TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: ADMINISTRATIVE SERVICES
DATE: SEPTEMBER 19, 2005
CMR: 243:05

SUBJECT: LICENSE WITH METRO-PCS, FOR PLACEMENT OF TELECOMMUNICATIONS FACILITIES ON PROPERTY ON THE SOUTH SIDE OF COLORADO AVENUE NEAR THE INTERSECTION OF COLORADO AVENUE AND SIMKINS COURT AND UPDATE ON TELECOMMUNICATIONS ISSUES INCORPORATED IN ZONING ORDINANCE UPDATE

RECOMMENDATION
Staff recommends that Council hold a public hearing, approve and authorize the City Manager to execute the attached license agreement between the City of Palo Alto and Metro-PCS, for the development and operation of telecommunications facilities to be located 20 feet from a Pacific Gas & Electric (PG&E) tower on city-owned property on the south side of Colorado Avenue near the intersection of Colorado Avenue and Simkins Court.

BACKGROUND
On November 17, 1997, Council approved a set of four telecommunications policy statements (Attachment A). Policy 4, which addresses the use of City-owned and leased property for telecommunications infrastructure, recognizes that City land and facilities could be used to support the competitive delivery of telecommunications services and also reduce the adverse impacts associated with the development of the necessary infrastructure by reducing the total number of sites needed by wireless service providers. This policy encourages qualified outside parties to use designated City-owned or leased property and facilities for siting telecommunications infrastructure when these are compatible with the primary use of the property, and are used in a manner that is consistent with City real estate policy, zoning, legal, environmental and other requirements as necessary.

On May 8, 2000, Council approved leases with Sprint Spectrum L.P. (Sprint), for the construction and operation of Personal Communications Service (PCS) wireless antenna facilities at the Rinconada Park and Mitchell Park Fire Stations. On December 19, 2000, Council approved a license with AT&T Wireless for placement of telecommunications facilities on property located under a Pacific Gas & Electric Tower on the south side of Colorado Avenue near the intersection of Colorado Avenue and Simkins Court. On December 1, 2003, Council approved a lease with Cingular Wireless for development and operation of telecommunications facilities at the Mayfield fire station. On April 4, 2004, Council requested that staff bring back to Council, with the next
telecommunications licensing request, an update on the incorporation of telecommunications facilities placement guidelines into the Zoning Code.

DISCUSSION
The Metro-PCS wireless facilities proposed to be placed on the site consist of three antenna mounted on the existing PG&E tower and ground equipment, consisting of enclosed equipment pads and cabinets, covering an area of approximately 140 square feet to be placed 20 feet from under the tower. The land is owned by the City and PG&E has an easement for its power lines on the City’s property. Metro-PCS has obtained a license from PG&E for the antenna on the tower, and the attached license is for the ground equipment on the City’s land. The equipment cabinet is fully self-serviced, containing an independent air conditioning unit, heating unit, electrical supply, telephone hook up and back up power supply. In accordance with the intent of Telecommunications Policy #4 to reduce adverse impacts of telecommunications infrastructure, use of this site by Metro-PCS has the advantage of using an existing tower, which eliminates the need for an additional tower in the area.

License
The terms of the license are summarized in Attachment B. Major terms include a 5-year term with the option to renew for two additional terms of five years each; annual rent of $14,400 to be adjusted annually in proportion to the CPI; and conditions of use to accommodate both the needs of the licensee and other occupants/users of the property.

License conditions require that the use comply with applicable laws and regulations regarding electromagnetic emissions and to meet all other applicable federal, state and local laws and regulations regarding environmental and occupational safety. An engineering firm has been retained on behalf of Metro PCS to evaluate the proposed facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. Results of the study conclude the facility will comply with the prevailing standards for limiting public exposure to RF energy and that the highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. Specifically, given “worst-case” assumptions, for a person anywhere at ground, the maximum ambient RF exposure level due to the proposed Metro-PCS facility by itself is 0.24 percent of the applicable public exposure limit. The maximum calculated cumulative level at ground for the simultaneous operation of both Metro-PCS and the existing AT&T Wireless facility is 2.1 percent of the public exposure limit; the maximum calculated cumulative level at the second floor elevation of any nearby building is 4.4 percent of the public exposure limit.

The Zoning Ordinance Update (ZOU) is currently reviewing the existing zoning code in an effort to make modifications that will more specifically address wireless telecommunications projects. The ZOU will be addressing: (1) the parameters for allowing this use to be permitted or conditional; (2) definitions; (3) related development standards (e.g. height, setbacks, etc); and (4) the use of Design Enhancement Exceptions to allow minor zoning exceptions to provide for better project location design. The ZOU anticipates completing this analysis and preparing a draft ordinance by the end of the calendar year 2005.

RESOURCE IMPACT
The proposed license will generate annual income to the City in the amount of $14,400 per year,
adjusted annually with changes in the Consumer Price Index.

**POLICY IMPLICATIONS**
The proposed license is consistent with Policy #4 of the Telecommunications Policy Statements approved by Council on November 17, 1997 and with City Policies and Procedures 1-11, Leased Use of City Land/Facilities.

**TIMELINE**
Construction and operation of the facility will begin shortly following execution of the License and approval of all required permits.

**ENVIRONMENTAL REVIEW**
The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. On July 20, 2005, the Zoning Administrator approved a conditional use permit for the proposed use at the proposed location, after making the required determination that the use will not be detrimental or injurious to property or improvements in the vicinity, or to the public health, safety, general welfare or convenience; and that the proposed use will be located and conducted in a manner in accordance with the Palo Alto Comprehensive Plan and Title 18 of the Palo Alto Municipal Code.

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**ATTACHMENTS**
Attachment A: Telecommunication Policy Statements  
Attachment B: Summary of Terms of the License  
Attachment C: License with Metro-PCS

cc: Metro-PCS