



AGENDA REPORT SUMMARY

Meeting Date: May 10, 2022

Subject Wireless Telecommunications Facilities Ordinance and Design Guidelines

Prepared by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution 2022-___, Wireless Telecommunications Facilities CEQA Resolution
2. Ordinance 2022-___, Wireless Telecommunications Facilities Locational Standards
3. Resolution 2022-___, Wireless Telecommunications Facilities Design Guidelines
4. Public Comments subsequent to the April 12, 2022 Public Hearing

Initiated by:

City Council

Fiscal Impact:

None

Environmental Review:

Negative Declaration. An Initial Study/Proposed Negative Declaration was distributed for a 30-day public review on January 26, 2022. No comments specifically directed to the initial study were received by the City during the public review period; however, comments asserting that radio frequency emissions are an environmental effect to be addressed in CEQA documents were received subsequent to the public review period and Planning Commission public hearing. Proposed Resolution No. 2022-___, approving a Negative Declaration, has been revised to specify the findings that support the Initial Study's conclusion that the proposed Ordinance and Design Guidelines would not have a significant effect on the environment.

Summary Background:

- The technology for wireless telecommunications facilities is moving away from large, powerful towers that are very visually intrusive to smaller, less powerful facilities that are less visually intrusive. As a result, a greater number of wireless telecommunications facilities are needed to provide coverage.
- The attached CEQA resolution, locational standards, and design guidelines have been revised based on City Council members' consideration and discussion at the April 12, 2022 public hearing.

City Manager

GE

Reviewed By:

City Attorney

JH

Interim Community

Development Director

JF



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- The proposed Ordinance and Design Guidelines regulate wireless facilities on the basis of aesthetics, traffic safety, noise, and other criteria. However, due to federal preemption, the proposed Ordinance and Design Guidelines do not regulate the placement of wireless facilities based on the environmental effects of radio frequency (“RF”) emissions that comply with FCC regulations. Neither do the proposed Ordinance and Design Guidelines require or prohibit any specific type of technology, also consistent with the limitations imposed on the City based on federal preemption.

Policy Question(s) for Council Consideration:

- Does the City Council wish to modify the City’s current locational, design, and development standards for wireless telecommunications facilities to:
 - Set new locational criteria for where small wireless telecommunications facilities may be permitted?
 - Set additional regulations as to the visual and physical effects of wireless telecommunications facilities through appropriate location, siting, design, and visual screening of facilities?
 - Expand the City’s existing design guidelines to ensure any small cell installations have aesthetic design and placement in line with community expectations?
- Does the City Council wish to identify non-residential Zoning Districts as preferred locations for wireless telecommunications facilities and residential Zoning Districts as less preferred locations subject to specific additional preferences and design and development standards?

Staff Recommendation:

1. Approve Resolution 2022-__, Wireless Telecommunications Facilities Adopting a Negative Declaration in compliance with CEQA.
2. Approve Ordinance 2022-__, Wireless Telecommunications Facilities Locational Standards, as recommended by the Planning Commission with additional modifications identified in the Agenda Report.
3. Approve Resolution 2022-__, Wireless Telecommunications Facilities Design Guidelines, as recommended by the Planning Commission with additional modifications identified in the Agenda Report.

Purpose

The overarching intent of the proposed Ordinance and Design Guidelines is to balance the need to provide for a reasonable range of potential sites for the location of wireless telecommunications throughout the City while preserving its essential wooded, small community character and its inherent aesthetic quality. The proposed Ordinance and Design Guidelines



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achieve this by minimizing the visual and physical effects of wireless telecommunications facilities through appropriate location, siting, design, and visual screening of facilities; encouraging the installation of wireless telecommunications facilities at locations where other such facilities already exist; and providing for the installation of wireless facilities so as to minimize potential adverse impacts to Los Altos.

Proposed locational standards and design guidelines are intended to better reflect the community's land use and address advancements in wireless telecommunications technology that is trending away from large, powerful, and very visually intrusive towers and "macro" facilities to smaller, less powerful, and less visually intrusive small wireless facilities.

Background

Current regulation of wireless telecommunications facilities within the City of Los Altos is provided in two documents:

- City of Los Altos Resolution No. 2019-35, *Design and Siting Guidelines and Standards for Wireless Facilities*, which provides design guidelines and locational standards for the installation of wireless facilities within the City.
- City of Los Altos Municipal Code Chapter 11.12, *Wireless Facilities*, which addresses wireless telecommunications facility permit requirements and sets forth standard conditions of approval for such facilities.

The City adopted Resolution No. 2019-35 and Municipal Code Chapter 11.12 in August 2019 following a City Council study session and several public hearings, at which stakeholders discussed wireless and other infrastructure deployment issues; reviewed potential local regulatory responses to the recent changes in federal law in the FCC orders; and expressed their design and locational preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a unique community. In the summer of 2019, Los Altos residents identified numerous concerns with the aesthetic impacts of wireless telecommunications facilities focusing on the visual intrusiveness of wireless facilities and their adverse effects on the community, such as:

- Cell towers and small cell facilities are unsightly, noisy and add to the visual intrusiveness of existing above-ground electric and telephone lines.
- Small cell nodes previously proposed by to the City of Los Altos carriers such as AT&T and Verizon, have been visually intrusive and unsightly;



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- The City should continue to be judicious about wireless facilities and recognize the need to eliminate visual blight; mitigate noise and heat impacts; and protect residents' enjoyment of their properties and their market value;
- Cell towers should be placed in commercial areas and within the medians of major streets rather than within residential neighborhoods close to people's homes; and
- Los Altos neighborhood aesthetic guidelines and property values are among the main reasons people are willing to stay in this great City.

These same issues of safety, noise, and aesthetics were reiterated by public comments during the Planning Commission's public hearings and during the City Council's April 12, 2022 public hearing.

Discussion/Analysis

Following the City Council's April 12, 2022 public hearing, staff and its wireless facilities consultant team prepared recommended revisions to the proposed Ordinance and Design Guidelines. These revisions, which are identified in underline / ~~strikeout~~ text in Attachments 2 and 3, are based on the various comments received at the public hearing along with the Council's discussion and extensive comments regarding the proposed location regulations and design guidelines. Notes found in the balloon comments in the margins to the Ordinance and Design Guidelines address the basis for revisions and also provide information regarding requested revisions for which staff recommends not making additional revisions.

Recommended revisions to proposed Ordinance No. 2022-___ include:

- Combining Tiers 2 and 3, previously identified as the less preferred and least preferred residentially zoned locations into a single less preferred category, providing equity between all residentially zoned lands throughout the City.
- Establishing preferences within the less preferred category for locating small cell facilities in locations:
 - Where there is no adjacent residential dwelling unit;
 - That are 25 feet or more from residential dwelling units and requiring that no wireless facility be located within 10 feet of a residential dwelling unit.
- Modify the standard restricting wireless facilities "directly in front of a business" to better address the location of a commercial building in relation to the roadway right-of installation.



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- Revisions to the Findings section of the Ordinance to address the need for wireless telecommunications facilities within the community and to improve the overall clarity of the findings.

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