



TOWN OF HILLSBOROUGH
California

Administrative Review and Approval
Wireless Communication Facility

Project Number: WCF22-0001

Status: Approved with Conditions | **Approval Date:** June 28, 2022

Address: 2999 Summit Road, Hillsborough, CA 94010

WCF Provider: T-Mobile

Property Owner: Town of Hillsborough
1600 Floribunda Avenue
Hillsborough, CA 94010
(650) 375.7400
wirelesscomments@hillsborough.net

Project Contact: Nancy Garera
Wingspan Wireless on behalf of T-Mobile
8795 W Dove Roost Rd.
Queen Creek, AZ 85142
ngarera@wingspanwireless.com
(480) 205-7142

Submittal Date: 05/10/2022

Project Description: To accommodate new wireless technologies, Wingspan Wireless has submitted a Section 6409(a) modification request on behalf of T-Mobile for removal and replacement of older equipment at this location. As shown on the plans submitted by Wingspan Wireless, dated 01/05/22, T-Mobile's proposed installation consists principally of the following elements within the existing equipment lease area:

- Removal and replacement of three (3) antennas
- Relocation of three (3) antennas on existing antenna mounts
- Installation of three (3) RRUs behind the antennas
- Installation of one (1) 6x24 4AWG HCS 20M Hybrid Fiber Cable within the pole
- Removal of one (1) existing cabinet
- Removal of (3) RRUs11 B12 radios
- Installation of one (1) BB 6648 radio
- Installation of one (1) PSU 4813 radio within (E) equipment Cabinet

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FINDINGS

1. The application has met the requirements under Hillsborough Municipal Code (HMC) Section 15.32.080(A) to be considered for decision on the merits, as follows:
 - a. The application was deemed complete.
 - b. At least fifteen days has elapsed from the postmark date of the notices to property owners which were mailed on May 13, 2022.
 - c. No action is required under HMC Section 2.12.070.
2. Based on the administrative record, including the application materials and the analysis report commissioned by the Town from Columbia Telecommunications Corporation (CTC), the application qualifies as a Section 6409(a) eligible facilities request and no grounds exist for denial of the Section 6409(a) modification application pursuant to HMC Section 15.32.080(F).

CONDITIONS OF APPROVAL

1. Pursuant to HMC 15.32.090(A) approvals of Eligible Facilities Requests (EFRs) are subject to a 7-day appeal period. No building permit can be issued prior to expiration of the 7-day appeal period.
2. Any proposed changes to the project approved in this permit must first be submitted to the Building and Planning Department for review and may trigger a reassessment of the project approval contained herein.
3. Applicant shall secure the necessary Building, Plumbing, Electrical, Mechanical and/or Encroachment Permits prior to initiating this project. Building Permit applications must demonstrate compliance with the conditions of approval. A Building Permit will not be issued for a project that is in the Town's view materially different from what has been approved herein.
4. Building Permit(s) must be secured, and work initiated within two years of this approval.
5. The project shall include demolition and complete removal of all decommissioned equipment, including foundation structures and associated appurtenances, if applicable. Concrete foundations shall be removed in their entirety to subgrade, and the area backfilled to existing ground level with Class 2 aggregate base at 90% compaction. Existing (to be abandoned) tower foundations not scheduled for removal shall be left in a condition that does not pose a tripping or safety hazard. Work shall be to the satisfaction of the Director of Public Works or their designee.
6. Underground conduits may be abandoned. Above ground conduits no longer in use shall be removed entirely. Removal shall be done to the satisfaction of the Director of Public Works or their designee.
7. All repairs shall be done in coordination with the Town of Hillsborough (property owner) and at the time of the applicant's installation of its antennas and related equipment at the site.
8. In advance of any repairs, applicant shall secure authorization from the Town of Hillsborough (property owner).
9. The permit holder shall defend, indemnify and hold harmless the Town, its agents, officers, officials, and employees:

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- a. From any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings brought against the Town or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the Town's approval of the permit; and
 - b. From any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permit holder or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors ((i) and (ii) collectively are "actions"). Further, permit holders shall be strictly liable for interference caused by their WCFs with the Town's communications systems. The permit holder shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the Town attributable to the interference ("claims"). In the event the town becomes aware of any such actions or claims the town shall promptly notify the permit holder and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the town shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Town's defense, and the property owner and/or permit holder (as applicable) shall reimburse Town for any costs and expenses directly and necessarily incurred by the town in the course of the defense.
10. Grant, deemed grant, or acceptance of a Section 6409(a) modification permit shall not renew or extend the permit term for the underlying WCF.
 11. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, 47 U.S.C. section 1455(a), such that such statute would not mandate approval for the collocation or modification granted or deemed granted under a Section 6409(a) modification permit, such permit shall automatically expire twelve months from the date of that opinion.
 12. Grant, deemed grant or acceptance of Section 6409(a) modification permit shall not waive and shall not be construed or deemed to waive the Town's standing in a court of competent jurisdiction to challenge 47 U.S.C. Section 1455(a) or any Section 6409(a) modification permit issued pursuant to 47 U.S.C. section 1455(a) or this Code.
 13. All facilities utilizing antennas must comply with all standards and regulations relating to RF exposure issued by the FCC or any other federal or state authority authorized to issue such standards and regulations.

Reviewed: 
Director, Building & Planning

Date: 06/28/2022

Approved: _____
City Manager

Date: 06/28/2022

RE: Project Number WCF22-0001
June 28, 2022
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APPEALS

Pursuant to HMC 15.32.090(A), within seven (7) days following the date of the City Manager's written decision on an Eligible Facilities Request (EFR), any person or entity may appeal the decision to the City Council. Appeals must be in writing and must be received by the Town by **5:00 p.m. on Tuesday, July 5, 2022**. The appellant shall bear all costs for the appeal.

Appeals may be submitted email at wirelesscomments@hillsborough.net or via mail/hand delivered to:

Town of Hillsborough
Attn: City Clerk
1600 Floribunda Avenue
Hillsborough, CA 94010