

RESOLUTION NO. 2022-

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on April 12, May 10, and June 14, 2022, the City Council conducted public hearings on the proposed wireless telecommunications ordinance, design guidelines, and Negative Declaration, at which time interested persons and organizations had an opportunity to testify and provide comments; and

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

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

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

Aesthetics.

Wireless telecommunications facilities permitted by the proposed locational standards would be mounted on existing buildings or on poles (either existing, replacement, or new) subject to detailed design guidelines that minimize the visual intrusiveness of these facilities. Building-mounted wireless telecommunications facilities would not be permitted to add to the height or bulk of buildings. Pole-mounted wireless telecommunications facilities could, when mounted on an existing or replacement pole, increase the overall height of the pole and, although underground installation of equipment is the preferred design solution, proposed design guidelines permit equipment to be placed in an above-ground enclosure or pole mounted when underground installation is not feasible. However, pole-mounted facilities would not have the bulk to significantly impact long-distance views and while they may be visible, would be required to have the least visually intrusive design feasible. Thus, potential adverse aesthetic effects within the City would be less than significant.

Agriculture and Forestry Resources.

There are no lands within the City shown as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Lands within the City are identified as "Urban and Built-up Land" on the California Department of Conservation's Santa Clara County Important Farmlands Map 2016. There are no

Williamson Act parcels or forest or commercial agricultural land within the City. Thus, there would be no impact to Agricultural and Forestry Resources.

Air Quality.

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

Biological Resources.

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

Cultural Resources.

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

archaeological resource, the City and the consulting archaeologist would determine the appropriate measures to be taken. All archaeological resources recovered would be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Thus, potential adverse cultural resource effects within the City would be less than significant.

Energy Resources.

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

Geology and Soils.

No active faults traverse the City and there is therefore no potential for the primary hazard of ground rupture. Installations of wireless telecommunications facilities would be required to meet the most current California Building Code standards required at the time of construction to reduce the potential for substantial adverse effects related to geologic, groundshaking, and soils conditions. In addition, erosion control measures required under Provision C.3 of the applicable Municipal Regional Stormwater Permit would be required to be implemented to reduce potential construction-related erosion impacts. It is unlikely that installation of a wireless telecommunications facility would necessitate ground disturbance of soils below that were which was previously disturbed by construction of existing roadways and buildings. However, in the event of an unanticipated discovery during project construction, ground-disturbing activities would be halted until a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards determines their significance, and, if significant, supervises their collection for curation. Thus, potential adverse geology and soil effects within the City would be less than significant.

Greenhouse Gas Emissions.

Installation of wireless telecommunications facilities would result in emissions of greenhouse gases (GHGs) from the operation of construction equipment, as well as transport of materials and construction workers to and from sites. The installation period for a wireless telecommunication facility ranges in time from a few hours for minor upgrades (e.g., replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities. Installation activities would be subject to applicable BAAQMD best management practices. Operation of wireless

telecommunications facilities would not add to the existing inventory of residential, business, or other uses that would generate ongoing greenhouse gas emissions within Los Altos. Once completed, a facility would require very few trips per month for maintenance and monitoring of facility operations. Thus, potential adverse greenhouse gas emissions effects within the City would be less than significant.

Hazards and Hazardous Materials.

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

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

The Federal Communications Commission (FCC) is the government agency responsible for the authorization and licensing of facilities such as wireless telecommunications facilities that generate RF radiation. For guidance in health and safety issues related to RF radiation, the FCC relies on other agencies and organizations for guidance, including the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and OSHA, which have all been involved in monitoring and investigating issues related to RF exposure.

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

Section 704 of the Telecommunication Act of 1996 preempts local governments from regulating wireless facilities on the basis of RF safety or health effects when such facilities comply with FCC RF emissions standards, and specifically states that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Accordingly,

compliance with FCC RF emissions standards constitutes substantial evidence of a less than significant environmental impact. (See 47 U.S.C. § 332(c) (7)(B)(iv).) Because all facilities that might be approved pursuant to the proposed wireless telecommunications facilities development standards and design guidelines are required to operate under federally mandated limits on RF radiation and are exclusively regulated by the FCC in this respect, the City of Los Altos is preempted from regulating the placement or construction of facilities based on RF emissions and must therefore rely on the FCC's regulations to address the environmental effects of RF emissions.

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

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area and Local Responsibility Area maps (State Responsibility Area (SRA) Viewer (arcgis.com)). The City is largely developed and only portions of the area west of the I-280 freeway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

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

Hydrology and Water Quality.

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

Land Use and Planning.

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

Mineral Resources.

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

Noise.

Noise from wireless telecommunications facilities would be limited to installation of facilities (ranging in time from a few hours for minor upgrades (e.g., replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities) and occasional use of cooling equipment or an emergency generator at discreet locations. Installation of wireless telecommunications facilities will be required to comply with City noise standards, which specify:

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

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

Population and Housing.

Proposed development standards and design guidelines for wireless telecommunications facilities would not involve the construction of any homes, businesses, or other uses that would directly result in population growth, nor would

such standards and guidelines remove a barrier to growth or induce additional unplanned development.

Public Services.

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

Recreation.

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

Transportation.

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

Tribal Cultural Resources.

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

Utilities and Service Systems.

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

Wildfire.

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

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area and Local Responsibility Area maps (State Responsibility Area (SRA) Viewer (arcgis.com)). The City is largely developed and only portions of the area west of the I-280 freeway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

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

APPROVED AND ADOPTED at a regular meeting of the City Council this 14th day of June, 2022.

Anita Enander
Mayor, City of Los Altos

Attest: Angel Rodriguez
City Clerk

Attachment A

Written Comments on the Proposed Negative Declaration Received during the Public Review Period

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

CC: council@losaltosca.gov, 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.

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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.

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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.

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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.

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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.

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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,

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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,

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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,

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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.


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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

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. 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

CC: council@losaltosca.gov, 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.

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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.

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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.

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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.

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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.

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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.

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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> 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.

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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 (9th 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

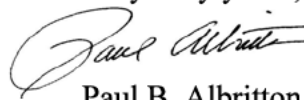
hardware required for service. This volume limit should be modestly expanded, and should not include antennas or PG&E electric equipment. *We suggest specifying a nine cubic foot volume limit for “associated” (non-antenna) equipment, aside from any PG&E electric meter and disconnect switch.*

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

NEGATIVE DECLARATION

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

- 1. Project Title:** Wireless Telecommunications Facilities Ordinance and Design Guidelines
- 2. Lead Agency:** City of Los Altos
- 3. Contact Person:** Gabriel Engeland, City Manager
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

(650) 947-2632
- 4. Project Location:** Citywide
- 5. Project Description:** The proposed project involves revisions to the City of Los Altos’ existing standards for development of wireless telecommunications facilities, including an ordinance to regulate permissible locations and preferences for the location of wireless facilities. These locational standards, which would replace the locational standards now provided in City of Los Altos Resolution No. 2019-35, would be adopted by ordinance into Chapter 14.85 of the Los Altos Municipal Code. Associated revisions are proposed to the application review procedures contained in Chapter 11.12 of the Municipal Code.

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