RESOLUTION NO. 2019-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADOPTING DESIGN AND SITING GUIDELINES AND STANDARDS FOR WIRELESS FACILITIES

WHEREAS, it is in the public interest for the City to establish reasonable, uniform and comprehensive design and siting guidelines for the installation of wireless facilities; and

WHEREAS, the adoption of design guidelines and standards by resolution will increase administrative efficiencies should future amendments become necessary; and

WHEREAS, Chapter 11.12 of the City's Municipal Code governs the permitting, installation, and regulation of wireless facilities within the City; and

WHEREAS, being authorized to do so, the City wishes to establish design and siting guidelines applicable to wireless facilities; and

WHEREAS, these guidelines contained are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from wireless services with the City's local values, which include, without limitation, the aesthetic character of the City, its neighborhoods and community; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES RESOLVE AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The recitals above are each incorporated by reference and adopted as findings of the City Council.

SECTION 2. DEFINITIONS. The definitions set forth in Section 11.12.020 of the Municipal Code are incorporated by reference into this Resolution. In addition, the terms used in this Resolution shall have the following meanings:

Small Cell Facility: shall have the same meaning as "small wireless facility" in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

(1) The facility—

(i) is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or

(ii) is mounted on a structure no more than 10 percent taller than other adjacent structures, or

(iii) does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facility does not require antenna structure registration under 47 C.F.R. Part 17;

(5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and

(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b). A copy of those standards as currently in effect is attached as Appendix 1.

Underground areas: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

SECTION 3. BACKGROUND AND PURPOSE. The City of Los Altos is establishing these *Design and Siting Guidelines and Standards* for wireless facilities in order to regulate the design and placement of wireless infrastructure throughout the City.

These *Design and Siting Guidelines and Standards* provide objective aesthetic design and siting requirements that all wireless facilities must meet for approval by the City.

SECTION 4. LOCATION AND CONFIGURATION PREFERENCES AND CONDITIONS

A. **Purpose.** The purpose of this section is to provide guidelines to applicants and the City regarding the preferred locations and configurations for wireless telecommunication facilities in the City, provided that nothing in this section shall be construed to permit a wireless telecommunication facility in any location or configuration that it is otherwise prohibited by this chapter.

B. **Review of Location and Configuration.** The City shall consider the extent to which a proposed wireless telecommunication facility complies with these preferences and whether there are feasible alternative locations or configurations to the proposed facility that are more preferred under this section. If the location or configuration of a proposed facility qualifies for two or more categories of preferred locations or configurations, it shall be deemed to belong to the least preferred category.

C. **Order of Preference—Configurations.** The order of preference for the configuration for wireless telecommunication facilities from most preferred to least preferred is:

1. Collocation with existing wireless facilities;
2. Roof-mounted;
3. Building-mounted;
4. Mounted on an existing pole or utility pole;
5. Mounted on a pole or utility pole that will replace an existing pole or utility pole;
6. Mounted on a new telecommunication tower.

D. **Order of Preference—Location.**

Wireless facilities shall only be permitted in the City in accordance with the following table:

Description Wireless Facility	*Private Property*			*Public Right-of-Way*[4]
	A-J, T-U, W[1] *Zoning Districts*	*M Zoning District*	*All Other Zoning Districts*	*All Non-Residential Districts*
Roof-mounted facility, building-mounted facility, or facility mounted on an existing pole	*Not Permitted*	*Use Permit (500' setback from residential unit*	*Use Permit*	*Use Permit*
Facility mounted on a replacement pole or new telecommunications tower	*Not Permitted*	*Use Permit (500' setback from residential unit*	*Use Permit*	*Use Permit*
New wireless telecommunications collocation facility	*Not Permitted*	*Use Permit (500' setback from residential unit*	*Use Permit*	*Use Permit*
Eligible facilities request[2] *or application pursuant to California Government Code Section 65850.6*[3]	*Permitted*	*Use Permit (500' setback from residential unit*	*Permitted*	*Permitted*

1 See Section 14.04.010 (A-J, T-U, W) of the Code.
2 See requirements of Section 11.12.100.
3 See requirements of Section 11.12.110.
4 Non-Residential Districts are defined in Section 14.04.010(K, L, O-S, V)

Furthermore, within the general categories specified above, the order of preference for the location of wireless telecommunications facilities from most preferred to least preferred is:

1. Commercial districts (as defined in Section 14.04.010 (K, L, O-R, V) of the Code).
2. Public districts (as defined in Section 14.04.010 (S) of the Code).

Facilities located in the public rights-of-way shall have their preference evaluated based on the least-preferred zoning district adjacent to the proposed facility.

E. **Other Location Preferences** and Conditions

1. Mid-block locations are preferred instead of at more visible corners and street intersections except if proposed on traffic signal control poles.

2. Where allowed by exception as provided in 7.H.4, new poles should be located in the parkway strip whenever possible and in alignment with existing trees, utility poles, and streetlights.

3. Where allowed by exception as provided in 7.H.4, new poles should be an approximately equal distance between trees when possible, with a minimum separation of 15 feet or the tree's drip line, whichever is greater, such that no proposed disturbance shall occur within the critical root zone of any tree.

4. No facilities shall be permitted in any public park in a Public and Community Facilities (PCF) District.

5. No facilities shall be permitted within 500 feet of any school in a PCF District.

6. Each small cell facility must be separated by at least 1,500 feet.

SECTION 5. DESIGN AND DEVELOPMENT STANDARDS FOR ALL FACILITIES.

A. **Basic Requirements.** The design and development standards set forth in this section apply to all wireless telecommunications facilities no matter where they are located. Wireless telecommunications facilities shall be designed and maintained so as to minimize visual, noise, and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the design and development standards in this section.

B. **No Speculative Facilities.** A wireless telecommunications facility, wireless telecommunications collocation facility, or a telecommunications tower, which is built on speculation and for which there is no wireless tenant is prohibited within the City.

C. **General Guidelines.** The applicant shall employ screening and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually inconspicuous as possible, to prevent the facility from dominating the surrounding area and to hide the facility from predominant views from surrounding properties, all in a manner that achieves compatibility with the community.

D. **Traffic Safety.** All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

E. **Antennas.** The applicant shall use the least visible antennas possible to accomplish the coverage objectives. Antenna elements shall be flush mounted, to the extent reasonably feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Antennas shall be situated as to reduce visual impact without compromising their function. Whip antennas need not be screened.

F. **Landscaping.** Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be planted, irrigated, and maintained where such vegetation is deemed necessary by the City to provide screening or to block the line of sight between facilities and adjacent uses.

G. **Signage.** Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the City.

H. **Lighting.** No wireless telecommunications facility may be illuminated unless either specifically required by the Federal Aviation Administration or other government agency or in association with the illumination of an athletic field on City or school property. Lightning arresters and beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as telecommunications towers, lattice towers, and monopoles.

I. **Noise.**

1. Each wireless telecommunications facility and wireless telecommunications collocation facility shall be operated in such a manner so as to minimize any possible disruption caused by noise.

2. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 7:00 a.m.

3. At no time shall any facility be permitted to exceed 45 dBA and the noise levels specified in Municipal Code Chapter 6.16.

J. **Security.** Each wireless telecommunications facility and wireless telecommunications collocation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The City may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a facility has the potential to become an attractive nuisance. The applicant shall cover any costs associated with the techniques described herein.

K. **Modification.** At the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise, and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

SECTION 6. ADDITIONAL DESIGN AND DEVELOPMENT STANDARDS FOR FACILITIES ON LAND NOT REGULATED BY SECTION 7.

A. **Basic Requirements.** Facilities located outside the public right-of-way and public utility easements are subject to the design and development standards set forth in this section in addition to all design and development standards that apply to all facilities.

B. **No Parking Interference.** In no event shall the installation of facilities replace or interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number that is required.

C. **Roof-Mounted Facilities.** Roof-mounted facilities shall be designed and constructed to be fully concealed or screened in a manner compatible with the existing architecture of the building the facility is mounted to in color, texture, and type of material. Screening shall not increase the bulk of the structure nor alter the character of the structure.

D. **Facilities Mounted to a Telecommunications Tower.** Facilities mounted to a telecommunications tower shall be located in close proximity to existing above-ground utilities, such as electrical towers or utility poles (which are not scheduled for removal or under grounding for at least 18 months after the date of application), light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.

1. Facilities mounted to a telecommunications tower, including, but not limited to, the attached antennas, shall be designed to be the minimum functional height and width required to adequately support the proposed facility and meet FCC requirements. The applicant shall provide documentation satisfactory to the City Manager establishing

compliance with this paragraph. In any event, facilities mounted to a telecommunications tower shall not exceed the applicable height limit for structures in the applicable zoning district.

2. Aside from the antenna itself, no additional equipment may be visible. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the telecommunications tower and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the tower.

3. Monopole installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.

4. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background or existing architectural elements so as to visually blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.

5. Monopoles shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.

6. If a faux tree is proposed for the monopole installation, it shall be of a type of tree compatible with those existing in the immediate areas of the installation. If no trees exist within the immediate areas, the applicant shall create a landscape setting that integrates the faux tree with added species of a similar height and type. Additional camouflage of the faux tree may be required depending on the type and design of faux tree proposed.

E. **Accessory Equipment.** All accessory equipment associated with the operation of any wireless telecommunications facility shall be fully screened or camouflaged, and located in a manner to minimize their visibility to the greatest extent possible utilizing the following methods for the type of installation:

1. Accessory equipment for roof-mounted facilities shall be installed inside the building to which it is mounted or underground, if feasible. If not feasible, such accessory equipment may be located on the roof of the building that the facility is mounted on, provided that both the equipment and screening materials are painted the color of the building, roof, or surroundings. All screening materials for roof-mounted facilities shall be of a quality and design that is architecturally integrated with the design of the building or structure.

2. Accessory equipment for facilities mounted to a telecommunications tower shall be visually screened by locating the equipment either within a nearby building, in an underground vault (with the exception of required electrical panels) or in another type of enclosed structure, which shall comply with the development and design standards of the zoning district in which the accessory equipment is located. Such enclosed structure shall be architecturally treated and adequately screened from view by landscape plantings, decorative walls, fencing or other appropriate means, selected so that the resulting screening will be visually integrated with the architecture and landscaping of the surroundings.

F. **Signage.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under existing and future FCC or other United States governmental agencies for compliance with RF emissions regulations. RF notification signs shall be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies.

SECTION 7. ADDITIONAL DESIGN AND DEVELOPMENT STANDARDS FOR FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND IN PUBLIC UTILITY EASEMENTS.

A. **Basic Requirements.** Facilities located in the public right-of-way and in public utility easements are subject to the design and development standards set forth in this section in addition to all design and development standards that apply to all facilities. Only facilities qualifying for a Section 6409(a) approval and those meeting the definition of "small wireless facility" shall be permitted in the public right-of-way and within public utility easements. No small wireless facilities are allowed in public utility easements on properties zoned residential.

B. **Antennas.**

1. Utility Poles. The maximum height of any antenna mounted to an existing utility pole shall not exceed 24 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 18 feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission (CPUC) general orders (GOs), including, but not limited to, GO 95.

2. Street Light Poles. The maximum height of any antenna mounted to a street light pole shall not exceed seven feet above the existing height of a street light pole in a location with its closest adjacent district being a commercial zoning district and shall not exceed three feet above the existing height of a street light pole in any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than 18 feet above any drivable road surface.

3. All antennas shall be shrouded. Antenna shrouds should have an outer diameter of 15" or less and measure no more than five cubic feet in size. The shroud should be no more than 4 feet tall, including antenna, radio head, mounting bracket, and all other hardware necessary for a complete installation.

C. **Poles.**

1. Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited, and no new poles are permitted that are not replacing an existing pole.

2. Pole height and width limitations:

a. All poles shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet FCC requirements. Poles and antennas and similar structures shall be no greater in diameter or other

cross-sectional dimensions than is necessary for the proper functioning of the facility.

b. Notwithstanding the above, no facility shall be located on a pole that is less than 26 feet in height and no facility shall exceed 35 feet in height, including, but not limited to, the pole and any antenna that protrudes above the pole.

c. Pole mounted equipment shall not exceed six cubic feet in dimension.

3. If an applicant proposes to replace a pole in order to accommodate the facility, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.

4. If an exception is granted for placement of new poles in the right-of-way, new poles shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced, unless another design better accomplishes the objectives of this section. Such new poles that are not replacement poles shall be located no closer than 90 feet to an existing pole.

D. **Space Occupied.** Facilities shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

E. **Location.**

1. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.

2. A facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.

3. Facilities mounted to a telecommunications tower, above-ground accessory equipment, or walls, fences, landscaping or other screening methods shall be setback a minimum of 18 inches from the front of a curb.

4. All cables, including, but not limited to, electrical and utility cables, between the pole and any accessory equipment shall be placed underground, if feasible.

5. All new wires needed to service the wireless telecommunications facility must be installed within the width of the existing utility pole so as to not exceed the diameter and height of the existing utility pole.

6. Installations shall be located on poles that are located outside of driveway and intersection sight lines. Where feasible, installations shall be located on poles that are located as close as feasible to shared property lines between two adjacent lots and not directly in front of residences and businesses.

7. All equipment (other than the antenna, antenna supports, ancillary wires, cables and any electric meter) shall be installed underground in any underground areas.

F. **Americans with Disabilities Act Compliance**. All facilities shall be built in compliance with the Americans with Disabilities Act (ADA) and no facility shall be approved which would render any portion of the rights-of-way noncompliant with the ADA.

G. **Accessory Equipment.** With the exception of the electric meter, which shall be pole-mounted to the extent feasible, all accessory equipment shall be located underground to the extent feasible. All wireless equipment installed on poles should be completely contained within an equipment shroud. Equipment shroud and lines should be painted, treated or finished to match existing utility pole and line aesthetics. Utility line installations should be colored to a non-reflective color. Required electrical meter cabinets shall be adequately screened and camouflaged.

H. **Other Requirements.**

1. Small wireless facilities shall not be located on decorative streetlights.

2. Legally required lightning arresters and beacons shall be included when calculating the height of facilities. Pole height is measured from the top of foundation, which should be flushed with the ground, to the top of pole or top of antenna, whichever is greater.

3. No portion of any wireless communications facility in a public right-of-way shall overhang a property line.

4. New poles are only permitted by exception. Pole material and finishes should match the existing materials of the City standard streetlight poles or match aesthetics and materials of existing decorative poles.

5. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

6. Separation of service shall be provided by installing all new electrical conduit(s) or utilizing empty conduit(s) with conduit owner's expressed consent in writing.

7. For proposed facilities on streetlight or traffic signal control poles, a hand hole should be provided at the top of the pole to maintain fiber and electrical service for streetlights and future attachments.

8. Pole foundation calculations should be prepared and stamped by a California professionally licensed structural engineer and should be provided to City for review. Pole foundation calculations should account for all new and existing pole attachments and the pole.

9. Pole structural calculations, including seismic loads, showing the load impacts of the wireless facility on City streetlight and traffic signal control poles should be prepared and stamped by a California professionally licensed structural engineer and should be provided to City for review.

10. Design wind velocity should be 115 mph minimum per TIA-222 rev G, IBC 2012 with ASC 710, and amendments for local conditions.

11. Asphalt concrete section for trench backfill shall be a thickness equal to the existing pavement, or four-inches thick minimum, whichever is greater.

SECTION 8. If any provision of this Resolution or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Resolution

that can be given effect without the invalid provision or application, and to this extent, the provisions of this Resolution are severable. The City council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

SECTION 9. The City Clerk shall certify the adoption of this Resolution and cause it, or a summary of it, to be published as required by law.

SECTION 10. Effective Date. This Resolution shall become effective the same date that Urgency Ordinance 2019-460 is adopted.

APPROVED AND ADOPTED at a Special meeting of the City Council of the City of Los Altos this 5th day of August, 2019.

Lynette Lee Eng, Mayor
City of Los Altos

ATTEST:

Jon Maginot, CMC
City Clerk