and receive an encroachment permit from the town's public works director. In addition, prior to issuance of the encroachment permit or installation of the facilities, the final access plan and landscaping plans, as recommended by the ASCC in its August 30, 2010 project review, shall have been developed and approved by the town.
  3. AT&T or a future owner may request an extension of the 5-year life of this permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission reserves the right to require replacement of the facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit. In addition, the commission will take into account the underground district and may elect not to grant any permit extension if it would conflict with implementation of the plans for undergrounding utilities along Alpine Road.
  4. If the wireless facilities are transferred to another owner, the town shall be notified as soon as the transfer has been recorded. No additional carrier to AT&T shall be permitted on the existing utility pole. The planning commission may, however, permit AT&T to be replaced by a different carrier if it determines that the new carrier provides similar services and coverage to AT&T, or provides other or additional wireless services serving the needs of the town. Any replacement carrier shall be subject to the conditions of this permit and shall so acknowledge in a written statement or agreement to the satisfaction of the town attorney.
  5. Within three months of the effective date of this use permit, AT&T and shall enter into an agreement with the town guaranteeing maintenance of the site and facilities and removal of the wireless facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of

- the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 3. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.
6. On an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit. In addition to the foregoing, within 30 days after the new equipment is in operation, noise measurements shall be taken at the site verifying the calculations provided in the September 8, 2010 noise evaluation by Hammett & Edison, Inc.
  7. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
  8. As new technology becomes available, the permit holder shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. The provisions of this condition shall be considered by the planning commission at the time of each required two-year review. Specifically, the applicant shall provide a report to the commission on the state-of-the-art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as set forth by the town attorney and shall also be considered in light of the progress being made relative to utility undergrounding in the Alpine Road undergrounding district.
  9. If AT&T or any future holder of this permit desires to make physical changes to the approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds they changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require conditional use permit amendment, he may refer them to the planning commission for review. If the commission determines the changes are consistent with the general provisions of the permit, it may approve the changes.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** September 9, 2010  
**RE:** Request for Approval–Amendments to Conditional Use Permit (CUP) X7D-132  
**Existing Verizon Wireless Antenna Facilities,**  
302 Portola Road, (Woodside Priory)

### **Request, Background and Overview of Planning Commission Consideration, ASCC Review**

On September 15, 2010 the planning commission is scheduled to conduct a public hearing on this use permit amendment request for modifications to existing Verizon Wireless facilities located adjacent to the monastery building at the Woodside Priory (see attached vicinity map). At the same meeting the commission will also consider a CUP amendment request by AT&T Mobility (AT&T) for modifications to its facilities at the Priory (X7D-138) and an application for continued operation of the TowerCo./Nextel facilities, also at the Priory (X7D-152). The reports on these other applications are enclosed and include information that has some bearing on the subject request. (It is noted that, in particular, there is a close physical relationship between the AT&T and Verizon facilities at the Priory site and representative of both companies have agreed to work with the town to develop a plan for collocation of existing facilities on one monopine or faux tree acceptable to the town. TowerCo. has also indicated a willingness to participate in this process and we understand that discussions between the companies are continuing.)

The subject request is presented on the following plans and materials received by the town on September 1, 2010:

- Sheet T-1, Cover Sheet, Project Title, Maps, and Information, 8/18/10
- Sheet C-1, Survey, 6/13/10
- Sheet A-1, Site Plan, 8/18/10
- Sheet A-2, Elevations, 8/18/10
- Sheet A-3, Details, 8/18/10
- Verizon Wireless Project Description Statement
- Hammett & Edison, Inc., Sound Analysis, August 31, 2010
- Hammett & Edison, Inc., Radio Frequency Exposure Analysis, December 28, 2009

The plan sheets are enclosed and the last three documents are attached. A coverage map has been provided and will be available for reference at the planning commission hearing.

The sound measurement data concludes that because the existing and proposed support equipment would be in the adjacent building, noise levels would be “below the town’s most restrictive limits for either daytime or nighttime” periods. The Radio Frequency Exposure Analysis, prepared for the original project concluded that the exposure levels would only be, in the worst case, 2.4% of the public exposure limit and well within FCC standards. An updated study is being developed for the 9/1/10 revised proposal, but it is anticipated that the results would be similar if not the same as the “cumulative” exposure study done for AT&T (see the enclosed report on CUP X7D-138). This study concluded that the cumulative exposure would be only 5.6% of the exposure limit and, again, well within FCC standards.

The attached project description statement received 9/1/10 sets forth both the interim and long-term plans for collocation and these are similar to those discussed for the AT&T Priory facility in enclosed report on that CUP amendment request. This Verizon plan approach was developed in response to comments and findings of the ASCC at the August 9, 2010 site meeting that was also attended by commissioners McIntosh and Zaffaroni. Additional data on the application, including considerable background to the proposal, is presented in the attached August 5, 2010 staff report prepared for the August 9, 2010 preliminary review field meeting. In addition to the staff report enclosed are the meeting minutes for the 8/9 meeting. The minutes include considerable discussion of long-terms plans for collocation of facilities at the Priory, with input by both Verizon Wireless and AT&T representatives. (*Note: For clarification and as stated in the 8/9/10 meeting minutes, Zaffaroni participated in the Priory site meeting as a neighbor of the property and not as a planning commission representative.*)

Based on reactions to the plans as discussed at the August 9, 2010 preliminary review session, both AT&T and Verizon agreed to modify their Priory proposals. Specifically, they agreed to a process whereby, for a roughly one-year interim period they would place the new antenna on the existing poles to improve service in town. This would also include removal of the white whip antenna extensions. For Verizon, the interim period would include use of only one of the existing two poles and three new antennas on that one pole. The other pole and the white whip extensions would be removed.

During the one-year interim period Verizon and AT&T would work with each other and other carriers at the Priory to develop a plan for collocation of antenna on a “mono-pine.” Verizon has indicated, with its plans, that this would require a 70-foot tall faux tree, but the ASCC has encouraged consideration of design approaches that might limit the height. In any case, AT&T and Verizon have modified their request to agree to work with the town during the one-year interim period to develop a plan for collocation on a faux tree to the design satisfaction of the ASCC. This is provided for in the recommended conditions herein relative the Verizon Priory proposal and in the enclosed September 9, 2010 report on the AT&T CUP application.

### **Ordinance Requirements, Town Policies for Wireless Communication Facilities**

In order to grant a conditional use permit for the antenna installation, of amendment to an existing use permit, the planning commission must make the findings called for in Section 18.72.130 of the zoning ordinance. In addition, the proposal is to be considered against the provisions and required conditions set forth in the town’s “*Policy Statement Regarding Wireless Communication Facilities.*” A copy of the policy statement is attached. The required findings in Section 18.72.130 are stated below and evaluated later in this report for each of the applications.

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.
8. For wireless communication facilities, that the proposed site location and facility design have the least adverse impact when compared with other feasible alternatives.

## **Evaluation**

General comments on town regulation of wireless facilities are provided in the enclosed July 28, 2010 report to the planning commission on CUP application X7D-152 (TowerCo./Nextel). These have bearing on the Verizon evaluation and CUP findings. As with the AT&T applications, most of the staff evaluation on the Verizon request is contained in the attached materials associated with the August 9<sup>th</sup> ASCC meeting. In particular, the attachments to the August 5<sup>th</sup> report contain considerable history on the Verizon request. The following comments relative to the necessary CUP findings are based on these evaluations.

## **Evaluation of Findings for Granting CUP Amendment**

The following comments are offered relative to the findings required under Section 18.72.130. (Most of these are very similar to those offered on AT&T application X7D-138, in the enclosed 9/9/10 report on that request. This is the case due to the very similar setting

and situation of the two facilities and proposed changes, including agreement to cooperate on a long-term collocation plan.)

1. **Proper community location.** When the original use permit was granted, the commission found the Priory site proper for wireless service and, based on the continued use of the antenna and the wireless coverage maps provided by the applicant, we believe the commission can conclude that the facility remains in a proper community location. The Priory area offers a relatively high elevation for service to a significant portion of the town. Further, the area is not immediately adjacent to single family residential neighborhoods and is at a location where aesthetic impacts can be minimized.
2. **Adequacy of Site.** The site was found adequate for the use with the original permit approval and we believe it is still adequate. It can accommodate the existing pole, or a faux tree, without impacting the other site uses. Further, the support equipment is contained within the adjacent building and a small fenced enclosure. This helps to limit sound impacts as well as visual clutter at the site.
3. **Adequacy of adjacent streets and roads.** The existing facility has been used and maintained with no impact on adjacent streets and roads. Thus, it appears that this finding can again be made.
4. **Adverse affects on abutting property or permitted use thereof.** There is no record that would indicate that the existing poles or antenna have had an adverse impact on abutting property or the permitted use of such properties. This finding was made with the original permit approval and there have been no changes that would suggest a basis for a change to that finding. As to the long-term plan for a faux tree, if this results in a reduction of facilities at the site, then the potential for any adverse impacts would be further reduced. It is also noted that likely the most visible condition of the existing Verizon facilities are the white whip antenna extensions. Even with the interim plan both of these would be removed, as would one of the two existing poles.
5. **Site safe from natural hazards.** The site is not in a flood plain nor is it on unstable slopes. In is designated **Sun**, which is considered stable ground on the town's map of land movement potential. The existing facilities were found to conform to town building standards when permits for installation were granted and they were installed in conformance with the building permits. Further, since installation, according to the town's building official, there have been no significant code changes relative to the design standards for such poles. Any collocation mono-pine would have to also meet current building standards. Thus, we conclude both the interim and long-term plans would be safe from natural hazards.
6. **Proposed use in Harmony with the purpose and intent of the zoning ordinance and general plan.** As a conditional use, a wireless communication facility is permitted in all zoning districts as long as it is to primarily serve the town and its spheres of influence (Section 18.36.020.D.). In this case, the facility coverage maps show that the modified facilities are primarily for enhanced service to the southern areas of the town.

Beyond service, the key issues relative to zoning conformance are aesthetic impacts and conformity with the noise standards. The aesthetic impacts are addressed in comments presented above and in the application analysis conducted by the ASCC.

Noise data has been provided verifying conformity with town standards and conditions have been provided to ensure periodic checking relative to noise and other more technical matters and also to enhance aesthetics over the life of the permit.

7. **Service to the town and its spheres of influence.** Again, as described on the wireless facility coverage map and in the other application and background materials, the specific objective of this proposal is to continue to provide and enhance wireless service to a significant portion of the town.
8. **Proposed location and facility design have the least adverse impact when compared with other feasible alternatives.** The existing pole locations, given distance from single-family residential neighborhoods, and the site conditions of topography and tree cover, appear appropriate for continued provisions of the Verizon wireless services. This is an established location, and we conclude that its continued use is preferable to attempting to identify a different location or locations for similar services. Further, we fully appreciated the efforts that Verizon and AT&T are willing to commit to relative to reduction in the number of poles at the Priory through development and implementation of a collocation plan in a one-year period.

#### **Compliance with the California Environmental Quality Act (CEQA)**

The subject use permit amendment project is categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).

#### **Recommendations for Action**

If the planning commission determines it can make the required CUP findings and, unless information presented at the public hearing leads to other determinations, the actions outlined below are recommended.

1. **Environmental Impact.** Move to find the CUP amendment project categorically exempt under the provisions of the CEQA guidelines pursuant to Sections 15301 (existing facilities) and 15305 (minor alterations to land use limitations).
2. **CUP Application.** Move to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the proposed CUP amendment application subject to the conditions set forth the attached Exhibit A.

TCV

Attach.  
Encl.

cc. Leslie Lambert, Planning Manager  
John Richards, Town Council Liaison  
Sandy Sloan, Town Attorney  
Laura Boat, Verizon Wireless



Steve Toben, Mayor  
Angela Howard, Town Manager

**Exhibit A**  
**Conditions of Approval for**  
**Verizon Wireless Facilities, 302 Portola Road**  
**CUP Amendment Application X7D-132**  
**September 9, 2010**

1. This amended conditional use permit is issued to Verizon Wireless for modification to the existing Verizon Wireless facilities at the subject property in accordance with the following plans and materials received by the town on September 1, 2010 and the other conditions set forth herein:

Sheet T-1, Cover Sheet, Project Title, Maps, and Information, 8/18/10  
Sheet C-1, Survey, 6/13/10  
Sheet A-1, Site Plan, 8/18/10  
Sheet A-2, Elevations, 8/18/10  
Sheet A-3, Details, 8/18/10  
Verizon Wireless Project Description Statement  
Hammett & Edison, Inc., Sound Analysis, August 31, 2010  
Hammett & Edison, Inc., Radio Frequency Exposure Analysis, December 28,  
2009

The permit shall run with the site and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 10 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. Verizon Wireless or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

2. Pursuant to the use permit application as revised with the September 1, 2010, submittal documents, for an interim period of one year, three new antennas may be installed on one of the two existing Verizon Wireless poles, i.e., as shown on Plan Sheet A-2, while a plan is developed with AT&T and other carriers at the Priory site for collocation of antenna on a monopine or similar faux tree. Any such tree design shall be subject to design review and approval by the ASCC and shall address the recommendations of the ASCC as stated in the record of the August 9, 2010 ASCC meeting when the Verizon Wireless monopine plans were before the ASCC for conceptual consideration. Within nine months of the effective date of this permit amendment, the applicant shall inform the planning commission of the progress being made for implementation of the collocation "tree" plan. The commission may allow for additional time for the plan to be developed and implemented if it is satisfied that acceptable progress is being made on the plan.

For the interim period, it is understood that installation of the three new antennas would include removal of one of the two existing poles and the existing white whip extensions and that the new antennas would be a dark brown color.

3. Verizon Wireless or a future owner may request an extension of the 10-year life of this permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission

- reserves the right to require replacement of the facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
4. If the wireless facilities are transferred to another owner, the town shall be notified as soon as the transfer has been recorded. No additional carrier to Verizon Wireless shall be permitted on the existing pole or any new collocation "tree" without first obtaining an amendment to this use permit. The planning commission may, however, permit Verizon Wireless to be replaced by a different carrier if it determines that the new carrier provides similar services and coverage to Verizon Wireless, or provides other or additional wireless services serving the needs of the town. Any replacement carrier shall be subject to the conditions of this permit and shall so acknowledge in a written statement or agreement to the satisfaction of the town attorney.
  5. Within three months of the effective date of this use permit, Verizon Wireless and the Priory shall enter into an agreement with the town guaranteeing maintenance of the site and facilities and removal of the pole and other wireless support facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 3. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.
  6. On an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit.
  7. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
  8. Any emergency generators on the site shall be tested no more than necessary and only during weekday daylight hours.
  9. As new technology becomes available, the permit holder shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. The provisions of this condition shall be considered by the planning commission at the time of each required two-year review. Specifically, the applicant shall provide a report to the commission on the state-of-the-art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as set forth by the town attorney.

10. In addition to the collocation requirements set forth in condition 2, Verizon Wireless and any future owner of the facilities shall participate in town efforts to enhance the aesthetics of the wireless installations at the Priory. This shall include preparation of plans and implementation of such plans for added landscape screening as recommended by the ASCC during its August 9, 2010 application review. Within 60 days of the effective date of this permit, Verizon Wireless shall enter into an agreement with the town, to the satisfaction of the town attorney, agreeing to participate in this effort, and to pay its fair share of any landscaping, including maintenance, that the town determines are needed.
11. If Verizon Wireless or any future holder of this permit desires to make physical changes to the approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds they changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require conditional use permit amendment, he may refer them to the planning commission for review. If the commission determines the changes are consistent with the general provisions of the permit, it may approve the changes.