



**AGENDA REPORT SUMMARY**

**Meeting Date:** April 12, 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

**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. There is no substantial evidence, in light of the whole record that the project may 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.
- Proposed locational standards address this shift in wireless technology by offering a revised, tiered approach to providing additional locations for small wireless telecommunications facilities moving from “preferred” to “less preferred” to “least preferred” locations.
  - Preferred locations include non-residential sites and adjacent rights-of-way.
  - Less Preferred locations include the rights-of-way of expressways, arterials, collectors, and local collectors adjacent to residentially zoned properties. Such

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City Manager

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**Reviewed By:**  
City Attorney

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Interim Community  
Development Director

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locations could be approved only upon demonstration that no preferred locations are feasible.

- Least preferred sites include rights-of-way along residentially zoned streets. Such locations could be approved only upon demonstrations that no preferred or less preferred sites would be feasible.
- Revised and expanded Design Guidelines are proposed to insure that new wireless facilities are tailored to the City's unique characteristics and preserve the community's aesthetic quality and rural character.
- Los Altos is permitted to regulate the placement of wireless facilities on the grounds of aesthetics, traffic safety, noise, and other criteria, but the City cannot regulate the placement of wireless facilities based on the environmental effects of radio frequency ("RF") emissions that comply with FCC regulations. Neither is a city permitted to require or prohibit any specific type of technology.

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to repeal and replace the City's current locational, design, and development standards for wireless telecommunications facilities to:
  - Expand locations where small wireless telecommunications facilities may be permitted?
  - Limit 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?

**Staff Recommendation:**

1. Approve Resolution 2022-\_\_, Wireless Telecommunications Facilities Adopting a Negative Declaration in compliance with CEQA.
2. Introduce and waive further reading of 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 make wireless telecommunications reasonably available throughout the community while preserving its



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essential rural character. The proposed Ordinance and Design Guidelines 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 transportation patterns and address technological advancements in wireless telecommunications facilities 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 location preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a uniquely small suburban 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.

#### **Discussion/Analysis**

##### ***Proposed Revisions to Locational Preferences and Standards for Wireless Telecommunications Facilities***

In addition to specifying permitted locations for wireless telecommunications facilities, the City's existing and proposed development standards also establish specific preferences among the various locations where wireless telecommunications facilities could be permitted. Proposed revisions to locational preferences for wireless telecommunications facilities are summarized in Table A, below.



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**Table A**  
**Existing and Proposed Locational Preferences for Wireless Telecommunications Facilities**

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Existing Locational Preferences	Proposed Locational Preferences
<b>Locational Preferences for Wireless Telecommunications Facilities  on Properties Outside of Roadway Rights-of-Way and Public Easements</b>	
<p>The order of preference for the location of wireless telecommunications facilities from most preferred to least preferred is:</p> <ol style="list-style-type: none"> <li>1. Commercial Districts (Office-Administrative [OA, OS-1, OA-4.5], Commercial [CD, CRS, CT, CRS/OAD] and the Loyola Corners Specific Plan</li> <li>2. Public Facilities District (PCF)</li> </ol>	<p>The preferred locations for wireless telecommunications facilities include properties within non-Residential Zoning Districts (Municipal Code Sections 14.04.010 K-L, N-S, V)</p> <p>Less preferred locations for wireless telecommunications facilities include any City-owned property and properties within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010.</p> <p>N. Commercial Neighborhood District (CN); and</p> <p>S. Public and Community Facilities District (PCF).</p> <p>T. Public and Community Facilities/Single-Family District (PCF/R1-10)</p>
<b>Locational Preferences for Wireless Telecommunications Facilities  within Roadway Rights-of-Way and Public Easements</b>	
<p>The order of preference for the location of wireless telecommunications facilities from most preferred to least preferred is:</p> <ol style="list-style-type: none"> <li>1. Commercial Districts (Office-Administrative [OA, OS-1, OA-4.5], Commercial [CD, CRS, CT, CRS/OAD] and the Loyola Corners Specific Plan</li> <li>2. Public Facilities District (PCF)</li> </ol>	<p>Preferred locations for wireless telecommunications facility within a public right-of-way or public utility easement include rights-of-way for:</p> <ul style="list-style-type: none"> <li>• Expressways, Arterials, and Collectors fronting non-Residential Zoning Districts (Municipal Code Sections 14.04.010 K-L, N-S, V)</li> <li>• Collectors fronting the Public and Community Facilities District (PCF) (Municipal Code Section 14.04.010 S).</li> </ul> <p>Less preferred location for wireless telecommunications facility within a public right-of-way or public utility easement include the following rights-of-way and easements:</p> <ul style="list-style-type: none"> <li>• Local Collectors fronting non-Residential Zoning Districts (Municipal Code Sections Municipal Code Sections 14.04.010 K-L, N-S, V)</li> <li>• Public utility easements fronting non-Residential Zoning Districts (Municipal Code Sections Municipal Code Sections 14.04.010 K-L, N-S, V)</li> </ul>

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Existing Locational Preferences	Proposed Locational Preferences
	<ul style="list-style-type: none"> <li>• Local streets fronting non-Residential Zoning Districts (Municipal Code Sections 14.04.010 K-L, N-S, V)</li> <li>• Expressways, Arterials, and Collectors fronting Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, U, W)</li> </ul> <p>To avoid concentration of facilities along any one street within the City, small wireless telecommunications facilities may also be located within the rights-of-way for local streets fronting Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, U, W) where the facility would be within:</p> <ul style="list-style-type: none"> <li>• 200 feet of the Foothill Expressway right-of-way</li> <li>• 500 feet of the San Antonio Avenue, El Monte Drive, Magdalena Avenue, or Homestead Road right-of-way; or</li> <li>• 300 feet of a Collector or Local Collector right-of-way.</li> </ul>
<b>Requirements for Approval of Less Preferred Locations</b>	
None.	<p>As proposed, applications that involve less-preferred locations may be approved only if:</p> <ol style="list-style-type: none"> <li>1. No preferred location exists within 500 feet from the proposed site; or</li> <li>2. Any preferred location within 500 feet from the proposed site would be technically infeasible.</li> </ol> <p>The burden of proof for demonstrating that either of these two conditions exists is on the applicant and must be satisfied with clear and convincing evidence.</p> <p>Applications that involve a less-preferred location are proposed to be required to be accompanied by clear and convincing written evidence demonstrating the need for approval of the proposed location rather than a more preferred location.</p> <p>The proposed ordinance specifically grants the City authority to hire an independent consultant at the applicant's expense to evaluate the need for the proposed less-preferred location.</p>



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Existing Locational Preferences	Proposed Locational Preferences
<b>Provisions for Approval of a Wireless Telecommunications Facility when no Preferred or Less Preferred Site could Provide Adequate Coverage</b>	
<p>Municipal Code Section 11.12.090 permits exceptions to wireless telecommunications standards, including, but not limited to, exceptions from findings that would otherwise justify denial, if the city makes the finding that:</p> <ol style="list-style-type: none"> <li>1. Denial of the facility as proposed would violate federal law, state law, or both; or</li> <li>2. A provision of this chapter, as applied to applicant, would deprive applicant of its rights under federal law, state law, or both.</li> </ol> <p>The burden for proving that denial of the facility as proposed would violate federal law, state law, or would deprive applicant of its rights under federal law, state law, or both, using the evidentiary standards required by that law at issue, rests with the applicant. This section of the Municipal Code explicitly permits the city to hire an independent consultant, at the applicant’s expense, to evaluate the issues raised by the exception request and submit rebuttal evidence to refute the applicant’s claim.</p>	<p>The proposed ordinance deletes the exception provisions contained in Municipal Code Section 11.12.090.</p> <p>The proposed ordinance also includes a provision that would allow for approval of a small wireless telecommunications facility within the right-of-way of a local residential street that is neither a preferred nor a less preferred location if:</p> <ol style="list-style-type: none"> <li>1. A combination of macro and small wireless telecommunications facilities, as well as colocation with existing facilities of other carriers at preferred and less preferred locations within the City would not be feasible; and</li> <li>2. The total number of wireless telecommunications facilities within Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, U, W) would be minimized.</li> </ol> <p>The burden of proof for such demonstration is placed upon the applicant. In addition, should an applicant provide such demonstration, proposed Section 14.82.050 requires the City to hire an independent consultant at the applicant’s expense to evaluate the applicant’s current network configuration and the applicant’s demonstration of need for a facility or facilities not otherwise meeting the locational requirements of the proposed ordinance.</p>

***Proposed Revisions to Design Guidelines and Preferences for Wireless Telecommunications Facilities***

Proposed design guidelines for wireless telecommunications facilities retain, reorganize, and supplement existing guidelines by adding a set of basic design principles that would apply to all wireless telecommunications facilities, and identifying configuration preferences along with design guidelines for specific types of wireless facilities.



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*Basic Design Principles.* Proposed design guidelines add three basic design principles—impact minimization, integration and concealment, and context—to ensure wireless telecommunications facilities within the City are designed and maintained so as to minimize visual, noise, and other impacts on the surrounding community.

1. The first principle, **impact minimization**, directs that the overall impacts of a wireless telecommunications facility be minimized in relation to aesthetic, land use, noise, traffic, and other considerations. Although this is generally accomplished with the smallest feasible design for any given facility, this principle and subsequent design guidelines recognize that a larger facility may sometimes be appropriate if it is well concealed, compatible with the surrounding neighborhood, and can reduce the overall number of wireless telecommunications facilities required to provide service within the City.
2. The second principle, **integration and concealment**, provides for new wireless telecommunications facilities and modifications to existing facilities to be visually integrated into their sites and as hidden from view as feasible. Whereas existing preferences for the configuration of wireless telecommunications facilities list various types of configurations in order of preference,<sup>1</sup> the principle of integration and concealment specifies that non-integrated (unconcealed) installations are less preferred and permitted only where an integrated (concealed) facility is either infeasible or would reduce the number and overall visual intrusiveness of wireless telecommunications facilities required to provide service within the City.
3. The third principle, **context**, recognizes that specific situations require specific design solutions and that what may integrate well and conceal a wireless telecommunications facility at one location might not be appropriate for another situation at a different site. Overall, a wireless telecommunications facility that introduces a feature that changes the visual character of a site—such as by increasing the height of an onsite structure or

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<sup>1</sup> The City's current design standards for wireless telecommunication facilities contained in Resolution No. 2019-35 identify the following order of preference for the configuration of wireless facilities from most preferred to least preferred:

1. Collocation with existing wireless facilities.
2. Roof-mounted.
3. Building-mounted.
4. Mounted on an existing pole or utility pole.
5. Mounted on a pole or utility pole that will replace an existing pole or utility pole.
6. Mounted on a new telecommunication tower.





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introducing a tree species that is not otherwise present—is generally more visually intrusive than a facility that maintains the site’s character, even if the facility is itself concealed from public view.

*Design Guidelines Applying to all Wireless Telecommunications Facilities.* Proposed design guidelines applying to all wireless facilities within Los Altos expand upon the City’s existing guidelines by adding provisions to require:

- Wireless telecommunications facility design to be consistent with the existing and/or proposed landscape design of the adjacent site, using a similar or complementary plant palette.
- Retain existing, mature trees wherever feasible.
- Any proposed underground vault to be designed and constructed so as to protect existing street trees.
- All landscaping proposed to screen, conceal, complement, or soften the visual intrusiveness of a wireless telecommunications facility to remain for the life of the permit, even if not located within the applicant’s lease area.
- Noise from backup generators to comply with the noise levels specified in Municipal Code Chapter 6.16.
- Passive louvers and/or other passive ventilation to be provided as the primary means of temperature control rather than mechanical ventilation wherever feasible.

*Design Guidelines for Wireless Telecommunications Facilities on Properties Outside Public Rights-of-Way and Utility Easements.* Proposed design guidelines for wireless telecommunications facilities on properties outside of public rights-of-way and utility easements identify specific preferred and less preferred configurations for building-, and roof-, and pole-mounted facilities along with specific design guidelines and illustrative examples for the following types of installations.

- Preferred Configurations
  - Facade-Concealed Antennas. Façade-concealed antennas have antennas, mounting apparatus, and any associated components fully concealed from all sides within a structure that achieves complete architectural integration with the existing building (for example, antennas behind fiber-reinforced plastic [FRP] in a parapet, and equipment inside an existing building), or within outbuildings that are architecturally integrated into a site and are expected components of the setting.



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- Faux Architectural Elements. Faux architectural elements are existing or proposed architectural elements on a building that completely conceal antennas. They are distinguished from façade-concealed antennas in that they appear to be architectural elements of a building.
- Rooftop Concealment. If accessory equipment for roof-mounted facilities cannot be installed inside the building or underground, such accessory equipment may be located on the roof of the building that the facility is mounted on, provided that both the equipment and screening materials are painted the color of the building, roof, or surroundings. Rooftop facilities that appear to be a building façade, architectural element, or parapet are considered to be façade-concealed, façade-mounted, or faux architectural facilities. Rooftop concealment is considered to be a preferred design where façade integration is not feasible.
- Architecturally Designed Stand-Alone Towers. Towers that are designed to appear as buildings or signs, and that conceal antennas completely within them, may be permitted where appropriate to the site on which they are proposed. Examples include, but are not limited to, clock towers and obelisks.
- Athletic Field Lights. These include wireless telecommunications facilities that are integrated with lighting used to illuminate large areas for the purposes of recreation.
- Other Permitted but Less Preferred Designs
  - Façade-Mounted Antennas. Façade-mounted antennas are any antennas mounted on the exterior of a building that are not faux architectural elements.
  - Faux Trees. Wireless telecommunications facilities may be designed to emulate trees where trees similar in size and species are present. Faux trees may also be appropriate when natural trees of similar species are planted concurrent with faux tree installation, depending on the density and size of trees being planted.
  - Pole-Mounted Telecommunications Facilities. Existing guidelines for facilities mounted to a telecommunications tower on properties outside or public rights-of-way and utility easements, including, but not limited to, attached antennas, are retained in the proposed design guidelines.

*Design Guidelines for Wireless Telecommunications Facilities Proposed within Public Rights-of-Way and Utility Easements*. Proposed design guidelines for wireless telecommunications facilities within public rights-of-way and utility easements identify specific preferred and less preferred configurations for pole-mounted facilities along with specific design guidelines and illustrative examples for the following types of installations.



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- Preferred Configuration
  - Use of light poles wherein all equipment, cabling, and antennas are within the pole itself and/or entirely under the ground.
- Other Permitted but Less Preferred Configurations
  - Use of existing or replacement utility poles.
  - Stand-alone poles along rights-of-way with no existing overhead utility poles and lines.
  - Use of light poles wherein equipment, cabling, and antennas are not completely within the pole itself and/or entirely under the ground.

*Requirements for Approval of Less-Preferred Configurations.* Proposed design guidelines add the requirements for applications that involve less-preferred configurations. Such applications may be approved only if the applicant demonstrates that:

- No preferred configuration would be technically feasible; or
- The proposed configuration would be aesthetically superior to a preferred configuration due to existing conditions at the proposed site.

Proposed design guidelines place the burden of proof upon the applicant to demonstrate that one of these two conditions exists and requires that applications for a less-preferred configuration be accompanied by clear and convincing written presentation of evidence demonstrating the need for approval of the proposed configuration rather than a preferred configuration. The proposed design guidelines also authorize the City to retain an independent consultant at the applicant's expense to evaluate the applicant's demonstration of need for the proposed less-preferred configuration.

#### ***Options for Consideration by the City Council***

#### **1,000 Buffer between Small Wireless Telecommunications Facilities (Proposed Ordinance Section 14.82.030 A.4.)**

The proposed ordinance would reduce the required separation between small wireless telecommunications facilities from 1,500 to 1,000 feet. In their letters and testimony to the Planning Commission, carriers noted that size limitations for small wireless telecommunications facilities generally precludes co-location of such facilities. The carriers stated that, once a specific carrier would install a small wireless facility, all other carriers would be precluded from



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installing a small facility within 1,000 feet, the long-term net effect of which would be to make service to Los Altos residents and businesses by multiple carriers difficult.

The Planning Commission thus recommended that the City Council adopt one of three alternative methods to replace the proposed 1,000-foot separation requirement for all small wireless telecommunications facilities contained in Section 14.82.030 A.4. of the proposed ordinance by:

1. Making the 1,000-foot buffer applicable only to small wireless facilities belonging to the same carrier and establishing a minimum 200-foot separation between all carriers' facilities;
2. Reducing the size of the buffer between small wireless facilities to, for example, 700 feet
3. Modifying the 1,000-foot buffer requirement into simply calling it out as a preference for all carriers.

Each of these three options would provide the opportunity for multiple carriers to provide service to residents and businesses throughout the community recognizing changes in technology and the movement from large, powerful telecommunications towers to less powerful and less visually intrusive small wireless telecommunications facilities.

The first option would require, for example, carrier "a" to maintain a 1,000-foot separation between each of its own facilities but permit carrier "b" to install a facility within 1,000 feet of a small facility operated by carrier "a." The advantage of this option is that it would provide opportunities for multiple carriers to provide service within the community. The disadvantage of this option is that multiple carrier's small wireless facilities could be located in close proximity.

In the second option, a smaller separation distance between small wireless facilities would replace the currently proposed 1,000-foot separation. This option would resolve issues associated with an individual carrier's small wireless facility prohibiting other carriers from locating a facility within the 72-acre area surrounding the first carrier's facility without necessarily providing other carriers with a feasible means to service residents and businesses throughout Los Altos.

The third option would provide for carriers to locate a small wireless facility closer than 1,000 feet to another small facility upon demonstration that provision of adequate service could not be feasibly accomplished by maintaining the preferred 1,000-foot separation between small cell facilities. This option has the same advantage of the first option in that it would provide opportunities for multiple carriers to provide service within the community.



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The City wireless facilities team recommends the adoption of the first option as in our view it most effectively balances the need to allow for the technological advances in wireless facilities while preserving the beauty and aesthetics of Los Altos.

**Recommendation:** Revise Section 14.82.030 A.4. to read as follows.

4. No wireless telecommunications carrier shall be permitted to locate a small wireless telecommunications facility ~~ies are not permitted~~ within 1,000 feet of another of its small wireless telecommunications facilities ~~y~~ or within 200 feet of any small wireless telecommunications regardless of its ownership and maintenance.

**Approval of Facilities along Expressways, Arterials, Collectors, and Local Collectors (Lees Preferred Locations or at Locations not Identified as being Preferred or Less Preferred (Proposed Ordinance Section 14.82.050))**

Carriers have recognized that the proposed three-tiered system of location preferences generally seeks to direct wireless facilities away from residential areas or onto wider and busier streets within residential areas, and that “this type of preference system could help guide deployments in the city<sup>2</sup>.” This system clearly states the city’s preference that wireless telecommunications facilities be located:

1. Outside of residential areas (preferred); or,
2. In less preferred locations along the primary roadways serving Los Altos identified in the General Plan as expressways, arterials, collectors, and local collectors, should it be infeasible to provide service with facilities in preferred locations;
3. Or, in the alternative, along local residential streets should a carrier’s system be incapable of providing service solely with facilities in preferred and less preferred locations.

However, the carriers also argue that the City’s proposed locational standards are essentially a prohibition on wireless telecommunications facilities and that the information to be required by the City in applications for third-tier locations goes too far in seeking an analysis of an applicant’s broader system to find ways to reconfigure its wireless network.” The Planning Commission; City staff; and the City’s outside land use, wireless telecommunications, and legal experts disagree with the carriers’ conclusion. The carriers have misconstrued proposed Ordinance Section 14.82.050 as providing an exceptions process for approving facilities at otherwise prohibited locations rather than a system to ensure that the feasibility of locating a

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<sup>2</sup> Letter from Aaron Shank, attorney for AT&T Mobility to the Los Altos Planning Commission, March 16, 2022.



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small wireless facility at a third-tier location along a local street is thoroughly explored before approving a wireless facility at a location that is neither preferred nor less preferred.

Proposed Ordinance Section 14.82.050 is intended to replace Municipal Code Section 11.12.090 that permits granting of “exceptions” to locational and other standards and allows for wireless telecommunications facilities to be approved in locations where they would not otherwise be permitted. The proposed Ordinance instead provides a path for approval of a wireless telecommunications facility when no preferred or less preferred site could provide adequate coverage. As currently written, Section 14.82.050 requires applications for facilities on such site to be “accompanied by clear and convincing written evidence that demonstrates the applicant’s existing network configuration serving the City of Los Altos cannot be expanded and/or reconfigured or modified to provide adequate service through a combination of new and relocated wireless telecommunications facilities, as well as colocation with existing facilities of other carriers at preferred and less preferred locations.”

Proposed Ordinance Section 14.82.050 provides assurance to the public that a carrier has explored a wide variety of options to provide coverage using facilities within preferred and less preferred locations. It also facilitates the City’s ability to understand and explain to the public why (1) locating a proposed facility within a preferred or less preferred location is infeasible and (2) approval of a location that is neither preferred nor less preferred would be needed to provide coverage.

As discussed at the Planning Commission’s March 17, 2022 public hearing, the focus of the information that is requested for less preferred or third-tier locations is on the feasibility (or lack thereof) of providing coverage using more preferred locations and not to put the City in the position of redesigning a carrier’s system.

Testimony was received by the Planning Commission from residents living along arterials, collectors, and local collectors requesting that the City not permit wireless telecommunications facilities along these roadways adjacent to residentially zoned properties. These residents cited health and safety<sup>3</sup>, noise, and visual intrusiveness in support of their requests. In addition, several members of the public testifying before the Planning Commission requested the City assist in providing improved wireless coverage.

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<sup>3</sup> As noted above, cities cannot regulate the placement of wireless facilities based on the environmental effects of radio frequency (“RF”) emissions that comply with FCC regulations.



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**Recommendation:** Recognizing these issues and the carriers’ reluctance to publicly disclose their systems’ inner workings, staff recommends that the proposed ordinance be modified to clarify that (1) third-tier sites are the “least preferred” locations for small wireless facilities rather than an exception to otherwise prohibited sites and (2) the review of less preferred and third-tier sites is based on the feasibility (or lack thereof) of more preferred sites. Specific recommended modifications are identified below.

**Revise Sections 14.82.040 and 14.82.050 to read as follows:**

**14.82.040 Requirements for Approval of Less Preferred Locations:**

- A. Applications that involve a less-preferred location shall be accompanied by clear and convincing written evidence demonstrating that a preferred location per Section 14.82.030 A or B is infeasible and that ~~the need for~~ approval of the proposed location rather than a ~~more~~ preferred location per the requirements of Section 14.82.040 A or B is needed, including a written description of the facility’s intended service area.
- B. Applications that involve less-preferred locations may be approved only if the applicant demonstrates that:
  - (1) It does not own any property or facilities within 500 feet from the proposed site that could provide service in lieu of the proposed facility;
  - (2) No preferred location exists within 500 feet from the proposed site;  
or
  - (3) Any preferred location within 500 feet from the proposed site would be technically infeasible.
- C. The burden of proof for demonstrating compliance with these above noted conditions shall be on the applicant and must be satisfied with clear and convincing evidence.
- D. In reviewing a request for a less-preferred location, the City may hire an independent consultant at the applicant’s expense to evaluate the applicant’s demonstration of need for the proposed less-preferred location.



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**14.82.050 Requirements for Least ~~Alternative to Wireless Telecommunications~~  
Facilities at Preferred and Less Preferred Locations**

- A. The right-of-way of a local residential street that is neither a preferred nor a less preferred location per the requirements of this Chapter is the least preferred location for a small wireless telecommunications facility. An application for such a least preferred location may be approved ~~for a small wireless telecommunications facility within the right-of-way of a local residential street that is neither a preferred nor a less preferred location per the requirements of this Chapter~~ only if:
- (1) A combination of macro and small wireless telecommunications facilities, as well as colocation with existing facilities of other carriers at preferred and less preferred locations within the City would be infeasible; and
  - (2) The total number of wireless telecommunications facilities within Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, U, W) is minimized.
- B. The burden of proof for demonstrating the need for one or more small wireless telecommunications facilities within ~~the right-of-way of a local residential street that are neither a preferred nor a less~~ least preferred location per the requirements of Section 14.82.053 0A shall lie with the applicant and the evidence offered to meet that burden shall be included in the application submitted to the City.
- C. Applications pursuant to Section 14.82.050 shall be accompanied by clear and convincing written evidence that demonstrates ~~the applicant's existing network configuration serving the City of Los Altos cannot be expanded and/or reconfigured or modified to provide adequate service through~~ a combination of new and relocated macro and micro wireless telecommunications facilities, as well as colocation with existing facilities of other carriers at preferred and less preferred locations would be infeasible; and
- D. In reviewing a permit request for facilities covered by Section 14.82.050, the City shall hire an independent consultant at the applicant's expense to evaluate whether achieving the applicant's stated service objectives through existing or new macro and small wireless facilities in preferred and less preferred locations would be technically infeasible ~~the applicant's~~





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~~current network configuration and demonstration of need to verify that a combination of facilities within the preferred and less preferred locations cannot provide service throughout the City.~~

### *Clean-Up Items*

Two additional clean-up items should be considered by the City Council:

1. **Removal of Section 11.12.050.A.9 (Acoustic Analysis) from the ordinance.** Existing Municipal Code Section 11.12.050.A.9, which specified requirements for acoustic analysis of proposed wireless facilities equipment, was recommended to be removed from the Municipal. This was recommended since compliance with City of Los Altos noise standards was made a mandatory condition of approval (proposed Ordinance Section 11.12.060.A.6.e. However, while compliance with City noise standards would be required as a condition of approval, the ordinance remains silent on the specific means of determining that compliance. City staff therefore recommends that the current provisions of Section 11.12.050.A.9 requiring acoustic analysis be incorporated into proposed Ordinance Section 11.12.060.A.6.c as indicated below.

- e. Noise generated by equipment will not be detrimental to the public health, safety and welfare and shall not exceed the standards set forth in [Chapter 6.16](#) of the Municipal Code.

(1) A written report that analyzes acoustic levels for the proposed wireless telecommunications facility and all associated equipment including, without limitation, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Los Altos Municipal Code, Chapter 6.16, Noise Regulations shall be submitted as part of applications for wireless telecommunications facilities.

(2) The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.

(3) In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.



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Carriers have willingly complied these acoustic analysis requirements. Most times, such compliance has been simply provided in the form of a specifications document that City staff can compare against Los Altos Noise Ordinance standards. Removal of this language would have put the onus on staff to confirm facility noise emission levels only in response to receipt of a noise complaint.

2. **Development and Setback Standards for Placement of Wireless Facilities in the right-of-way of a street that does not have curbs and gutters.** Current standards in the proposed Design Guidelines address rights-of-way for streets have curbs, gutters, and sidewalks. However, most streets in Los Altos have shoulders instead of curbs, gutters, and sidewalks. Clear requirements are needed for siting wireless facilities within unpaved shoulders parallel to requirements for streets with curbs, gutters, and sidewalks

City staff therefore recommends the revisions be added to proposed design guidelines.

**Section II.D.2, Design And Development Standards for all Wireless Telecommunications Facilities,** to read as follows.

2. **Traffic Safety.** All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
  - a. Any wireless telecommunications facility attachments placed less than 16 feet above ground level shall not be placed closer than 18 inches to a curb where one is installed or as determined by the Engineering Services Department where no curb is installed, nor shall they extend over a sidewalk (Caltrans Highway Design Manual Section 309).
  - b. All wireless telecommunications facility equipment shall maintain at least 3 feet separation from any curb cut.

**Section IV.B.1.b,** to read as follows.

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

**B. Preferred Configurations**

**1. Light Poles Wherein all Equipment, Cabling, and Antennas are Within the Pole Itself and/or Entirely Under the Ground.**

- b. The maximum height of any antenna mounted to a street light pole shall not exceed seven feet above the existing height of a street light pole in a location where the closest adjacent district is a commercial zoning district and shall not exceed three feet above the existing



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height of a street light pole in any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than 18 feet above any drivable road surface (including driveways, areas between roadway curb lines where curbs are provided, and as determined by the Engineering Services Department along roadways with shoulders).