



**PUBLIC HEARING**

**ITEM #4**

**TO:** Planning Commission  
**FROM:** Gabriel Engeland, City Manager  
**SUBJECT: Wireless Telecommunications Facilities Ordinance and Design Guidelines**

**RECOMMENDATION:**

Recommend that the City Council approve the following:

Resolution 2022-\_\_, Wireless Telecommunications Facilities CEQA Resolution

Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards, with or without revisions

Resolution 2022-\_\_, Wireless Telecommunications Facilities Design Guidelines, with or without revisions

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**BACKGROUND**

On March 3, 2022, the Planning Commission held a public hearing to consider proposed revisions to the existing standards for placement and development of wireless telecommunications facilities within the City of Los Altos, including a proposed ordinance regulating the permissible locations and preferences for the location of wireless facilities (Ordinance 2022-\_\_) and a set of design guidelines for such facilities (Resolution 2022-\_\_). If approved, the proposed ordinance and design guidelines would replace City of Los Altos Resolution No. 2019-35.

The proposed locational standards tailor the locational criteria for the location of small wireless telecommunications and provide that such facilities could be located within rights-of-way of expressways, arterials, collectors and local collectors regardless of the adjacent lands' zoning. In addition, small wireless facilities are also proposed to be permitted within the rights-of-way of local residential streets within 200 to 500 feet of expressways, arterials, collectors, local collectors when other more preferred locations are simply infeasible. Currently, small wireless telecommunications facilities are limited to rights-of-way of roadways adjacent to non-

residentially zoned lands. Testimony from residents along such residentially zoned stated that wireless facilities should not be permitted along their streets.

Wireless telecommunications carriers stated their concerns regarding the City's proposed locational standards and design guidelines in relation to federal and state preemption and feasibility of certain locational standards and design guidelines being proposed by the City and Verizon urged that all residential areas should be a possible site for small cell facilities.

Following the March 3, 2022 hearing testimony by the public and carriers, the Planning Commission closed the public hearing and continued the wireless telecommunications facilities item to this meeting to provide time for review of potential text revisions to the proposed ordinance and design guidelines.

## **DISCUSSION/ANALYSIS**

### *"Annotated" Ordinance and Design Guidelines*

Annotated versions of the proposed ordinance and design guidelines have been provided to the Planning Commission that summarize comments from the public and carriers and include alternative text where appropriate. The Planning Commission should consider the comments and may wish to include some or all of the alternative text contained in the annotated ordinance and design guidelines when making their recommendations to the City Council.

### *Three-Tiered Approach to Location of Wireless Facilities within Los Altos*

The proposed wireless telecommunications ordinance takes a three-tiered approach to defining locations where wireless telecommunications facilities can be permitted. The basic concept is that permitting more potential locations for wireless facilities comes with a greater responsibility on the part of the carriers to demonstrate that a more preferred location is infeasible.

The three tiers in this approach are illustrated in the attached graphic and include:

1. **Preferred Locations.** These include properties and rights-of-way that are zoned for commercial use. Basically, this represents existing permitted location under the current Resolution. No substantiation is required along with an application for a facility on one of these sites.
2. **Less-Preferred Locations.**
  - a. City-owned property and properties within one of the following Zoning Districts:
    - Commercial Neighborhood District (CN); and
    - Public and Community Facilities District (PCF).
    - Public and Community Facilities/Single-Family District (PCF/R1-10)

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- b. Rights-of-way for Expressways, Arterials, Collectors, and Local Collectors, regardless of the zoning of adjacent lands, as well as local commercial streets. This standard adds Expressways, Arterials, Collectors, and Local Collectors that are within/adjacent to residential zones to the existing inventory of permitted locations within rights-of-way.
- c. The proposed standards also add the rights-of-way of local residential streets as less preferred locations, provided they are located within:
  - i. 200 feet of the Foothill Expressway right-of-way;
  - ii. 500 feet of the San Antonio Avenue, El Monte Drive, Magdalena Avenue, or Homestead Road right-of-way; or
  - iii. 300 feet of a Collector or Local Collector right-of-way.

Applications that involve less-preferred locations may be approved only if the applicant demonstrates that:

- It does not own any property or facilities within 500 feet from the proposed site that could provide service in lieu of the proposed facility;
  - No preferred location exists within 500 feet from the proposed site; or
  - Any preferred location within 500 feet from the proposed site would be technically infeasible.
3. **Other Locations.** A wireless telecommunications facility may be permitted on a local residential street not included in 2b, above, based on a system wide review of the carrier's facilities demonstrating it is not possible to provide coverage through a combination of moving existing and constructing new facilities within preferred and less preferred locations (1 and 2, above.)

Note that only small wireless facilities are permitted within rights-of-way and are subject to the proposed 1,000-foot separation between small wireless facilities (currently 1,500 feet).

*Required Determination for Third Tier Locations: Demonstration of Feasibility*

As noted above and discussed at the March 3, 2022 public hearing, the test for permitting a wireless facility in a location that is neither preferred nor less preferred is a demonstration by a carrier that no feasible combination of relocated and new facilities within preferred and less preferred locations is feasible.

To clarify this requirement, the following text revision is provided for the Planning Commission's consideration.

**14.82.050 Alternative to Wireless Telecommunications Facilities at Preferred and Less Preferred Locations**

- A. An application may be approved for a small wireless telecommunications facility within the right-of-way of a local residential street that is neither a preferred nor a less preferred location per the requirements of this Chapter only if:
- (1) A combination of macro and small wireless telecommunications facilities, as well as colocation with existing facilities of other carriers at preferred and less preferred locations within the City would ~~leave a significant gap in coverage~~ be infeasible;

*Proposed Identification of Residentially Zoned Rights-of-Way for Expressways, Arterials, Collectors, and Local Collectors as Less Preferred Locations for Small Wireless Facilities*

Proposed locational standards for small wireless telecommunications facilities identify residentially zoned rights-of-way for expressways, arterials, collectors, and local collectors as less preferred locations. These locations were selected because these roadway types are identified in the City’s General Plan Circulation Element as the primary means of moving traffic within and through the City. The rights-of-way for these roadways are generally wider and more heavily landscaped than local residential streets, providing for greater separation that would generally be possible on local residential streets.

*Noise Generated by Wireless Telecommunications Facilities*

The Los Altos Municipal Code sets forth noise standards for all sources of noise affected residential neighborhoods in Section 6.16.050. Proposed ordinance Section 11.12.060 A 6 e - Conditions of approval for all facilities – explicitly requires compliance with the City’s noise ordinance. An exception is provided for generators needed to maintain wireless service during a power outage, consistent with the provisions of Section 6.16.090 A, Emergency Exemptions.

In addition, annotated Design Guidelines Section II D 7 b, as it is proposed to be revised, also make clear that wireless facilities are required to meet the City’s noise ordinance (with the exception of using a generator during a power outage).

Attachments:

- A. Resolution 2022-\_\_, Wireless Telecommunications Facilities CEQA Resolution
- B. Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards
- C. Resolution 2022-\_\_, Annotated Wireless Telecommunications Facilities Design Guidelines
- D. Annotated Wireless Telecommunications Facilities Locational Standards
- E. Annotated Wireless Telecommunications Facilities Design Guidelines
- F. Public Correspondence Received Subsequent to the March 3, 2022 Public Hearing

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- G. March 3, 2022 Planning Commission Agenda Report
- H. Sample Palo Alto Noise Emissions Report

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