

# 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 impacts would result from adoption of the proposed wireless telecommunications ordinance and design guidelines; 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 present substantial evidence that the proposed wireless telecommunications ordinance and design guidelines would have a significant effect upon the environment; and

**WHEREAS**, on March 3, 2022, the Planning Commission conducted a public hearing 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

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission 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 the Planning Commission recommends that the City Council of the City of Los Altos adopt the Negative Declaration contained in Attachment A.

# Attachment A

## 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 11.82 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.
- 6. Findings:**

The Initial Study prepared for the proposed Wireless Telecommunications Facilities Development Standards and Design Guidelines indicates for each environmental issue it analyzed that environmental impacts would be less than significant or that no impact would occur. There is no substantial evidence, in light of the whole record before the lead agency (the City of Los Altos), that the project may have a significant effect on the environment.

**Attachment B**

**Written Comments on the  
Proposed Negative Declaration**

**From:** [Ed Nieda](#)  
**To:** [Los Altos Planning Commission](#); [City Council](#); [Gabriel Engeland](#)  
**Subject:** Please cease on the Cell Phone tower project  
**Date:** Monday, February 14, 2022 11:22:13 AM

---

To: [PlanningCommission@losaltosca.gov](mailto:PlanningCommission@losaltosca.gov)

CC: [council@losaltosca.gov](mailto:council@losaltosca.gov), [gengeland@losaltosca.gov](mailto:gengeland@losaltosca.gov)

Subject: No Cell Towers Near Homes & Schools

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

#### Cell Towers, Antennas Problematic for Buyers

Home buyers and renters say they are less interest and would pay less for properties located near cell towers an...

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident  
Ed Nieda  
[REDACTED] Ave.

**From:** [Melissa Smith](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 11:27:14 AM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Melissa Smith  
Los Altos Resident

**From:** [Los Altos](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 11:29:36 AM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident



**From:** [Ken Elefant](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 12:21:46 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Ken Elefant  
Los Altos Resident

**From:** [Phyliss Brazell](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes  
**Date:** Monday, February 14, 2022 12:23:10 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos website that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that 94% of homebuyers would not purchase a home near a cell tower.

***Again, please do not place cell towers close to our homes. Please find alternative locations.***

Sincerely,  
Los Altos Resident



**From:** [Judith Simon](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 12:25:39 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

**From:** [Alex Liang](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 12:55:48 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. **According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.**

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

Alex Liang  


**From:** [Patrick yuen](#)  
**To:** [Los Altos Planning Commission](#); [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 1:10:20 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos website that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that 94% of homebuyers would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident  
Patrick Yuen

---

Cell : 650-996-6181

**From:** [Sean Chen](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 1:18:04 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,

Los Altos Resident

--

Sean



**From:** [Aronson, Jeff](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#); [Kristine Chin \(kchin5001@gmail.com\)](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 3:11:07 PM  
**Attachments:** [image001.png](#)

---

Dear City of Los Altos Planning Commission,

We have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. We implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, we understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues we would like the City to consider including visual blight, noise, safety and property values.


Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Jeff & Kristine Aronson  
  
Los Altos

**Jeffrey D. Aronson**  
Partner



**DLA Piper LLP (US)**  
2000 University Avenue  
East Palo Alto, CA 94303-2215



[dlapiper.com](http://dlapiper.com)

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.

**From:** [mary ann kanyal](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** Please honor the decision that was agreed to in 2019 and stay true to the original ordinance  
**Date:** Monday, February 14, 2022 3:34:57 PM

---

To: [PlanningCommission@losaltosca.gov](mailto:PlanningCommission@losaltosca.gov)

CC: [council@losaltosca.gov](mailto:council@losaltosca.gov), [gengeland@losaltosca.gov](mailto:gengeland@losaltosca.gov)

Subject: No Cell Towers Near Homes & Schools

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. **According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.**

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident  
Mary Ann Kanyal

**From:** [REYNETTE AU](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 5:48:15 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

Visual blight: The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

Noise: Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

Safety: Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

Property Values: Cell towers placed so close to homes will reduce the attractiveness of homes in the area. **According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.**

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Reynette Au  
30 year Los Altos Resident

**From:** [Allison Marras](#)  
**To:** [Los Altos Planning Commission](#)  
**Subject:** No Cell Towers Near Homes & Schools  
**Date:** Monday, February 14, 2022 6:28:43 PM

---

Subject: No Cell Towers Near Homes & Schools

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

[Sent from Yahoo Mail for iPhone](#)

**From:** [Yeeping Zhong](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Date:** Monday, February 14, 2022 8:22:19 PM

---

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

Yeeping Zhong ( [REDACTED] )

**From:** [R. K. Johnson](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#)  
**Subject:** The "wireless emergency ordinance" that was put into place in 2019  
**Date:** Tuesday, February 15, 2022 2:54:18 PM

---

Dear City of Los Altos Planning Commission,

NO CELL TOWERS near homes or schools

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

**From:** [Freddie Park](#)  
**To:** [Los Altos Planning Commission](#)  
**Cc:** [City Council](#)  
**Subject:** 5G cell towers  
**Date:** Saturday, February 19, 2022 4:10:39 PM

---

Dear Los Altos Planning Commissioners,

I am a resident and home owner of 27+ years in Los Altos. I understand that the city is amending the Urgency Ordinance relating to 5G towers due to the litigation against the city by AT&T and Verizon. I realize we are in between a rock and a hard place regarding the ordinance and federal law. I would ask that you do your very best to make certain that 5G towers are required to be as far away from our homes and schools as possible.

Thank you for your consideration.

Sincerely,

Freddie Park Wheeler



## Steve Golden

---

**From:** C. Y. <[REDACTED]>  
**Sent:** Tuesday, February 22, 2022 10:00 AM  
**To:** Los Altos Planning Commission  
**Cc:** City Council; Gabriel Engeland  
**Subject:** No Cell Towers Near Homes & Schools

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to *Realtor Magazine*, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
C.Y.

## Steve Golden

---

**From:** Los Altan <[REDACTED]>  
**Sent:** Wednesday, February 23, 2022 11:04 AM  
**To:** Los Altos Planning Commission  
**Cc:** City Council; Gabriel Engeland  
**Subject:** Re: No Cell Towers Near Homes & Schools

I also wanted to mention that when this issue was raised in 2019, we had over 1,100 residents in Los Altos sign the following petition: <https://www.change.org/p/town-of-los-altos-no-cell-towers-next-to-homes-and-schools-in-los-altos-ca>

Please keep this in mind when augmenting this ordinance.

Thanks,  
Los Altos Resident

On Mon, Feb 14, 2022 at 11:29 AM Los Altan <[losaltan94022@gmail.com](mailto:losaltan94022@gmail.com)> wrote:

Dear City of Los Altos Planning Commission,

I have learned from the City of Los Altos [website](#) that the city is currently seeking to change the wireless emergency ordinance that was put into place in 2019. I implore the City to stay as true to the original ordinance as possible and ensure we don't have cell towers placed close to schools and homes. While some residents have expressed valid health concerns of placing cell towers so close to our schools and homes, I understand the City is unable to take these concerns into account due to Federal laws. However, there are other issues I'd like the City to consider including visual blight, noise, safety and property values.

**Visual blight:** The City's utility poles are visually unappealing. I don't want to increase the unsightliness with cell towers on the tops of these poles, not to mention a refrigerator's worth of equipment hanging to the side.

**Noise:** Cell towers make considerable noise from their cooling fans. Having these towers placed so close to our homes would negatively impact our living environment.

**Safety:** Most cell towers have a refrigerator's worth of equipment, including lithium ion batteries that have been known to cause fires. It's not safe to place flammable materials on combustible wooden poles that could potentially burn down a home or neighborhood.

**Property Values:** Cell towers placed so close to homes will reduce the attractiveness of homes in the area. According to Realtor Magazine, a study found that [94% of homebuyers](#) would not purchase a home near a cell tower.

Again, please do not place cell towers close to our homes and schools. Please find alternative locations.

Sincerely,  
Los Altos Resident

## Steve Golden

---

**From:** Gregory Burns <[REDACTED]>  
**Sent:** Wednesday, February 23, 2022 12:04 PM  
**To:** Los Altos Planning Commission  
**Cc:** Gregory Burns; City Council; Gabriel Engeland  
**Subject:** Los Altos small cell node ordinance

Dear City of Los Altos Planning Commission,

It is my understanding that the city is proposing changes to the wireless emergency ordinance that was put into place in 2019.

Please stay as true to the original ordinance as possible; cell nodes should not be installed close to residences and schools. I feel you should strongly enforce preferred location requirements; as well as consider setback requirements to keep utility pole mounted cell nodes away from our homes. The noise and visual blight from these units negatively affect the quality of life and property values of our quiet neighborhoods.

Furthermore, I also request you reconsider even stricter proposed noise limits for residential zones. A product designed to run 24 hours a day should not be allowed to negatively impact our living environment. Please require noise limits to be INAUDIBLE at any property lines.

Again, please do not place cell nodes close to our homes and schools. Please find alternative locations.

Sincerely,  
Gregory Burns  
Los Altos Resident

## Steve Golden

---

**From:** Donna Wing <[REDACTED]>  
**Sent:** Wednesday, February 23, 2022 9:46 PM  
**To:** Los Altos Planning Commission  
**Cc:** City Council  
**Subject:** Cell Towers In Los Altos

Dear City of Los Altos Planning Commission,  
I just received information that the Council plans on revisiting the possibility of placing cell towers on the telephone poles.

I live at 689 Linden Ave and the decision would impact our home since there are telephone poles in the back and in front of our home. I am a cancer survivor and had chemo and radiation as treatment. I do not wish to have any cell towers near me due to health reasons.

Also, the cell towers are unsightly and noisy. We moved to Los Altos for the trees and quiet beauty of nature. Having cell towers would decrease property values and they are unsafe near schools. We live in an area where there are 3 schools near us within walking distance: Egan Jr. High, Bullis Charter School and Santa Rita.

Please find alternative locations to place cell towers- not near schools and homes.

Sincerely,  
Donna Wing

**MACKENZIE & ALBRITTON LLP**

155 SANSOME STREET, SUITE 800  
SAN FRANCISCO, CALIFORNIA 94104

---

TELEPHONE 415 / 288-4000  
FACSIMILE 415 / 288-4010

February 22, 2022

**VIA EMAIL**

Gabriel Engeland  
City Manager  
City of Los Altos  
One North San Antonio Road  
Los Altos, California 94022

Re: Draft Ordinance and Design Guidelines, Wireless Telecommunications Facilities

Dear Gabriel:

We write on behalf of Verizon Wireless regarding the draft ordinance regulating wireless telecommunications facilities (the “Draft Ordinance”) and the accompanying draft *Design and Development Standards for Wireless Telecommunications Facilities* (the “Draft Guidelines”). Verizon Wireless appreciates the opportunity for advance review, and we suggest several revisions to ensure that these proposed regulations are consistent with federal and state law.

The Draft Ordinance location standards must be revised so that all Los Altos rights-of-way are subject to the reasonable 500-foot search distance for preferred locations, without subjecting certain local residential streets to preempted approval criteria. Some location prohibitions should be restated as preferences, including the ban on new small cells within 1,000 feet of existing small cells. The Draft Guidelines should be revised to accommodate typical small cell designs required for service, providing specific standards that are technically feasible. We urge staff to revise the Draft Ordinance and Draft Guidelines prior to review by the Planning Commission.

**The FCC’s Infrastructure Order**

In its 2018 Infrastructure Order, the FCC confirmed that a city’s aesthetic criteria for small cells must be “reasonable,” that is, technically feasible and meant to avoid “out-of-character” deployments, and also “published in advance.” *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 86-88 (September 27, 2018). The FCC also found that that local requirements that “materially inhibit” service improvements and new technology constitute an effective prohibition of service under the Telecommunications Act. *Id.*, ¶¶ 35-37; *see also* 47 U.S.C. §§ 253(a), 332(c)(7)(B)(i)(II). In 2020, the Ninth Circuit Court of Appeals upheld these FCC requirements. *See City of Portland v. United States*, 969 F.3d 1020 (9<sup>th</sup> Cir. 2020), *cert. denied*, 141 S.Ct. 2855 (Mem) (U.S. June 26, 2021).

Our comments are as follows.

### **Draft Ordinance**

#### **14.82.030 – Location Preferences**

The City should avoid location restrictions that would “materially inhibit” service improvements in contradiction of the FCC’s Infrastructure Order, and that would violate California Public Utilities Code Section 7901 which grants telephone corporations a statewide right to place their equipment along any right-of-way. The City should include all rights-of-way in the location preference lists, while converting absolute location prohibitions to less-favored preferences. This will ensure that all rights-of-way are subject to the reasonable 500-foot search distance for any preferred location options, avoiding conflict with federal and state law.

**A(2), (3). Preferred, less-preferred locations.** All right-of-way locations should be included in one of these preference lists, but several are missing, notably the following.

- **All local streets.** As drafted, Section (A)(3)(e) addresses only certain stretches of local streets in residential zones: those within 200 feet of Foothill Expressway, 500 feet of listed arterials, or 300 feet of collectors or local collectors. Local streets away from those major roadways are not included in the preference lists, and so would be subject to different approval criteria under Section 14.82.050 that are preempted, as we explain below. *Section 14.82.030(A)(3)(e) should be revised to simply state “local streets in residential zones.”*
- **CN zone.** A few parcels zoned CN—Commercial Neighborhood are not located along preferred expressways or arterials. *The CN zone should be added to the preferred location list of Section 14.82.030(A)(2).*
- **Local streets fronting schools in PCF zone.** The presence of a school should not bar placement of a small cell on an adjacent local street. *The phrase “local street” should be added to Section 14.82.030(A)(3)(f).*
- **PCF/R1-10 zone.** There are seven school properties zoned PCF/R1-10, and their adjacent rights-of-way should be available, as with the PCF zone. *The phrase “Public and Community Facilities/Single-Family District” should be added to Section 14.82.030(A)(3)(f) after the reference to the PCF zone.*

**A(4). 1,000-foot separation of small cells.** Phrased as a prohibition, not a preference, this would bar new small cells in all rights-of-way within a 72-acre area surrounding an existing small cell. This could prohibit new facilities at busy intersections that otherwise are preferred locations, and where clustering small cells could avoid placement on local residential streets. *We suggest converting this prohibition to a preference, by adding “a location within 1,000 feet of an existing small wireless telecommunications facility” to the less-preferred list of 14.82.030(A)(3), and deleting Section A(4).*

**A(5)(c). Ban on central 50% of parcel frontage.** Another prohibition, this could bar use of some existing poles already located along the middle of parcel frontages in residential zones. By converting this to a preference, the City could steer small cells to any nearby poles closer to property lines, if feasible. *We suggest adding “rights-of-way adjacent to Residential Zoning Districts within the central fifty percent (50%) of an immediately adjacent parcel’s street frontage” to the less-preferred list of Section 14.82.030(A)(3), and deleting Section A(5)(c).*

**A(6), (7). Not in front of business.** This blunt prohibition could materially inhibit service improvements in commercial areas, and it is unnecessary because the accompanying language already directs applicants to locate as close as feasible to property lines. *The phrase “not directly in front of a business” should be deleted.*

**A(8). Inconvenience to public use of right-of-way.** The vague term “inconvenience” exceeds the standard in Public Utilities Code Section 7901, that telephone equipment not “incommode” the public use of the right-of-way. *We suggest replacing “inconvenience” with “impair.”*

**A(11). Requirement to use poles outside sight lines.** Because small cell equipment is elevated above motorist sight lines, there is no reason to bar placement on poles that are already within sight lines. The small cell would pose no more safety impact than the existing pole. *This prohibition should be deleted.*

**B(1), (2). Private property location preferences.** There are several churches in residential zones where a new facility could be fully-concealed within compatible architecture. *The City should consider allowing camouflaged facilities on residentially-zoned parcels with a non-residential use.*

#### **14.82.040 – Requirements for Approval of Less-Preferred Locations**

**C. Evidence of need.** There is no reason to require additional “evidence demonstrating the need for approval of the proposed location” because Section A already allows less-preferred locations if any preferred options are unavailable or technically infeasible. Technical feasibility is a factor for the FCC’s “reasonableness” standard, but the need for a facility is not. The City cannot compel applicants to demonstrate the need for new small cells in the right-of-way. The FCC found that small cells are needed to densify networks, enhance existing service and introduce new services, so denials based on need would materially inhibit these goals. Infrastructure Order, ¶ 37. Further, Section 7901 grants telephone corporations a statewide right to place their equipment along any right-of-way with no demonstration of need. *This provision should be deleted.*

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

This section imposes a different scheme for approval of locations that are neither preferred or less-preferred, such as those on local residential streets away from major roadways. Instead of the reasonable 500-foot search distance and technical feasibility standard, this section requires

applicants to evaluate alternative macro and/or small cell facilities in a broad area beyond the target coverage area. As noted, requirements to prove the need for a right-of-way facility are preempted by Section 7901, which grants telephone corporations the right to use any right-of-way. Section 7901 also bars the City from redirecting a proposed facility from the right-of-way to private property (e.g., a macro site).

Further, the City cannot require small cell applicants to evaluate a “significant gap,” because the FCC determined that small cells are needed to densify networks, enhance existing service and introduce new services. These are Verizon Wireless’s goals in placing small cells in Los Altos. The FCC also disfavored dated service standards based on “coverage gaps” and the like. Infrastructure Order, ¶¶ 37-40.

The direction to minimize wireless facilities in residential areas where needed would “materially inhibit” service improvements, constituting a prohibition of service. It also could penalize and discriminate against wireless carriers in the future, in conflict with the Telecommunications Act. 47 U.S.C. § 332(c)(7)(B)(i)(I). *This section should be deleted. Instead, as discussed above, all right-of-way locations should be addressed in the location preferences so they are subject to the reasonable 500-foot search distance and the FCC’s technical feasibility standard.*

#### **14.82.070 – Eligible Facilities Requests**

The only factors for approval of eligible facilities requests are the FCC’s “substantial change” thresholds codified at 47 C.F.R. Section 1.6100(b)(7) and restated in Municipal Code Section 11.12.020(A)(23). The ordinance location preferences and any City design guidelines are preempted by FCC rules. Eligible facilities requests provide a streamlined path to approval of collocations compared to Government Code Section 65850.6, which is superseded. *This section is preempted and unnecessary, and should be deleted.*

Following are comments on the Draft Ordinance changes to the existing Municipal Code.

#### **11.12.050 – Application for Permit**

**E(2). Submittal appointment.** The FCC confirmed that a mandatory pre-application process starts the Shot Clock, so Verizon Wireless will calculate the clock to start on the day it requests an appointment. Infrastructure Order, ¶ 145; 47 C.F.R. § 1.6003(e). By delaying the appointment, the City could consume most or all of its 10-day period to issue a notice of incomplete application that would pause the Shot Clock. 47 C.F.R. § 1.6003(d)(1). A limit of one appointment would constitute an effective moratorium on applications, but that is preempted by FCC rules and would not delay the start of the Shot Clock. Infrastructure Order, ¶ 145 (“...the shot clock begins to run when the application is proffered”). The City should ensure that applicants can submit batch applications, consistent with FCC rules. 47 C.F.R. § 1.6003(c)(2). *A submittal appointment should be optional, not mandatory.*



### **11.12.060 – Conditions of Approval for All Facilities**

**A(1). Incorporating wireless permit into plans for building permit application.** This would require sequential submittal and review of zoning and building permit applications. However, the FCC confirmed that all authorizations required for a new wireless facility must be reviewed within the same “Shot Clock” period. Infrastructure Order, ¶ 132. The City could run afoul of this requirement by delaying submittal of a building permit application until after the Planning Division approves a wireless permit. *This condition should be deleted.*

**A(3). Undergrounding/replacement due to new technology.** The City cannot compel wireless carriers to dismantle and rebuild any portion of a permitted facility that was constructed in reliance on approved plans. This would violate the vested rights of permittees as well as Government Code Section 65964(b) which generally guarantees a 10-year term for wireless facility permits. *This condition must be deleted.*

**A(6)(e). Noise limit.** The City is proposing to repeal the referenced Resolution 2019-35. *That reference should be deleted.*

**A(7). Annual RF emissions testing.** Once an installed wireless facility is shown to comply with the FCC’s radio frequency exposure guidelines, the City cannot require repeat exposure tests, as that regulation of operational requirements is preempted by federal law. *See 47 U.S.C. § 332(c)(7)(B)(iv); see also Crown Castle USA Inc. v. City of Calabasas* (Los Angeles Superior Court BS140933, 2014) (“...the regulation of a facility’s planned or ongoing operation constitutes an unlawful supplemental regulation into an area of federal preemption.”) *The reference to “annually thereafter” should be deleted.*

### **Existing Code Provisions Requiring Revision**

Several problematic Code provisions are not addressed by the Draft Ordinance, including the following.

**11.12.050(A)(8). Submittal of geographic service area.** With respect to small cells and the right-of-way, this is a preempted demonstration of need. *This provision should not apply to small cells.*

**11.12.050(A)(14). Alternatives analysis.** This is unnecessary if siting in a most-preferred location. *Instead, the City should require small cell applicants to identify any more-preferred locations within 500 feet and provide evidence that they are technically infeasible or unavailable.*

**11.12.050(C). 1,000-foot public notice.** This is excessive for small cells, which pose minimal visual impact compared to other right-of-way utility infrastructure. Such broad notice would capture residences well beyond the 500-foot search distance. *We suggest reducing public notice for right-of-way facilities to 500 feet.*

**Draft Guidelines**

**II – Design and Development Standards for all Wireless Telecommunications Facilities**

**B, D. Basic design principles, general guidelines.** The Draft Guidelines impose various subjective standards such as “minimize visual, noise, and other impacts on the surrounding community” and “prevent facility from dominating the surrounding area.” Such vague standards could be used to deny facilities that otherwise satisfy specific design criteria, and would be unreasonable if applied to small cells that are not “out-of-character” among other right-of-way infrastructure. Denials based on vague, subjective determinations would frustrate applicants who followed specific design criteria (such as equipment dimension limits), and would “materially inhibit” service improvements. *For small cells, the City should rely on reasonable, specific design standards.*

**D(7)(b). 45 dBA noise limit.** This imposes a stringent noise limit for all wireless facilities in Los Altos, without specifying the location where noise is measured. In contrast, the City’s noise ordinance evaluates the noise level as “measured on any other property,” which is an appropriate standard. Code § 6.16.050(A)(2). The noise ordinance also provides a higher noise limit in non-residential zones. Code § 6.16.050(A)(1), Table 1. *The blanket 45 dBA limit should be deleted, and this section revised to require compliance with Code Chapter 6.16.*

**D(9). Upgrades with new technology.** Per our comment on Draft Ordinance Section 11.12.060(A)(3), requiring applicants for modifications to change unaltered existing facility components would violate their vested rights and Government Code Section 65964(b). *This provision must be deleted.*

**III – Additional Design and Development Standards for Facilities in the Public Right-of-Way and in Public Utility Easements**

The City must ensure that its small cell design standards are consistent with federal and state law. To be reasonable per the FCC’s Infrastructure Order, equipment dimension limits must be technically feasible for new and emerging technologies, accommodating the antenna and radio models available from manufacturers. In addition to the low-band frequencies currently in use, Verizon Wireless recently licensed mid-band and high-band frequencies from the FCC. These require different equipment. Accordingly, certain small cells may involve several types of antennas, and up to three of each, facing different directions where they provide service. The design standards must accommodate multiple types of antennas to avoid violating California Government Code Section 65964.1(h) which bars cities from “unreasonably discriminating in favor of, or against, any particular wireless technology.”

Verizon Wireless would be pleased to work with the City to ensure that the design standards are technically feasible for its anticipated deployments.

**B, C, D. Preferred, less-preferred configurations.** These lists favor light poles owned by the City, but if strictly applied, that would contradict California Government Code Section 65964(c)

which bars local governments from limiting wireless facilities to sites owned by particular parties. Verizon Wireless may place its equipment on joint utility poles as a member of the North California Joint Pole Authority, and may place and own new stand-alone poles in the right-of-way pursuant to Public Utilities Code Section 7901.

Structure preferences are akin to location preferences, and so should be qualified by the 500-foot search distance, which is missing from Section (D). Section D(1)(b) introduces an optional “aesthetically superior” criterion that could be a factor when choosing between several feasible poles, but also a mechanism to favor City-owned poles. *We suggest a clear list of structure preferences: 1) An existing or replacement pole of any owner, or 2) A new stand-alone pole, if there is no technically feasible, available existing pole within 500 feet along the right-of-way.*

**B(1)(c), C(3)(c). Light poles – antenna shroud limited to pole diameter, base limited to 6 inches wider than pole.** These provisions impose antenna and equipment size constraints that are technically infeasible and therefore unreasonable. As noted, some small cells may require multiple types of antennas, and up to three of each, mounted at the same height and facing different directions. In this configuration, the antenna models available from manufacturers cannot fit into a single shroud limited to a narrow pole diameter. Further, some mid- and high-frequency antennas cannot be fully shrouded or otherwise covered because that impedes signal propagation. However, they can be placed in specially-designed partial shrouds with “cut-outs” allowing unimpeded signal. *These sections should specify that antennas and any shrouds should not exceed 21 inches in total diameter.*

Radio units, other network gear, mounting hardware and cables cannot fit into a pole base only six inches wider than a typical streetlight pole. *Section C(1) (light pole facilities with all equipment within the pole) should allow a base up to 20 inches square and four feet tall to conceal radios and associated network components. Section C(3) (light pole facilities with some equipment not within the pole) should allow for small radio units and other gear on the side of a pole, not to exceed nine cubic feet, aside from any PG&E electric meter and disconnect switch.*

**C(1)(a). Utility poles – antenna height limited to 24 inches above pole, minimum equipment height of 18 feet.** These limits run afoul of Public Utilities Commission General Order 95 (“GO 95”), referenced in the same provision. Pole-top antennas must be elevated six feet above electric supply conductors. GO 95 Rule 94.4(C). The City should allow four-foot antennas, as Section C(1)(b) suggests that the City would be comfortable with a four-foot antenna shroud. In some cases, four-foot antennas provide expanded service and can lessen the need for additional small cells. *We recommend allowing an antenna to extend up to four feet above a utility pole, plus the safety clearance required by GO 95.*

As to associated (non-antenna) equipment, there generally is not enough room above 18 feet, particularly on utility poles shared by communication companies. The area above 18 feet is used for the communication lines, which are subject to their own GO 95 clearances. In some cases, Verizon Wireless can fit a two-foot tall side-mounted antenna and mounting bracket in a pole’s communication zone, occupying only approximately 3.5 feet of vertical space. However, there would be insufficient room for associated equipment that may include radios, power supplies,

fiber boxes, meters and disconnect switches. Further, PG&E requires that electric meters on utility poles be mounted between 7 and 8 feet. PG&E Document 027911, *Installation Details for Service to Pole-Mounted Communication Equipment*. Generally, radios and other equipment are stacked vertically above the meter, up to 18 feet. *The minimum height of associated equipment on a utility pole should be changed from 18 feet to 7 feet.*

We note that the facility on a utility pole next to 745 Distel Drive, shown on Page 16 of the Draft Guidelines, is one of the typical small cell designs for utility poles, with the antenna elevated six feet above the electric supply lines, and associated equipment below 18 feet.

**C(1)(b). All equipment within one shroud on utility pole.** A typical “cantenna” placed on a utility pole is manufactured in its own sleek radome, and does not require an additional shroud that only adds bulk. Requiring all radios and other hardware in the same shroud as antennas would be infeasible if they cannot fit within the narrow 15-inch diameter limit, and generally radios are placed on the side of a utility pole below 18 feet. For side-mounted antennas, GO 95 requires two feet of separation from the pole centerline, so Verizon Wireless may place a single two-foot tall “cantenna” on a side-arm mount, or two or three small integrated antenna/radio units on opposite ends of a cross-arm, facing different directions. GO 95 Rule 94.4(E). As noted above, some mid- and high-band antennas cannot be shrouded as that impedes signal propagation. For these reasons, this blanket shrouding requirement would be technically infeasible and unreasonable. *This provision should be deleted.*

**C(2), F, G(2). New stand-alone poles.** These sections regulate new stand-alone poles in the right-of-way (also using the terms “telecommunication tower” and “monopole”). Section C(2) limits antenna shrouds to 14 inches, but per our comments on Sections B(1) and C(3) (light poles), the allowed maximum antenna and shroud diameter should be 21 inches. Associated equipment can be placed within a pole base, given adequate dimensions, or on the side of the pole and covered in a shroud. *These provisions should be consolidated for clarity and to avoid contradiction. Section C(2)(b) should be revised to specify that antennas and any shrouds should not exceed 21 inches in total diameter, and associated equipment can be concealed in a pole base up to 20 inches square and four feet tall, or within a side-mounted shroud up to 16 inches wide, 12 inches deep and 5.5 feet tall.*

**C(3)(b). Light poles – minimum equipment height of 18 feet.** This section regulates light pole facilities with some equipment not within the pole, and would require associated equipment on the side to be placed above 18 feet. This would be infeasible for electric meters and/or disconnect switches that must be placed between 7 and 8 feet per PG&E rules, as described above. On some light poles, there may not be room above 18 feet for small radio units if that area is occupied by the luminaire arm and multiple antennas. All of this equipment could lead to a crowded appearance if placed high on a pole, whereas small radio units can be placed much lower on a pole and vertically stacked to reduce visual impact. *The minimum height of associated equipment on a light pole should be changed from 18 feet to 7 feet.*

**E(1)(b). Limit of pole-mounted equipment to six cubic feet.** For small cells on utility poles, this may not accommodate all antennas, radios, meters, disconnect switches and mounting

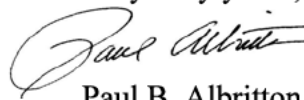
hardware required for service. This volume limit should be modestly expanded, and should not include antennas or PG&E electric equipment. *We suggest specifying a nine cubic foot volume limit for “associated” (non-antenna) equipment, aside from any PG&E electric meter and disconnect switch.*

**G(2). Accessory equipment (ground cabinets).** This provision appears to be drafted for private property sites, not the right-of-way (e.g., placing equipment “within a nearby building,” with references to “landscape plantings, decorative walls, fencing”). The Draft Guidelines should better address ground-mounted cabinets in the right-of-way, which would be required for associated equipment in some cases, such as Verizon Wireless’s proposed facility in the right-of-way next to Los Altos High School. New ground cabinets are not “out-of-character” because the City has already allowed them in various rights-of-way (such as the corner of South El Monte Avenue and Benvenue Avenue). Section 7901 allows telephone corporations to place equipment upon the right-of-way. Electric meters can be attached directly to ground-mounted wireless equipment cabinets, avoiding a separate meter pedestal. *The City should allow placement of ground-mounted cabinets for associated equipment up to 28 cubic feet, with no requirement for landscaping or screening.*

**G(5). Wires within utility pole.** PG&E will not allow any utility to bore through wood utility poles to conceal wires within, because that would compromise structural integrity and safety. Instead, vertical wires and conduit for all utilities are concealed within risers mounted flush to the side of the wood pole. *This provision should be deleted.*

**G(6), (7). Undergrounding.** These provisions would require small cell accessory equipment such as radios to be placed underground where feasible. This is unreasonable in two ways. First, undergrounding generally is technically infeasible due to sidewalk space constraints, utility lines already routed underground, and undue environmental and operational impacts for required active cooling and dewatering equipment. Second, small radios are not “out-of-character” compared to other right-of-way infrastructure such as poles, utility lines, electric transformers and cable television boxes. *The City should allow up to nine cubic feet of associated (non-antenna) equipment on the side of a pole before undergrounding is considered, aside from any PG&E electric meter and disconnect switch, per our comment on Section E(1)(b). The City could require radios to be concealed within a narrow shroud, but not meters or disconnect switches, which cannot be covered per PG&E rules.*

Verizon Wireless appreciates the opportunity to provide comment on the Draft Ordinance and Draft Guidelines. We urge the City to incorporate our suggested revisions prior to review by the Planning Commission.

Very truly yours,  
  
Paul B. Albritton

Gabriel Engeland  
City of Los Altos  
February 22, 2022  
Page 10 of 10

cc: Jolie Houston, Esq.  
David Mehretu, Esq.  
Deborah Fox, Esq.  
Laura Simpson  
Steve Golden