Attachment 1.

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS ADOPTING A NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Los Altos is proposing revisions to its existing standards for development of wireless telecommunications facilities, including a new wireless ordinance to regulate the permissible location of wireless facilities along with revisions to Municipal Code Chapter 11.12 modifying permit requirements; and

WHEREAS, the City also proposes to expand existing development standards and design guidelines and preferences for wireless telecommunications facilities; and

WHEREAS, the City prepared an Initial Study in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq*.) and the CEQA Guidelines (14 California Code of Regulations, Title 14 Chapter 3, Section 15000 *et seq*.); and

WHEREAS, the Initial Study determined that no significant environmental impacts would result from adoption of the proposed wireless telecommunications ordinance and design guidelines ("Project"); and

WHEREAS, the City issued a Notice of Intent to Adopt a Notice of Declaration (Notice of Intent) on January 26, 2022; and

WHEREAS, the Initial Study/Negative Declaration was made available for a 30- day public review period beginning on January 26 and ending on February 24, 2022; and

WHEREAS, written comments were received during the 30-day public review period and are set forth in Attachment B; and

WHEREAS, none of the information contained in the written comments received during the 30-day public review period presented substantial evidence that the proposed wireless telecommunications ordinance and design guidelines would have a significant effect upon the

environment; and

WHEREAS, on March 3 and March 17, 2022, the Planning Commission conducted public hearings on the proposed wireless telecommunications ordinance, design guidelines, and Negative Declaration, at which time interested persons and organizations had an opportunity to testify and provide comments; and

WHEREAS, the Planning Commission reviewed and considered the proposed Negative Declaration as required by CEQA Guidelines Section 15074(a); and

WHEREAS, on March 17, 2022 following the conclusion of its public hearings, the Planning Commission recommended that the City Council approve the Negative Declaration provided as Attachment A to this Resolution; and

WHEREAS, on April 12 and May 10, 2022, the City Council conducted public hearings on the proposed wireless telecommunications ordinance, design guidelines, and Negative Declaration, at which time interested persons and organizations had an opportunity to testify and provide comments; and

WHEREAS, the City Council reviewed and considered the proposed Negative Declaration as required by CEQA Guidelines Section 15074(a); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Altos that the above recitals are true and correct and are incorporated herein by reference as if set forth in full;

BE IT FURTHER RESOLVED that, based upon the information contained in the Initial Study and provide at Planning Commission and City Council hearings, the City Council of the City of Los Altos hereby adopts the following findings for the Project in compliance with CEQA, the CEQA Guidelines, and the City's procedures for implementing CEQA. The City finds, on the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment:

Aesthetics.

Wireless telecommunications facilities permitted by the proposed locational standards would be mounted on existing buildings or on poles (either existing, replacement, or new) subject to detailed design guidelines that minimize the visual intrusiveness of these facilities. Building-mounted wireless telecommunications facilities would not be permitted to add to the height of bulk of buildings. Pole-mounted wireless telecommunications facilities could, when mounted on an existing or replacement pole, increase the overall height of the pole and, although underground installation of equipment is the preferred design solution, proposed design guidelines permit equipment to be placed in an above-ground enclosure or pole mounted when

underground installation is not feasible. However, pole-mounted facilities would not have the bulk to significantly impact long-distance views and while they may be visible, would be required to have the least visually intrusive design feasible. Thus, potential adverse aesthetic effects within the City would be less than significant.

Agriculture and Forestry Resources.

There are no lands within the City shown as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Lands within the City are identified as "Urban and Built-up Land" on the California Department of Conservation's Santa Clara County Important Farmlands Map 2016. There are no Williamson Act parcels or forest or commercial agricultural land within the City. Thus, there would be no impact to Agricultural and Forestry Resources.

Air Quality.

Wireless telecommunications facilities permitted by proposed development standards and design guidelines would be consistent with the Bay Area's 2017 Clean Air Plan. The proposed development standards and design guidelines do not involve the construction of any homes, businesses, or other uses that would result in population growth or long-term increase in mobile or stationary source air pollutant emissions. Installation of wireless telecommunications facilities would occur intermittently, at various different locations, and would typically involve installation of a new pole, replacement of an existing utility pole, addition of wireless telecommunications equipment to an existing pole, or mounting of equipment on a building or rooftop. Such installation activities would be small in scale and not involve major grading or construction activities. No net increase in long-term air pollutant emissions would result and there would be no cumulatively considerable contribution to any cumulative air quality impact during construction or ongoing operations. Thus, potential adverse air quality effects within the City would be less than significant.

Biological Resources.

Wireless telecommunications facilities associated with the proposed development standards and design guidelines would occur within roadway rights-of-way or within existing development sites (roof- and building mounted facilities). No riparian habitat areas or other sensitive natural communities would be disturbed and no modification of habitat supporting any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service would result. Thus, there would be no impact to Biological Resources.

Cultural Resources.

Wireless telecommunications facilities associated with the proposed development standards and design guidelines would occur within roadway rights-of-way or within existing development sites (roof- and building mounted facilities). Proposed design guidelines require that any roof- or building mounted facility retain the architectural character of the structure. Thus, a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5 would not occur. While it is unlikely that installation of a wireless telecommunications facility would necessitate disturbance of soils below those that were previously disturbed by construction of existing roadways, utilities, and buildings, in the event of an unanticipated discovery during installation of a wireless telecommunications facility, the proposed Ordinance requires ground-disturbing activities to be halted until a City-approved qualified consulting archaeologist assesses the significance of the find according to CEQA Guidelines §15064.5. If any find is determined to be a unique archaeological resource, the City and the consulting archaeologist would determine the appropriate measures to be taken. All archaeological resources recovered would be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Thus, potential adverse cultural resource effects within the City would be less than significant.

Energy Resources.

Installation of wireless telecommunications facilities would use construction equipment and techniques that are typical for utility facilities installations (pole-mounted) and building construction (building- and roof-mounted) throughout the state. Nighttime construction activities requiring lighting would be avoided unless needed to address safety or traffic movement concerns on a temporary basis. Operation of wireless telecommunications facilities would consume energy at rates typical of such facilities throughout the state. No wasteful, inefficient, or unnecessary consumption of energy resources would therefore result. Thus, potential adverse energy resource effects within the City would be less than significant.

Geology and Soils.

No active faults traverse the city and there is therefore no potential for the primary hazard of ground rupture. Installations of wireless telecommunications facilities would be required to meet the most current California Building Code standards required at the time of construction to reduce the potential for substantial adverse effects related to geologic, groundshaking, and soils conditions. In addition, erosion control measures required under Provision C.3 of the applicable Municipal Regional Stormwater Permit would be required to be implemented to reduce potential construction-related erosion impacts. It is unlikely that installation of a wireless

telecommunications facility would necessitate ground disturbance of soils below that were which was previously disturbed by construction of existing roadways and buildings. However, in the event of an unanticipated discovery during project construction, ground-disturbing activities would be halted until a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards determines their significance, and, if significant, supervises their collection for curation. Thus, potential adverse geology and soil effects within the City would be less than significant.

Greenhouse Gas Emissions.

Installation of wireless telecommunications facilities would result in emissions of greenhouse gases (GHGs) from the operation of construction equipment, as well as transport of materials and construction workers to and from sites. The installation period for a wireless telecommunication facility ranges in time from a few hours for minor upgrades (e.g., replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities. Installation activities would be subject to applicable BAAQMD best management practices. Operation of wireless telecommunications facilities would not add to the existing inventory of residential, business, or other uses that would generate ongoing greenhouse gas emissions within Los Altos. Once completed, a facility would require very few trips per month for maintenance and monitoring of facility operations. Thus, potential adverse greenhouse gas emissions effects within the City would be less than significant.

Hazards and Hazardous Materials.

Installation of wireless telecommunications facilities would include routine use of hazardous materials in the form of paints, solvents, and other common materials containing potentially toxic substances. With the exception of a few facilities that might have backup generators, wireless telecommunications facilities are not associated with the use, transport, storage, or disposal of hazardous materials during ongoing operations. All potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and transported and handled in compliance with applicable standards and regulations.

Radiofrequency (RF) radiation emanates from antenna on wireless telecommunications facilities and is generated by the movement of electrical charges in the antenna. The energy levels it generates are not great enough to ionize, or break down, atoms and molecules, and is thus known as "non-ionizing" radiation.

The Federal Communications Commission (FCC) is the government agency responsible for the authorization and licensing of facilities such as wireless telecommunications facilities that generate RF radiation. For guidance in health and

safety issues related to RF radiation, the FCC relies on other agencies and organizations for guidance, including the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and OSHA, which have all been involved in monitoring and investigating issues related to RF exposure.

The FCC has developed and adopted guidelines for human exposure to RF radiation using the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), with the support of the EPA, FDA, OSHA and NIOSH. According to the FCC, both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate appropriate safety margins.

Section 704 of the Telecommunication Act of 1996 preempts local governments from regulating wireless facilities on the basis of RF safety or health effects when such facilities comply with FCC RF emissions standards, and specifically states that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Accordingly, compliance with FCC RF emissions standards constitutes substantial evidence of a less than significant environmental impact. (See 47 U.S.C. § 332(c) (7)(B)(iv).) Because all facilities that might be approved pursuant to the proposed wireless telecommunications facilities development standards and design guidelines would operate under federally mandated limits on RF radiation and are exclusively regulated by the FCC in this respect, the City of Los Altos is preempted from regulating the placement or construction of facilities based on RF emissions.

While it is possible that an application could be submitted to the City requesting installation of a wireless telecommunications facility on a site that is included on a list of hazardous materials sites, the large majority of such sites within Los Altos have been remediated and installation of a wireless telecommunication facility would not create a significant hazard to the public or the environment. As a standard condition of approval for sites included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 that have yet to be investigated or remediated, the City would require that such investigation be completed along with any required remediation before approving a permit for installation of a wireless telecommunication facility.

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE)

State Responsibility Area and Local Responsibility Area maps. The city is largely developed and only portions of the area west of the Foothill Expressway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

Accordingly, potential adverse hazards and hazardous waste effects within the City would be less than significant.

Hydrology and Water Quality.

Wireless telecommunications facilities do not require the use of water during ongoing operations. Installation activities could require minimal watering for ground disturbance required for a new or replacement pole. Such activities would have a very small footprint and limited duration and would thus not adversely affect groundwater supplies or recharge. BMPs would be implemented during installation to minimize erosion. Due to their small footprint and dispersion from each other, the minor increase in impervious surface area (generally less than 6.25 square feet) that might result from installation of a new or replacement pole for a wireless telecommunication facility would not be great enough to alter existing drainage patterns or cause off-site flooding.

Land Use and Planning.

Proposed development standards and design guidelines specifically prohibit wireless telecommunications facilities from interfering with vehicular, bicycle, and pedestrian movement. As a result, there is no potential for these development standards and design guidelines to result in dividing an established community. No significant impacts were determined to result from the proposed development standards and design guidelines for wireless telecommunications facilities, including impacts associated with inconsistencies with adopted planning policies.

Mineral Resources.

Wireless telecommunications facilities would be located within existing public rights-of-way and utility easements or on existing buildings within developed sites. There would, therefore, be no direct or indirect effects on the availability of any mineral resources by restricting access to a resource recovery site or substantially depleting the reserves of any known resources in the region.

Noise.

Noise from wireless telecommunications facilities would be limited to installation of facilities (ranging in time from a few hours for minor upgrades (e.g.,

replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities) and occasional use of cooling equipment or an emergency generator at discreet locations. Installation of wireless telecommunications facilities will be required to comply with City noise standards, which specify:

- Permitted construction hours;
- Interior and exterior noise standards by zoning district for daytime and nighttime hours; and
- Prohibited acts relative to noise, including maximum noise levels at affected properties and hours during which construction is permitted. The noise ordinance allows for increases in noise related to construction activities during permitted construction hours.

While installation of wireless telecommunications facilities may generate temporary groundborne vibration and groundborne noise from the operation of construction equipment, the type of equipment typically used during installations only generates localized groundborne vibration and groundborne noise that could be perceptible only in the immediate vicinity of the project site and would not be sufficient to cause damage to adjacent structures.

Population and Housing.

Proposed development standards and design guidelines for wireless telecommunications facilities would not involve the construction of any homes, businesses, or other uses that would directly result in population growth, nor would such standards and guidelines remove a barrier to growth or induce additional unplanned development.

Public Services.

Proposed development standards and design guidelines for wireless telecommunications facilities would not increase the level of needed public services and would not result in the need for new or physically altered facilities because wireless communication facilities do not normally require public services.

Recreation.

Proposed development standards and design guidelines for wireless telecommunications facilities would not generate an increase in demand for parks or require construction or expansion of new park facilities since no residential uses are proposed and no increase in population would result.

Transportation.

Proposed wireless communication facilities would temporarily generate vehicle traffic at installation sites, which would last no more than a few weeks for a new or replacement pole or as little as a few hours for antenna replacement. Following installation, traffic would return to pre- installation levels with the exception of one to two site maintenance visits per month for each facility. Because no new population would be generated, proposed development standards and design guidelines would not generate any increase in transit, bicycle, or pedestrian travel.

Tribal Cultural Resources.

Pursuant to the requirements of AB 52, the City of Los Altos informed the Tamien Nation regarding the wireless telecommunications ordinance and design guidelines on January 20, 2022 and provided the Nation with the opportunity for consultation regarding potential impacts on Tribal Cultural resources. No request for such consultation was made by the Tamien Nation.

Utilities and Service Systems.

Proposed development standards and design guidelines for wireless telecommunications facilities would not generate an increase in population due to increased residential or business uses and would consume water or generate wastewater or solid waste on an ongoing basis. Only minor amounts of water would be used on a temporary basis during installation of individual wireless telecommunications facilities. While wireless telecommunications facilities require electrical power, they do not draw sufficient power so as to require new or improved energy facilities. Where wireless telecommunications facilities are proposed on existing electrical poles, addition of wireless equipment or replacement of a pole may be required.

Wildfire.

Los Altos has an adopted Emergency Preparedness Plan identifying potential risks, facilities and resources relied upon in the event of a catastrophe, and persons responsible for implementation. Wireless telecommunications facilities would be located within existing public rights-of-way and utility easements, as well as on existing buildings within previously developed sites, and would not, therefore, impair implementation of or physically interfere with the City's Emergency Preparedness Plan. In the event future construction activities require work to be performed in a roadway, appropriate traffic control plans would be prepared in conjunction with an encroachment permit.

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE)

State Responsibility Area and Local Responsibility Area maps. The city is largely developed and only portions of the area west of the Foothill Expressway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

BE IT FURTHER RESOLVED that the City Council of the City of Los Altos adopts the Negative Declaration contained below based on the findings.

NEGATIVE DECLARATION

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Negative Declaration pursuant to the California Environmental Quality Act:

1. Project Title: Wireless Telecommunications Facilities Ordinance and Design Guidelines

2. Lead Agency: City of Los Altos

3. Contact Person: Gabriel Engeland, City Manager
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

(650) 947-2632

4. Project Location: Citywide

5. Project Description: The proposed project involves revisions to the City of Los Altos' existing standards for development of wireless telecommunications facilities, including an ordinance to regulate permissible locations and preferences for the location of wireless facilities. These locational standards, which would replace the locational standards now provided in City of Los Altos Resolution No. 2019-35, would be adopted by ordinance into Chapter 14.82 of the Los Altos Municipal Code. Associated revisions are proposed to the application review procedures contained in Chapter 11.12 of the Municipal Code.

In addition, the City proposes to expand and supplement existing development standards and design guidelines and preferences for wireless telecommunications facilities contained in Resolution No. 2019-35 by (1) adding a set of basic design principles that would apply to all wireless telecommunications facilities and (2) identifying configuration preferences along with design guidelines for specific types of wireless facilities.