



# City of Palo Alto

## City Council Staff Report

(ID # 10690)

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**Report Type: Action Items**

**Meeting Date: 12/16/2019**

**Summary Title: Objective Wireless Administrative Standards Review**

**Title: PUBLIC HEARING: Adoption of a Resolution Amending Objective Standards for Wireless Communication Facilities (WCF) in the Public Rights of Way to Clarify Existing Standards and add new Standards Regarding the Prioritization, Placement, Location, and Design Criteria**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends City Council adopt a resolution amending the objective standards for Wireless Communication Facilities (WCF) attached to streetlight poles and wood utility poles in the public rights of way.

### **Executive Summary**

This report and accompanying resolution (Attachment A) responds in part to City Council direction from April 15, 2019 to return within one year to address specific changes to the objective WCF standards. Council requested a revised ordinance and resolution that established preferred WCF locations based on zoning, local context, street size, existing landscaping, and installation type. Council also directed the establishment of distances from homes and schools. Attachment B contains the complete Council motion.

This report transmits an updated and reformatted resolution. A separate report and amended ordinance are expected to follow in April after staff presents ordinance changes to the Planning and Transportation Commission. The ordinance is expected to include clarifications to the processing procedures, standard conditions of approval and more definition as to what constitutes infeasibility when a WCF provider requests an exception to the objective standards. Separating the ordinance from the resolution allows for a timelier update to the objective standards.

The recommendation in this report includes new objective standards and refinement to prior standards that a carrier must either meet or request exceptions under the wireless ordinance procedure. Some of the new or refined standards include:

- Preference for placing WCFs in non-residential districts (exception required to place a WCFs in a residential district)

- Increased public school setback from 300 to 600 feet (exceptions may be granted, but no WCF may be placed closer than 300 feet to a public school)
- Established a minimum 20-foot setback from buildings in all zoning districts (no exception may be requested that would allow a WCF to be placed closer than 20 feet to a residence in a residential district)
- Enhanced restrictions related to historic or potentially historic resources
- Preference for placing WCF equipment underground (top-mounted remains an option, but exceptions are required for any other design)
- Requirement for automatic pole replacement to enhance aesthetic appearances
- A minimum separation between WCFs (600 feet)
- For WCFs that seek an exception to allow placement in residential districts, two new standards are recommended:
  1. Established a new residential zone of exclusion in residential districts that reduces the potential for a WCF to be placed adjacent to the central portion of a lot; and,
  2. Identified two groups of street roadways that prioritize WCFs on certain roadways and requires an exception to place a WCF on collector and local streets.

Despite the new standards however, the City Council and community can expect that WCF applications will be filed and will include requests for exceptions. While there will be a review and analysis of each exception request, recent federal orders give great deference to wireless carriers over local interests. Any interested party aggrieved with a decision on an application may appeal the decision to the City Council. As more applications are filed, it is anticipated more Council appeal hearings will be required.

## Background

Last April the City Council adopted an ordinance and resolution to establish new WCF regulations.<sup>1</sup> The ordinance provides the overall WCF regulatory framework, and the resolution includes some additional objective design, placement and aesthetic standards. Using a resolution to establish these standards allows the City to react more quickly to changing technology in the wireless industry, which is expected to result in smaller, less visually intrusive antennas and equipment in the future.

Since April, the resolution has been updated twice. Once to correct an error that was unenforceable and mistakenly included in the resolution and to add a 300-foot setback around public schools. A second amendment occurred to respond to a conflict in the regulations and other City policies related to replacement pole standards.

In its April deliberation, Council directed staff to return within one year with further updates that would establish a hierarchy in the placement of WCFs. A variety of criteria were identified that staff has since reviewed. Based on this direction, a revised resolution has been drafted to clearly communicate the City's interest to locate as many WCFs outside of residential districts to preserve the aesthetic character of these areas.

As previously communicated to Council, the City is not allowed to prohibit or have the effect of prohibiting an entity's ability to provide telecommunications service. Many communities around the Bay Area have taken steps to protect aesthetic standards in their communities by asserting certain design

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<sup>1</sup> Staff Report: <https://www.cityofpaloalto.org/civicax/filebank/documents/70193>.

Action Minutes: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=50627.15&BlobID=71238>.

and location prohibitions and allowing for exceptions when required to comply with federal rules.

This resolution similarly establishes a series of objective aesthetic standards that would ideally direct a carrier's wireless network toward non-residential areas and then require exceptions if a WCF needed to be placed in a residential district. The resolution further establishes a tiered approach to focus the placement of WCFs on certain major streets in order to protect aesthetic standards in residential areas while balancing other interests in the City's comprehensive plan and compliance with state and federal rules.

## **Discussion**

When drafting the proposed standards, staff considered regulations from other communities. In some instances, the proposed standards are consistent with or go further than other jurisdictions, but some proposed standards do not achieve the same distance requirements as established in other communities. Where the proposed standards are less stringent than other communities, it is generally based on a staff perspective that the higher threshold would either effectively prohibit a carrier's network, based on the City's distribution of land uses, or would create an unnecessary layer of additional exceptions for the applicant to request and the City to process.

The City of Palo Alto is distinguished from other communities regulating WCFs in that the City controls its own utility service and has established a master license agreement with utility providers seeking to locate on the City's wood utility poles. These agreements, approved by the City Council, specify essential terms and conditions governing the deployment of WCFs on City wood utility poles and offer greater control for the City compared with other jurisdictions. The City also uses a comprehensive application filing checklist that requires an evaluation of alternative WCF locations and other comprehensive data to effectively evaluate application requests. These tools support an effective review process and reduce the need to address all the standards seen in other jurisdictions' ordinances in the City's ordinance or resolution. However, there are some changes staff anticipates making to the City's ordinance that relate to the infeasibility analysis and other clarifications needed following a review of ordinances.

### Updated Objective Standards

The format of the objective standards resolution has been updated to improve readability and better organize objective standards. Many of the existing standards remain intact, unchanged, or slightly modified for clarity. The new or substantially modified standards are described below:

*Permitted Zoning Districts:* This section clearly signals the City's interest to locate WCFs in non-residential districts. Other jurisdictions instead impose distance requirements, such as 1,500 feet from a residence. Both standards effectively restrict WCF placement near residences without obtaining an exception.

*Public School Boundary:* The setback around properties with public schools has been extended from 300 feet to 600 feet. This increase reflects comments made by Councilmembers and feedback received from community members. Under the present-day standard, a wireless carrier may request an exception to locate within 300 feet of a school. The proposed resolution establishes a minimum 300-foot setback around schools that cannot be reduced even with an exception.

*Residential Zone of Exclusion:* This standard only applies to applications that require an exception to place a WCF in a residential district. This is a standard that staff has been considering for some time. An

earlier “placeholder” for this concept was mistakenly included in the April objective standards resolution. The language of the earlier placeholder was unclear, and it appeared that in practice it would not have achieved the objective of protecting aesthetic standards adjacent to residences. Accordingly, Council repealed the placeholder pending further analysis and development of an improved standard. The concept has been further developed and evaluated against data showing the location of wood utility poles in residential districts throughout the City. The purpose of this standard is to limit the potential for a WCF to be located centrally in front of a residence, preferring instead to locate a WCF nearer the corners of parcels to reduce the visual impact. This standard is visually represented in Exhibit 2 in Attachment A. As drafted, no exceptions can be requested to place a WCF on a wood utility pole in this defined area. However, exceptions may be requested to place a WCF in this zone when located on a streetlight pole. This streetlight pole exception is allowed due to insufficient data demonstrating opportunities to locate a WCF on a streetlight pole outside of the residential zone of exclusion.

*Residential Roadways:* Like the Residential Zone of Exclusion above, this standard only applies when an application for an exception is made to place a WCF in a residential district. This standard establishes a tiered approach encouraging applicants to place a WCF away from residential properties when feasible and on roadways that offer larger right of way dimensions. Accordingly, expressways, arterials and streets with special setbacks may offer greater opportunities to screen or otherwise conceal a proposed WCF. No additional exception is required to place a WCF on one of these streets. An exception is required, however, to place a WCF on a collector or local street as these streets tend to be narrower and a WCF may be potentially more impactful to the residential character and the neighborhood aesthetic. While this standard appears responsive to staff’s understanding of Council and community comments, staff is concerned that this approach may not equitably distribute WCFs throughout the residential neighborhood and would likely place a greater concentration of future nodes on certain residential streets and not others. Exhibit 3 to Attachment A illustrates the location of the different roadway designations throughout the City.

*Building Setback:* This standard establishes a minimum 20-foot setback from buildings used for occupancy in all zoning districts. While most WCFs in a residential district will likely meet this standard, many more commercial buildings are expected to require an exception. Because of concerns expressed regarding the potential impact to residential character, no exceptions may be granted to place a WCF closer than 20 feet to any residence in a residential zoning district. Other jurisdictions may have greater distance requirements from residences and the Council may consider whether a greater setback is needed in Palo Alto. However, if the minimum setback is increased, staff recommends retaining the proposed no exception provision at 20 feet.

*Distance Between WCFs:* This standard is intended to spread the distribution of WCFs in the City and minimize visual clutter. The 600-foot separation standard was selected as it is consistent with the public-school setback, however, the Council may consider whether this standard should be increased. Other cities have greater distances, including up to 1,500 feet. The greater the required distance between WCFs, the more exception requests applicants are likely to file.

*Intersection Corners:* This standard reflects comments received over the past year from the architectural review board and the community disfavoring street corner WCF placement. The proposed 20-foot setback combined with the residential zone of exclusion standard above is expected to significantly limit the number of future WCFs at corners, unless an exception is granted.

*Historic and Potentially Historic Resources:* This standard is largely consistent with existing regulations. One change was made that extends protections to homeowners who have a pending application on file seeking to designate their property as an historic resource.

*WCF Design Standards:* The resolution has been revised to require an exception if a proposed WCF will not meet the preferred underground or top-mounted design alternatives. Top-mounted design, while not favored by some in the community, offers an alternative to the underground design, which to date, has had design implementation challenges in part due to restrictive noise standards established in the City's Comprehensive Plan.

*Pole Replacement:* This is a new standard that requires by default a new streetlight or wood utility pole when a WCF is proposed in the right of way. While some streetlights may not require replacement, staff anticipates nearly all new WCFs on wood utility poles will require replacement. The aesthetic advantage for this is that the new pole would be taller and have a consistent and uniform appearance as opposed to having a bayonet extension attached to the top of an existing pole that then must be screened with a shroud. With pole replacement, the existing pole can take six months or longer to be completely removed while other utility providers transfer their lines to the new service pole.

#### Residential WCF Exception Process

The proposed resolution will likely result in more requests for exceptions than previously anticipated with the existing objective standards. The City Council in April directed staff to make changes to the exception process to better define what constitutes infeasibility when an WCF provider is requests an exception to the objective standards.

The City's municipal code sets forth the process to evaluate proposed WCF exceptions. No change to this process is proposed with the subject resolution. Staff has reviewed ordinances from other communities and anticipates making additional changes that will first be presented to the Planning and Transportation Commission and then the City Council in April 2020.

#### Relevant Federal and State Law

The City's discretion in reviewing WCF applications is significantly limited by state and federal laws, specifically the Federal Telecommunications Act of 1996 and California Government Code sections 65850.6 and 65964.1. Federal law prohibits the City from discriminating among wireless services providers and from regulating certain issues, such as electromagnetic radiation and other technical requirements of wireless services. In addition, under federal law, the City may not regulate WCF applications in a manner that would "prohibit or have the effect of prohibiting" an entity from providing telecommunications service or personal wireless services. Under California state law, if the City fails to act on a WCF application within the timeframes established by the Federal Communications Commission, an applicant may assert that the application is deemed approved as proposed.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a "Declaratory Ruling and Third Report and Order Relating to the Acceleration of Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (commonly referred to as the "September 2018 Order"). These regulations built upon earlier rulings by the FCC that significantly limit local control over WCF deployment. Among other changes, the September 2018 Order defined a subset of WCFs, "Small Wireless Facilities," which are commonly deployed on streetlights and utility poles in the public rights of way. The Order required that local governments act upon most Small Wireless Facility applications

within 60 or 90 days. In addition, the September 2018 Order declared that, to comply with federal law, local aesthetic regulations must be reasonable, objective, non-discriminatory, and published in advance. Palo Alto already had some objective standards and adopted a more comprehensive list of objective standards on April 15, 2019, in response to the regulations.

The September 2018 Order has been challenged by several coalitions of municipalities. The litigation is pending in the Ninth Circuit Court of Appeals. The Ninth Circuit's ruling is expected to apply in Palo Alto. Litigation notwithstanding, the FCC order went into effect on January 14, 2019 and remains in effect while the litigation proceeds.

The City remains actively involved with cities and other local agencies in supporting proposed federal legislation including H.R. 530, S.2012, as well as other federal actions to reconsider current FCC orders, support local regulation, and further study appropriate technology deployment. Recent City letters pertaining to H.R 530 (Eshoo) and S.2012 (Feinstein) can be found on the City's Intergovernmental Affairs webpage.<sup>2</sup>

## **Timeline**

Approval of the attached resolution (Attachment A) would make the updated objective standards immediately applicable to forthcoming WCFs proposed in the public rights of way within the City of Palo Alto.

Staff is drafting updates to the wireless ordinance. The updates will be brought forward to the Planning and Transportation Commission for discussion and recommendation to Council in early 2020. Staff anticipates bringing the updates forward to Council before April 2020.

## **Resource Impact**

WCF applications and policy analysis require a significant amount of resources from multiple City departments. Review of WCF applications are on a cost recovery basis and WCF policy analysis is absorbed through existing department budgets. Time spent on the WCF applications and WCF policy analysis diverts staff resources from advancing other Council policy initiatives and may require greater use of consultants at times. There are already demands on staff to comprehensively evaluate applications in a short duration of time to adhere to federal processing timelines. The proposed resolution with the increased list of standards is expected to place further demands on staff and City departments involved in the WCF review, including Planning, Public Works, Utilities and the City Attorney's Office. The more complicated the City's application review process, the more time is needed and spent to process those WCF applications.

## **Policy Implications**

The proposed resolution communicates the City's interest to direct WCFs toward non-residential zoning districts. It establishes a series of exceptions that a carrier would likely request in the event it was not able to meet these objective standards. Requiring an exception process does not preclude a WCF from being located in front of a resident's home. Additionally, establishing the new standards may result in community members having a false expectation that WCFs would be banned from residential districts. It is also anticipated that most applications to deploy contemporary small cell networks in Palo Alto will require at least one exception to these standards. Any individual aggrieved by a WCF decision

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<sup>2</sup> ([https://www.cityofpaloalto.org/gov/city\\_information/intergovernmental\\_affairs.asp](https://www.cityofpaloalto.org/gov/city_information/intergovernmental_affairs.asp))

would have the opportunity to appeal to the City Council. Given aggressive application processing timelines set forth by the federal government, these appeals will compete for limited space on the Council's agendas and, in some instances, take priority over other Council business. Moreover, WCFs already command a significant amount of staff resources across several departments. The revised objective standards and the anticipated need to evaluate multiple exception requests per application is expected to place additional burden on staff resources. Again, given aggressive application processing timelines, routine and other assigned work may, from time to time, need to be deferred pending completion of the City's review of WCF applications.

### **Stakeholder Engagement**

Staff has met with a few residents and a representative from the PAUSD School Board to learn more about their interests and concerns regarding the subject resolution and future ordinance. While not all the expressed concerns are recommended for inclusion in the subject resolution, many of the key concepts have been incorporated. Additionally, staff held several meetings with City department representatives to further refine the resolution and balance department interests.

### **Environmental Review**

Approval of the resolution is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it does not authorize the construction of Wireless Communication Facilities in any locations where such facilities are not already permitted; therefore, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The resolution is further exempt under CEQA Guidelines sections 15301, 15302, 15303 and 15305 because it represents part of a comprehensive regulatory scheme governing minor alterations to existing facilities or small structures.

#### **Attachments:**

- Attachment A: Draft WCF Resolution with Exhibits (12.16.19)
- Attachment B: City Council Final Action Minutes Special Meeting April 15, 2019

Resolution No. \_\_\_\_\_  
Resolution of the Council of the City of Palo Alto Amending  
Objective Aesthetic, Noise, and Related Standards for  
Wireless Communication Facilities in the Public Rights of Way

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Findings and Declarations.

- a. On April 15, 2019, the City Council adopted Resolution 9825, establishing objective aesthetic, noise, and related standards for Wireless Communication Facilities (WCFs) on Streetlight and Wood Utility Poles in the Public Rights-of-Way.
- b. On June 17, 2019, the City Council adopted Resolution 9847, amending the standards to delete inadvertently added language, clarify existing standards, and adopt an interim setback from public schools.
- c. On August 12, 2019, the City Council adopted Resolution 9855, amending the standards to address a conflict with other City standards and to clarify the allowable height for WCFs on Streetlights and Wood Utility Poles.
- d. The City Council wishes to consolidate the existing objective standards previously described in Resolution 9855 for clarity and update the objective standards in order to address Council specified location, design, and other preferences in the City for WCF on Streetlight Poles and Wood Utility Poles.

SECTION 2. Objective Standards for WCFs on Streetlight Poles and Wood Utility Poles in the Public Rights-of-Way Amended.

The City Council hereby adopts the objective standards in Exhibit 1, attached to and incorporated into this resolution, for Wireless Communication Facilities in the Public Rights of Way on Streetlight Poles and Wood Utility Poles.

The City Council hereby adopts Exhibit 2 that illustrates the Residential Zone of Exclusion and Exhibit 3 that illustrates the City of Palo Alto roadway network and locations of special setbacks relative to generalized zoning designations for the sole purpose of supplementing the objective standards in Exhibit 1.

SECTION 3. If any section, subsection, clause or phrase of this resolution or the attached standards is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the resolution and exhibits. The Council hereby declares that it should have



adopted the resolution and exhibits, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Environmental Review. The Council finds that this resolution is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it does not authorize the construction of Wireless Communication Facilities in any locations where such facilities are not already permitted; therefore it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The resolution is further exempt under CEQA Guidelines sections 15301, 15302, 15303 and 15305 because it represents part of a comprehensive regulatory scheme governing minor alterations to existing facilities or small structures.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Planning and Development  
Services

## Exhibit 1

# Objective Standards for Wireless Communication Facilities in the Public Rights of Way on Streetlight Poles and Wood Utility Poles

A Wireless Communication Facility (WCF) proposed for the public right of way must comply with the applicable provisions of the City’s Municipal Code and all of the following objective standards. In each instance where a proposed facility is unable to comply with the City’s objective standards, a WCF Exception may be requested and evaluated in accordance with this resolution and PAMC Section 18.42.110(k).<sup>1</sup>The following standards apply to both streetlight poles and wood utility poles, unless otherwise noted.

### WCF SITING STANDARDS

Permitted Zoning Districts	WCF placement is permitted in non-residential zoning districts.
Public School Boundary	A WCF shall not be placed within 600 feet of a parcel containing a public school. No WCF Exception shall be granted allowing a WCF to be placed closer than 300 feet to a parcel containing a public school.
Residential Zone of Exclusion <i>(this standard applies to WCF Exception requests to locate in residential districts)</i>	No WCF shall be placed within the public right of way in the area between the street centerline and the central fifty percent (50%) of the immediately adjacent parcel’s front lot line. The central fifty percent standard shall be based on the parcel’s lot width <sup>2</sup> . For corner lots, the central fifty percent standard along the street lot line <sup>3</sup> shall be based on the parcel’s lot depth <sup>4</sup> . Exhibit 2 illustrates this requirement.
Residential Roadways <i>(this standard applies to WCF Exception requests to locate in residential districts)</i>	Any request for a WCF Exception involving placement of a WCF within a residential zoning district shall prioritize WCF placement on the following roadway types (See Exhibit 3): <ul style="list-style-type: none"><li>• Expressways</li><li>• Arterials</li><li>• Residential Arterials</li><li>• Roadways identified with a Special Setback (including collector and local streets).</li></ul>

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<sup>1</sup> The City may hire an independent consultant to evaluate WCF Exceptions at applicant’s expense.

<sup>2</sup> Palo Alto Municipal Code Section 18.04.030(a)(93)

<sup>3</sup> Palo Alto Municipal Code Section 18.04.030(a)(91)(E)

<sup>4</sup> Palo Alto Municipal Code Section 18.04.030(a)(87)

In each instance above, the priority shall be for placement of a WCF most distant from residential property.

An additional WCF Exception request must be made to place a WCF on a collector or a local roadway that does not have an identified special setback.

Building or Structure Setback	A WCF shall not be placed closer than 20 feet from any building used for occupancy in any zoning district.
Distance Between WCFs	A WCF shall not be placed less than 600 feet away from another WCF. This requirement does not preclude WCFs collocating on the same structure where otherwise allowed.
Intersection Corners <sup>5</sup>	A WCF shall not be placed less than 20 feet away from any roadway intersection. An intersection is measured from the start of the curb radius.
Scenic Routes <sup>6</sup>	A WCF shall not be placed along an identified scenic route.
Historic Districts, Sites, and Structures	<p>A WCF shall not be placed within a listed historic district, nor immediately adjacent to a parcel with an historic structure, nor immediately adjacent to an historic site, as those terms are defined by PAMC Section 16.49.020.</p> <p>A WCF shall not be placed in a potential historic district, or immediately adjacent to a potential historic structure or site, where the application for historic designation was filed with the City prior to the filing of a WCF application, until a final decision has been made regarding that pending historic designation.</p>

## WCF DESIGN STANDARDS

Underground Design (Preferred Option)	<p>Radio equipment shall be placed in an underground vault. The associated antenna(s) shall be placed in a shroud at the top of a nearby pole.</p> <p>Underground vaults shall be the minimum volume necessary to house WCF equipment and include information detailing why the proposed dimensions are required. Maximum vault size shall not exceed 5 feet 8-inches x 8 feet 2-inches x 5 feet 7-inches or 260 cubic feet, excluding space required for ventilation or sump pump equipment.</p>
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<sup>5</sup> Gateway intersections are identified on Map L-4 in the Comprehensive Plan.

<sup>6</sup> Scenic routes are identified in Policy L-9.1 in the Comprehensive Plan.

Top-Mounted Design  
(Secondary Option)

Radio equipment and the associated antenna(s) shall be enclosed within a shroud at the top of the pole.

Minimal Sunshield Design  
*Use of this design requires a WCF Exception*

Radio equipment shall be enclosed within one or two sunshields not exceeding 8 inches wide nor 0.75 cubic feet in volume each, mounted directly to the side of the pole. The associated antenna(s) shall be placed in a shroud at the top of the pole.

Sunshields shall be attached at least 12 feet above ground level and, when located on wood utility poles, shall not interfere with the identified communication space.

Existing Signage Design  
*Use of this design requires a WCF Exception*

Radio equipment shall be attached to a pole behind existing signage under the following conditions:

- i) Radio equipment shall be placed within a shroud that does not exceed the dimensions of the sign in height and width, nor 4 inches in depth, including any required mounting bracket.
- ii) In no event shall WCF equipment obscure or interfere with the visibility or functioning of the signage.

The associated antenna(s) shall be placed in a shroud at the top of the pole.

WCF Antenna and Shroud Dimensions (Diameter / Height)

Antennas shall have the smallest size possible to achieve the coverage objective.

The diameter of the antenna and shroud shall not exceed 15 inches at their widest.

For Streetlight Poles: The maximum WCF height shall not exceed 3 feet (or 5.5 feet for top-mounted designs) from the top of the streetlight pole that meets the City standards for the proposed location.

The associated “antenna skirt” shall taper to meet the pole above the mast arm.

For Wood Utility Poles: In no circumstance shall the total height of a pole and all WCF equipment exceed 55 feet. For wood utility poles carrying power lines, replacement poles shall be the minimum height necessary to provide GO 95 mandated clearance between WC equipment and power lines. For wood utility poles without power lines, any WCF equipment shall not increase the height of the pole by 5.5 feet when compared with the height of the existing pole.

The associated “antenna skirt” shall taper to meet the top of the pole if wider than the pole.

WCF Design Quality

Antennas and/or equipment at the top of the pole shall be covered by a single integrated shroud and “antenna skirt” designed without gaps between materials or sky visible between component surfaces and between the shroud or skirt and the top of the pole.

All components external to the pole shall have an integral color or shall be painted to match the color and/or materials of the pole.

Equipment shall be oriented to face in either of the directions of travel in the right of way and shall not face or extend toward private property or the curb line.

WCF Equipment Adjustment

For Streetlight Poles: Equipment that cannot propagate an adequate signal within the shrouding required by the standard designs shall be attached to a streetlight pole at a height of 2 feet below the light mast or higher. Each instance of such equipment shall not exceed 0.85 cubic feet, nor shall the total volume of such equipment and any shrouding exceed 2.6 cubic feet per streetlight pole.

For Wood Utility Poles:

Equipment that cannot propagate an adequate signal within the shrouding required by the standard designs shall be attached to the top of the pole or on a cross arm or brace protruding from the pole the minimum extent necessary to comply with safety standards, including GO 95. Such cross arm shall be placed as high on the pole as technically feasible. Each instance of such equipment shall not exceed 0.85 cubic feet nor shall the total volume of such equipment exceed 2.6 cubic feet per wood utility pole.

Curb Clearances

Any WCF attachments placed below 16 feet above ground level shall not be placed closer than 18 inches to the curb, nor shall they extend over the sidewalk (Caltrans Highway Design Manual Section 309).

All WCF equipment shall maintain at least 3 feet from any curb cut.

WCF Wires and Cabling

For Streetlight Poles: All wires and cabling shall be routed entirely underground and within the pole and any attached shroud.

For Wood Utility Poles: All wires and cabling to equipment shall be within the shroud or shall be within conduit. All conduit shall be mounted flush to the pole.

Safety Signs	Safety signs shall be the smallest size possible to accomplish its purpose.
Power Disconnects	<p><u>For Streetlight Poles:</u> Power disconnects shall be labeled and placed in a vault near the base of the pole.</p> <p><u>For Wood Utility Poles:</u> Power disconnects shall be labeled and placed on the wood pole or in a vault near the base of the pole.</p>
Ground Mounted Equipment	Except as provided in these standards, no equipment cabinets may be placed at grade.
Existing Pole Locations	A WCF shall utilize an existing streetlight pole or wood utility pole location. Any new pole locations are prohibited unless approved through a City Public Works/Utilities pole placement application.

## WCF PERFORMANCE STANDARDS

Pole Replacement	<p><u>For Streetlight Poles:</u> An existing streetlight pole proposed for a WCF installation shall be replaced with a new pole.<sup>7</sup></p> <p><u>For Wood Utility Poles:</u> An existing wood utility pole proposed for a WCF installation shall be replaced with a new pole.<sup>8</sup></p>
Landscaping Replacement	Any existing landscaping removed or damaged by installation shall be replaced in kind.
Landscape Screening	A WCF shall be placed where existing street tree foliage or new street tree or amenity tree foliage within 35 feet of the WCF provides interruption of direct views of the WCF.

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<sup>7</sup> Replacement streetlight poles must meet the currently applicable City standards for the pole, including foundation and bolt designs, conduit separation, aluminum material, color, width, height, light mast characteristics (examples: orientation, design, height, color temperature and photometrics), and the presence/absence of decorative features. Replacement poles will conform to Public Works Department (PWD) style guidelines and Utilities-Electrical (CPAU) standards where the City has adopted standards and will match the pole being replaced where no standards exist. Standard specifications for streetlight poles in the City can be obtained from the Utilities-Electrical (CPAU) and Public Works (PWD) Departments.

<sup>8</sup> Replacement wood utility poles must meet the currently applicable City standards for the pole, including width, height, color, material, structural capacity, and GO 95 compliance. Replacement poles shall be no greater in diameter or other cross-sectional dimension than is necessary for the proper functioning of the pole with all attachments. Existing pole functionality shall be maintained, such as in regard to electrical lines, climbing space, light masts (examples: orientation, design, height, color temperature and photometrics), and provision of communication space, unless existing functionality, such as transformers, can be relocated with the approval of the Utilities-Electrical Department (CPAU). Standard specifications for pole replacement in the City can be obtained from CPAU. For wood utility poles carrying power lines, replacement poles shall be the minimum height necessary to provide GO-95 mandated clearance between WCF equipment and power lines.

Noise <sup>9</sup>	Noise from a WCF shall comply with PAMC Chapter 9.10 and shall be consistent with noise-related Comprehensive Plan goals and policies.
City Marketing Banners	WCF installations shall not require any changes in the City's existing banner marketing program.

## WCF EXCEPTIONS

A WCF applicant may file an application(s) containing a request for one or more WCF Exceptions to the objective standards set forth in this resolution or any other provision of PAMC Section 18.42.110. The request for a WCF Exception(s) does not exempt a WCF from complying with other objective wireless administrative standards adopted by City Council resolution or any other provision of PAMC Section 18.42.110.

Each WCF Exception request must be made at the time an application is submitted and must include both the specific provision(s) from which the exception is sought and the basis of the request, including all supporting evidence on which the applicant relies. The applicant has the burden of proving that federal law, state law, or both, compel the decision-making authority to grant the requested exception(s). The WCF Exception must satisfy the requirements of PAMC Section 18.42.110(k) and demonstrate why the standard is infeasible.

Failure to identify all required WCF Exceptions upon application submittal may result in application denial.

No WCF Exception may be granted that allows a WCF to be placed:

- 1) within 300 feet of a parcel containing a public school,
- 2) within 20 feet of a habitable residential building in a residential zoning district,
- 3) on wood utility poles within the Residential Zone of Exclusion described in this resolution, or
- 4) in an alley within a residential zoning district.

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<sup>9</sup> In residential areas with an average 24-hour noise level ( $L_{dn}$ ) at or below 60 decibels (dB), noise generated by WCF equipment shall not cause the  $L_{dn}$  to exceed 60dB or to increase by 5.0 dB or more, even if the resulting  $L_{dn}$  would remain below 60 dB. In residential areas with a  $L_{dn}$  above 60 dB, noise generated by WCF equipment shall not cause the average to increase by 3.0 dB or more.

**Residential Zone of Exclusion (RZOE) (this standard applies to WCF Exception requests to locate in residential districts)**

No WCF shall be placed within the public right of way in the area between the street centerline and the central fifty percent (50%) of the immediately adjacent parcel's front lot line. The central fifty percent standard shall be based on the parcel's lot width. For corner lots, the central fifty percent standard along the street lot line shall be based on the parcel's lot depth.



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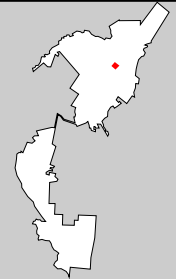
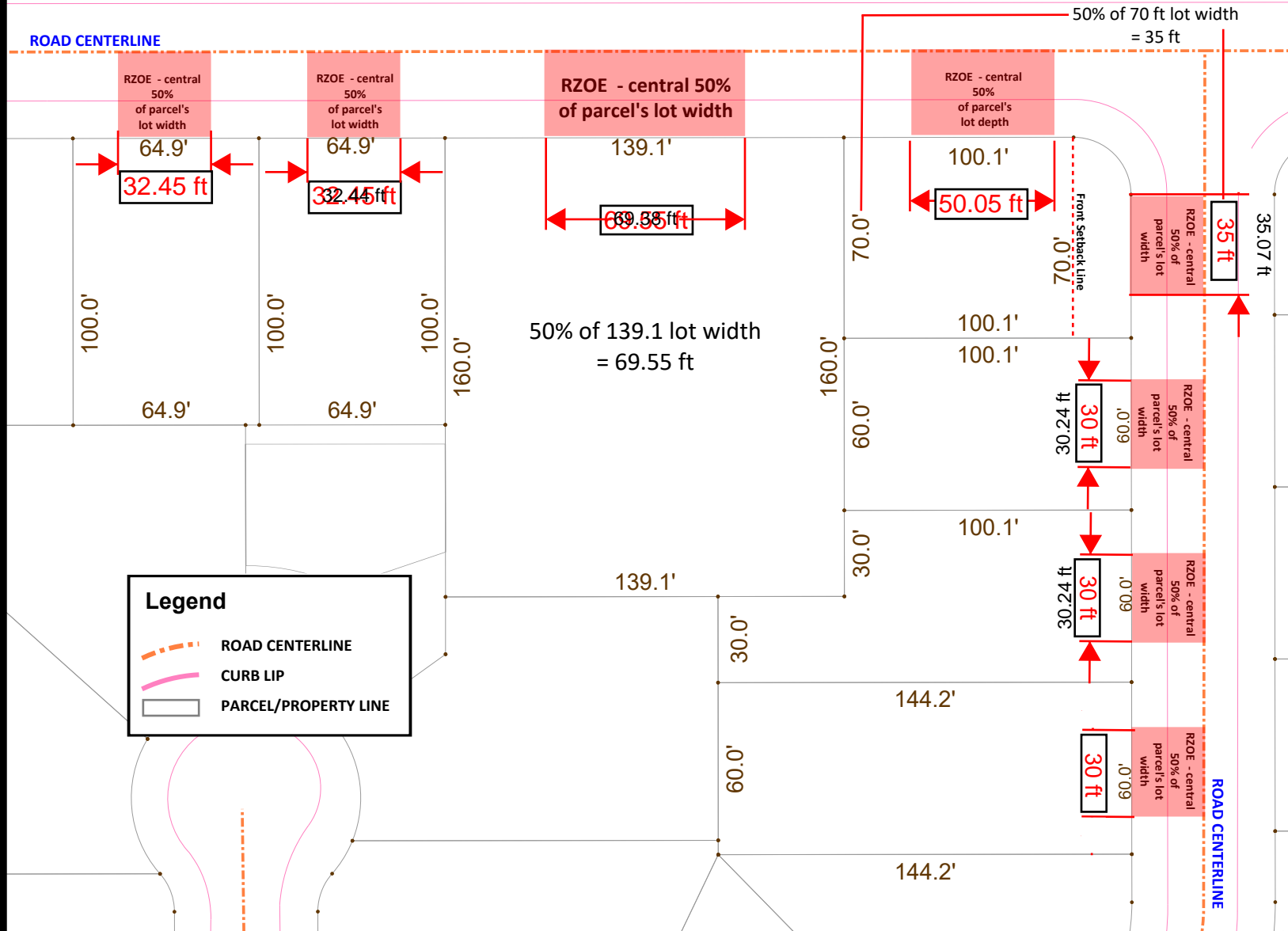


Exhibit 2

WCF RZOE DIAGRAM

This map is a product of the City of Palo Alto GIS







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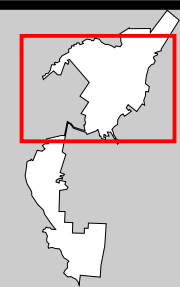
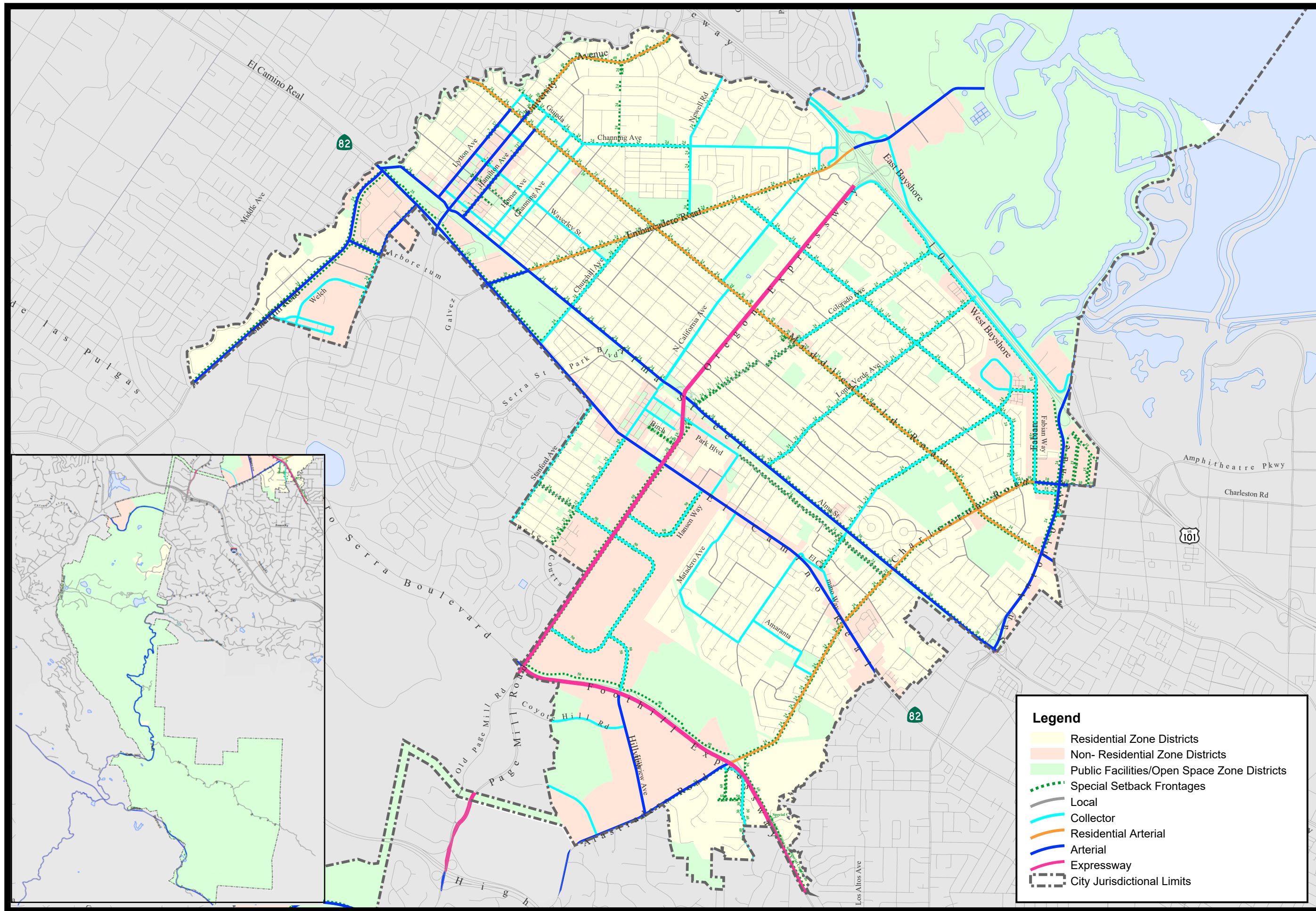


Exhibit 3  
Road Network and Special Setbacks  
with Residential, Commercial, and  
Public Facilities Zoning Districts  
v.20191125

This map is a product of the  
City of Palo Alto GIS



**Legend**

- Residential Zone Districts
- Non- Residential Zone Districts
- Public Facilities/Open Space Zone Districts
- Special Setback Frontages
- Local
- Collector
- Residential Arterial
- Arterial
- Expressway
- City Jurisdictional Limits



# CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting  
April 15, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:04 P.M.

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka arrived at 5:21 P.M.

Absent:

## Study Session

1. Annual Earth Day Report Study Session.

## **NO ACTION TAKEN**

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

2. Approval of Action Minutes for the April 1, 2019 Council Meeting.

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Fine to approve the Action Minutes for the April 1, 2019 Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Council Member Kniss moved, seconded by Mayor Filseth to pull Agenda Item Number 5- "Approval and Authorization for the City Manager or his Designee to Execute Utility Program Services Contract..." to be heard on April 22, 2019.

**MOTION PASSED:** 7-0

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou, third by Council Member Cormack to pull Agenda Item Number 4- "Selection of Applicants to Interview on April 29, 2019 for one Position on

# FINAL ACTION MINUTES

the Architectural Review Board..." to be heard tonight as Agenda Item Number 5A.

**MOTION:** Vice Mayor Fine moved, seconded by Mayor Filseth to approve Agenda Item Number 3.

3. Approval of a Professional Services Agreement With Professional Meters, Inc. in the Amount of \$483,722 Over a 12-Month Period to Perform a Comprehensive Utility Meter Field Survey of all Electric, Gas, and Water Meters in the Field, Including \$48,372 for Additional Services, for a Total Not-to-Exceed Amount of \$532,094; and Approval of Budget Amendments in the Electric Fund, Gas Fund, and Water Fund.
4. ~~Selection of Applicants to Interview on April 29, 2019 for one Position on the Architectural Review Board, two Positions on the Human Relations Commission, two Positions on the Library Advisory Commission, Three Positions on the Storm Water Management Oversight Committee, and Four Positions on the Utilities Advisory Commission.~~
5. ~~Approval and Authorization for the City Manager or his Designee to Execute Utility Program Services Contract Number C19171513 With CLEAResult Consulting, Inc. for a Total Compensation of \$737,000 and a Maximum Term of Five Years.~~

**MOTION PASSED FOR AGENDA ITEM NUMBER 3: 7-0**

## Action Items

- 5A. (Former Agenda Item Number 4) Selection of Applicants to Interview on April 29, 2019 for one Position on the Architectural Review Board, two Positions on the Human Relations Commission, two Positions on the Library Advisory Commission, Three Positions on the Storm Water Management Oversight Committee, and Four Positions on the Utilities Advisory Commission.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou to:

- A. Interview all applicants, excluding the candidate for the Architectural Review Board (ARB); and
- B. Re-open the recruitment for the Architectural Review Board.

**MOTION PASSED: 7-0**

# FINAL ACTION MINUTES

6. PUBLIC HEARING / QUASI-JUDICIAL: 190 Channing Avenue [18PLN-00274]: Request for Approval of a Vesting Tentative Map to Allow for Four Residential Condominium Units and two Office Units on One Parcel. Environmental Assessment: The Project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15315 (Minor Land Divisions). Zoning District: RT-35 SOFA II CAP (Residential Transition).

Public Hearing opened at 6:40 P.M.

Public Hearing closed at 6:43 P.M.

**MOTION:** Council Member Kniss moved, seconded by Council Member DuBois to:

- A. Find the project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15315, Minor Land Divisions; and
- B. Approve the Vesting Tentative Map based on findings and subject to conditions of approval in the Draft Record of Land Use Action (RLUA).

**MOTION PASSED:** 7-0

Council took a break at 6:49 P.M. and returned at 7:17 P.M.

7. PUBLIC HEARING: Adoption of an Ordinance Amending Section 18.42.110 (Wireless Communication Facilities) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Update the Code to Reflect Recently Adopted Federal Communications Commission (FCC) Regulations. The Planning and Transportation Commission Recommended Approval of the Ordinance With Minor Modifications on March 27, 2019 (6-0 Roohparvar absent); and Adoption of a Resolution 9825 Entitled "Adopting Objective Aesthetic and Related Standards for Streetlight and Wood Utility Poles in the Public Rights of Way. Environmental Assessment: This Ordinance and Resolution are Exempt From Environmental Review Under the California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) and 15305."

Public Hearing opened at 7:38 P.M.

Public Hearing closed at 8:40 P.M.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to:

# FINAL ACTION MINUTES

- A. Adopt the Staff recommendation to approve the Resolution and an interim Ordinance;
- B. Direct Staff to come back as soon as possible, but no more than six months, with an updated Ordinance that includes:
  - i. An explicit hierarchy of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchy should include:
    - a. by zoning type;
    - b. local context including characteristics such as visibility, street size and type, and existing foliage;
    - c. by installation type;
    - d. a clear definition infeasibility as suggested in the Staff Report;
  - ii. Define objective standards for underground vaults and for buildings;
  - iii. Create list of city-owned buildings that would be appropriate sites;
  - iv. Identify any private buildings that are appropriate sites in the midst of residential neighborhoods and approach for willingness to be on recommended list;
  - v. Architectural Review Board (ARB) and Staff to have workshop to create additional acceptable Wireless Communications Facilities (WCF) designs such as integrated street pole approaches;
  - vi. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
  - vii. Add a maintenance clause that includes damage, changes to appearance, paint, graffiti, rust, etc.;
  - viii. Strengthen the Replacement/Upgrade clause to include that replacement will be evaluated, at a minimum, when repairs are being made or a unit is being upgraded;
  - ix. Specify a higher price for street poles if FCC regulations are invalidate; and
- C. Review the effectiveness of the Ordinance in one year with Council.

# FINAL ACTION MINUTES

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Parts B. ii., B. iv., B. v., B. vii., B. viii., and B. ix.

**MOTION AS AMENDED RESTATED:** Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Adopt the Staff recommendation to approve the Resolution and an interim Ordinance;
- B. Direct Staff to come back as soon as possible, but no more than six months, with an updated Ordinance that includes:
  - i. An explicit hierarchy of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchy should include:
    - a. by zoning type;
    - b. local context including characteristics such as visibility, street size and type, and existing foliage;
    - c. by installation type;
    - d. a clear definition infeasibility as suggested in the Staff Report;
  - ii. Create list of city-owned buildings that would be appropriate sites;
  - iii. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
- C. Review the effectiveness of the Ordinance in one year with Council.

**AMENDMENT:** Council Member Kou moved, seconded by Council Member DuBois to return to Council within six months with best practices regarding inspections of antennas.

**AMENDMENT PASSED:** 5-1 Kniss no, Tanaka absent

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion "Direct Staff to do federal legislative advocacy related to wireless facilities regulations."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to make the word "hierarchy" plural in the Motion Part B. i.



# FINAL ACTION MINUTES

**AMENDMENT:** Vice Mayor Fine moved, seconded by Mayor Filseth to amend the timeline to return to Council within one year.

**AMENDMENT PASSED:** 4-2 DuBois, Kou no, Tanaka absent

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part A the word "interim," and change the Motion Part B to state "...an updated Ordinance/Resolution that considers."

**MOTION AS AMENDED RESTATED:** Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Adopt Staff recommendation to approve the Resolution and Ordinance;
- B. Direct Staff to come back as soon as possible, but no more than one year, with an updated Ordinance/Resolution that considers:
  - i. Explicit hierarchies of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchies should include:
    - a. by zoning type;
    - b. local context including characteristics such as visibility, street size and type, and existing foliage;
    - c. by installation type;
    - d. a clear definition infeasibility as suggested in Staff Report;
  - ii. Create list of city-owned buildings that would be appropriate sites;
  - iii. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
  - iv. Return to Council within one year with best practices regarding inspections of antennas;
- C. Review the effectiveness of the Ordinance in one year with Council; and
- D. Direct Staff to do federal legislative advocacy related to wireless facilities regulations.

# FINAL ACTION MINUTES

**MOTION AS AMENDED PASSED:** 6-0 Tanaka absent

State/Federal Legislation Update/Action

Council took a break at 10:12 P.M. and returned at 10:21 P.M.

8. Colleagues Memo on the Santa Clara County Cities Association's Position on Housing in Relation to State Legislative Initiatives.

**MOTION:** Mayor Filseth moved, seconded by Council Member Kou to:

- A. Support the Santa Clara County Cities Association's Position Paper on housing; and
- B. Communicate accordingly on legislation unless specified.

**MOTION PASSED:** 4-2 Fine, Kniss no, Tanaka absent

Adjournment: The meeting was adjourned at 11:07 P.M.