

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS, HELD ON THURSDAY, MARCH 3, 2022 BEGINNING AT 7:00 P.M. HELD VIA VIDEO/TELECONFERENCE PER EXECUTIVE ORDER N-29-20

Per California Executive Order N-29-20, the Commission will meet via teleconference only. Members of the Public may call (650) 242-4929 to participate in the conference call (Meeting ID: 148 090 3932 or via the web at <https://tinyurl.com/2d856ksm>) Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Members of the public are also encouraged to submit written testimony prior to the meeting at PlanningCommission@losaltosca.gov. Emails received prior to the meeting will be included in the public record.

ESTABLISH QUORUM

PRESENT: Chair Doran and Vice-Chair Mensinger, Commissioners Ahi, Roche, Steinle, and Marek [entered meeting at 6:36pm]

ABSENT: Commissioner Bodner

STAFF: Interim Planning Services Manager Golden, Associate Planner Liu, and City Attorney Houston

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ITEMS FOR CONSIDERATION/ACTION

STUDY SESSION

- PPR21-0009 – Chris Kummerer – 14 Fourth Street**
Preliminary Project Review for a four-unit, two-story townhome development with subterranean parking. No affordable housing is proposed as part of the project. *Project Planner: Liu*

Commissioner Ahi recused himself because he lives within 500 feet of the subject project site.

STAFF PRESENTATION

Associate Planner Liu presented the staff report recommending that the Commission provide feedback to the applicant regarding their pre-application submittal for a proposed multiple-family development project.

COMMISSION QUESTIONS TO STAFF

Commissioner Roche who owns the alley?
Associate Planner Liu: It is the City's public alley way.

Chair Doran: What is the vertical clearance at the rear of the building between the overhang and the alley?

Associate Planner Liu: Deferred to the applicant.

APPLICANT PRESENTATION

Project Applicant Chris Kummerer provided a project presentation.

COMMISSION QUESTIONS TO APPLICANT

Chair Doran asked what the vertical clearance from the projection to the driveway.

Answer Chris Kummerer: The driving clearance is 8-foot, 6-inches.

PUBLIC COMMENT

Resident Roberta Phillips gave her support for the project and commended the architect.

COMMISSION DISCUSSION

Commissioner Steinle

- Supports the design; and
- Provided some comments with regards to color choices.

Vice-Chair Mensinger

- Supports the project on a difficult lot; and
- Provided comment to provide more landscaping to improve privacy to the abutting property.

Commissioner Roche

- Supports the project and design; and
- Recommends lightening the color to soften the look; and
- Asked the applicant about access to the units from the garage.

[COMMISSIONER MAREK ENTERED THE MEETING 6:36 pm.]

Commissioner Marek

- Supports the project and the design.

Commissioner Doran

- Support the project; and
- Appreciated the comparative analysis.

Commissioner Steinle

- Whatever bicycle parking is being proposed, double it; and
- Consider EV chargers.

REGULAR MEETING

PUBLIC HEARING

2. **Wireless Communications Ordinance Amendment**

Revisions to the City of Los Altos' existing standards for the 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. 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. *City Staff: Jolie Houston, City Attorney*

STAFF PRESENTATION

Consultant Lloyd Zola provided a detailed slide presentation.

COMMISSION QUESTIONS TO CONSULTANT

Commissioner Roche: Does the noise ordinance follow state and federal noise standards?

Consultant Lloyd Zola: Yes, the standards meet the state guidelines for what is acceptable. There will be mechanical cooling equipment on some of the poles and all equipment will adhere to our noise standards.

Vice-Chair Mensinger: In general, what was challenged by the carriers?

Consulting Attorney Deborah Fox: Current ordinance was tailored to meet the current land use. Regulations improperly based on Radio Frequency (RF) directly or indirectly.

Commissioner Ahi: What happens when some of the current zones become more residential?

Consultant Lloyd Zola: The zones that are commercially zoned can be defined by the city. If the zone is intended for commercial but have some residential, need to look at the predominant character and define as a community (C zones vs. R zones). Wireless definitions could be updated with changes to zoning definitions and changes over time. Classifications could be changed over time.

Consulting Attorney Deborah Fox: Noted page 8, annotated ordinance part of supplemental materials, also Attachment B, and said there is a solution for that a solution for that.

Commissioner Ahi: What is the logic behind the distances from the roadways?

Consultant Lloyd Zola: Looked at it in a logical way and tried to limit visual intrusiveness into residential areas.

Commissioner Ahi: Asked about the tiers and what has been overlaid in the map?

Consultant Lloyd Zola: Unlikely to get to the third tier. Cannot absolutely determine with the change of technology.

Commissioner Steinle: Who is going to review these permits by the city?

City Attorney Houston: Most likely Planning for the zoning with assistance from Public Works for the encroachment permits.

Consulting Attorney Deborah Fox: The process has not changed. Initial determination is made by City Manager and any appeal would go to City Council. We need to update the current application. Wireless Facilities will be processed by Planning with input from Engineering. If more extensive analysis is needed, then the city can retain an RF expert for the third-tier level and charge it to applicant.

Commissioner Steinle: When would the third tier be used for a carrier?

Consultant Lloyd Zola: It would only be used if the site wasn't permitted. They would look at the preferred alternatives and analyze at a system level rather than a site-by-site analysis.

Commissioner Steinle: Along El Camino Real or Foothill Expressway, do they still need a city permit?

City Attorney Houston: We do not control those roadways, so they would have to go through CalTrans or Santa Clara County.

Consultant Lloyd Zola: Yes, still located in the city, so the wireless ordinance applies. Would need review by Planning and wireless permit and an encroachment permit from the underlying "owner" of the facility from the city.

Chair Doran: Mandate to put equipment below ground in certain areas?

Consultant Lloyd Zola: That is already included in the guidelines, although there are exceptions. The antenna has to be above ground, and other equipment is required to be placed underground, if feasible. Carriers are generally resistant to place equipment underground.

Commissioner Roche: Asked about the page 8 that was referred to earlier.

Consultant Lloyd Zola: The reference was to the page 8 of the annotated ordinance and in Attachment B.

PUBLIC COMMENT

Resident Roberta Phillips

- Feels she is being treated as second class citizens by living on San Antonio Road which is defined as a collector street;
- Concerned about noise and safety;
- Using collector streets is unfair; and
- If there are no safety issues related to RF, then spread these facilities out evenly across the city.

Resident Jonathan Shores

- Are there specific criteria for selecting the streets for the wireless communication facilities?
- Are the streets chosen by being on a grid or does the network pick them itself?

Resident Jane Osborne

- Los Altos is predominantly residential, city should not differentiate between local serving roads and other streets (collector, arterial, etc.); and
- The World Health Organization suggests noise should not be more than 35 dbA for children, each 5 dBA increase impacts cognitive functions.

Resident Terri Couture

- Concerned about the noise impacts.

Resident Steven Aldrich

- Improvement to mobile networks is important and supports the change to improve cell signals.

Resident Carey Lai

- Utility pole picture presented is not accurate;
- What prevents carriers from using all the least desirable sites?
- What happens to the lawsuits once new ordinance is adopted?
- Impacts streets because poles are placed so close; and
- How many towers would fall within tier 1 and 2?

Resident Willem de Lange

- What about Mountain View allowances for people that live close to the border in Los Altos?
- His side yard is close to a utility pole, what is the intensity of the RF and impacts to health; and
- Concerned about noise impacts.

Resident Katherine Weller

- Collector streets are in residential areas as well. Concerned about classification of streets and preferences; and
- Concerned about health and noise.

Marc Ramish (AT&T)

- Concerns about some of the requirements with regards to the less preferred locations, but perhaps more of a technical feasibility requirement;
- Certain prohibitions have created challenges; and
- Concerned about application requirements.

Paul (Verizon)

- Ordinance should include all streets that are now excluded;
- Eliminate the prohibitions, 1,000-foot requirement, these should be preferences not prohibitions;
- Map based analysis should not be applied; and
- Should not dictate the system requirements.

STAFF RESPONSE

Consultant Lloyd Zola: Street comes from the General Plan Circulation Element and is the basis of the selection. Policy question on how the City Would like to structure street network categories.

Consultant Lloyd Zola: Carriers not necessarily looking at the street network, but their system needs.

Consultant Lloyd Zola: Cited the noise standards in the municipal code.

Consultant Lloyd Zola: Explained the ranking of streets, said streets in commercial zones are ranked differently and are more preferred.

Consultant Lloyd Zola: Pictures of facilities shown represent when better guidelines are adopted and better installation of facilities.

Consultant Lloyd Zola: Made the distinction between towers and other facilities.

Consultant Lloyd Zola: Went over the percentage of small cell nodes in preferred locations and showed an exhibit showing the proposed preferred and less preferred locations.

Consulting Attorney Deborah Fox: Noted the lawsuits post adoption and what will happen next. But they would advise the federal court that they do not need to make a determination because the new ordinance replaces the existing. Litigators would likely still move forward with litigation and ask that all previous applications be approved. Other motions in federal court have been pending for several months.

City Attorney Houston clarified some procedural issues and asked if there are any additional questions.

COMMISSION DISCUSSION

Commissioner Steinle recommended to continue because there is a lot of material that was submitted at the last minute.

Action: Upon a motion by Commissioner Steinle, seconded by Commissioner Mensinger, the Commission recommends continuance of the Wireless Communications Ordinance Amendment to the March 17, 2022 Planning Commission Meeting.

The motion was approved (5-0) by the following vote:

AYES: Chair Doran and Vice-Chair Mensinger, Commissioners Marek, Ahi and Steinle

NOES: None

ABSENT: Bodner and Roche

3. **TM21-0002 – Navneet Aron - 705 Vista Grande Avenue**

A request for a tentative parcel map to subdivide a 26,708 square foot parcel at 705 Vista Grande Avenue into two lots. The proposed subdivision would create a 12,166 square-foot corner lot, a 11,120 square-foot interior lot, and dedication of the street frontage along Springer Road. A categorical exemption pursuant to Section 15315 (Class 15), Minor Land Divisions of the California Environmental Quality Act (CEQA) guidelines will be considered. *Project Planner: Golden*

Staff Presentation

Interim Planning Services Manager Golden presented the staff report recommending to the City Council approval of tentative parcel map application TM21-0002 to subdivide the property into two lots subject to the findings and conditions contained in the draft resolution. He noted late correspondence received.

City Attorney Houston noted that the project is subject to the Subdivision Map Act and Housing Accountability Act.

Commissioner Questions for Staff

Commissioner Steinle asked about the legal findings to approve or deny a project.

City Attorney Houston said there would have to be evidence to deny a project based on findings.

Applicant Presentation

Applicant Navneet Aron with introduced the project.

Property owners Sandesh and Shikha Tawari gave some project background.

Applicant Navneet Aron provided a presentation, went over neighborhood outreach, and landscape screening.

Commissioner Questions for the Applicant

None.

PUBLIC COMMENT

Resident Paul Rotche

- Concerns about privacy;
- Concerned about two-story structures and impacts on the neighborhood;
- Concerned about the density of development;
- Concerned about vehicles; and
- Concerned about removal of trees.

City Attorney Houston addressed the Commission noting that the application before them is just a subdivision application.

Resident Steve Aldrich

- Supports the project.

COMMISSION DISCUSSION

Motion to Approve:

Action: Upon motion by Vice-Chair Doran, seconded by Commissioner Mensinger, the Commission recommended approval to the City Council of tentative parcel map application TM21-0002 to subdivide the property into two lots subject to the findings and conditions contained in the draft resolution.

The motion was approved (6-0) by the following vote:

AYES: Chair Doran and Vice-Chair Mensinger, Commissioners Marek, Ahi, Roche and Steinle

NOES: None

ABSENT: Bodner

COMMISSIONERS' REPORTS AND COMMENTS

None.

POTENTIAL FUTURE AGENDA ITEMS

Interim Planning Services Manager Golden gave an overview of future agenda items.

ADJOURNMENT

Chair Doran adjourned the meeting at 9:38 P.M.

Steve Golden

Interim Planning Services Manager