

RESOLUTION No. 2019-16

**A RESOLUTION OF THE CITY OF LAFAYETTE (the “City”)
ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR
WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-
WAY, AS AUTHORIZED BY TITLE 6, PART 4, CHAPTER 6-15 –WIRELESS
COMMUNICATIONS FACILITIES**

WHEREAS, Chapter 6-15 of the City’s Municipal Code governs the permitting, installation, and regulation of wireless communications facilities in the City’s public right-of-way (ROW);

WHEREAS, Section 6-1506 provides that “[a]esthetic standards for Wireless Communications Facilities in the public right-of-way will be set separately through resolution adopted by the City Council”;

WHEREAS, the City’s public rights-of-way are a uniquely valuable public resource, closely linked with the City’s character, making the regulation of wireless communications facility installations in the public rights-of-way necessary to protect and preserve the aesthetics in the community;

WHEREAS, being authorized to do so, the City wishes to establish design and development standards applicable to wireless communications facility installations in the public rights-of-way;

WHEREAS, on March 18, 2019 the Planning Commission conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the design and development standards and recommended approval to the City Council after making minor revisions;

WHEREAS, on April 8, 2019 the City Council conducted a duly noticed public meeting and received testimony from City staff and all interested parties regarding the design and development standards; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES RESOLVE AS FOLLOWS:

Section 1. Incorporation of Recitals. The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

Section 2. Definitions. The definitions set forth in Section 6-1502 of the Municipal Code are incorporated by reference into this Resolution.

Section 3. Design Standards. The Design Standards for Wireless Communications Facilities within the City of Lafayette’s Public Right-of-Way are as follows:

Purpose

The purpose of these Design Standards is to establish objective aesthetic and location standards for wireless communications facilities in the public right-of-way. City staff is available to meet with wireless

carriers and their representatives to discuss their designs. Given the rapidness with which wireless communications facility technology can change, these Standards may be modified in the future.

Locations for Installations

Wireless communication facilities shall be allowed on streetlights, utility poles, and traffic signal poles in all locations within the jurisdiction of the City, except streetlights and banner standards located within the Downtown Specific Plan area. Further, replacement poles and new poles for the purpose of mounting wireless communications facilities are prohibited in the Downtown Specific Plan area. The purpose of these prohibitions in the Downtown Specific Plan area is to preserve the design uniformity and aesthetic character of the area, in which the City has invested heavily. Strand-mounted facilities are prohibited in all locations within the jurisdiction of the City.

Design Standards for All Facilities

The following requirements shall apply to all wireless communications facilities in the public right-of-way:

1. Wireless communications facilities shall comply with Lafayette Municipal Code Chapter 5-2 - Noise.
2. All facilities shall be non-reflective materials that blend with the materials and colors of the surrounding area and structures.
3. The wireless communications facility shall be of the least intrusive design that is technically feasible and occupy the least amount of space in the public right-of-way but in no event shall exceed the limits prescribed in these design standards.
4. Equipment:
 - a. Wireless Technology Rate equipment shall be installed below grade/ground.
 - b. Other than equipment placed in shrouds, as described in these design standards, , equipment installed at or above grade is prohibited. Ground-mounted equipment that is required for technical reasons may be approved by the Zoning Administrator upon showing that the facility would otherwise be infeasible. Such equipment must be enclosed in cabinets, sized only for the needed equipment, and camouflaged using paint or foliage that matches the surrounding environment.
5. A wireless communications facility shall not be located within any portion of the public right-of-way that interferes or may interfere with City and emergency operations or pedestrian and vehicular access.
6. All wireless communications facilities and associated equipment shall comply with Americans with Disabilities Act (ADA) requirements.
7. Vaults and pull boxes shall be installed flush to grade, rated for vehicular and pedestrian traffic, and made of non-slip material or have non-slip design features.

8. Signs are prohibited, unless they serve a public or occupational safety function. Signs required by state or federal regulations shall be installed in an orderly fashion.
9. Lighting
 - a. No facility may be illuminated unless specifically required by state or federal regulations. Beacon lights are not permitted.
 - b. Legally-required lightning arresters shall be included when calculating the height of facilities.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhood.
 - d. Unless otherwise required under Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations, applicants may install only timed or motion-sensitive light controllers and must install lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible.
10. Tree and Landscape Preservation: Wireless communications facilities shall be installed in a manner so as to preserve existing protected trees and landscaping, as defined in the Lafayette Municipal Code Chapter 6-1702(p).
11. Site Disturbance: Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
12. Security: All wireless communications facilities shall be designed so as to be resistant to and minimize opportunities for: (1) unauthorized access, climbing, and vandalism; and (2) other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. Wireless communications facilities shall also have a protective coating for easy graffiti removal.
13. Ventilation: If ventilation is required, it must be via flush vents. Vents must be designed to maximally blend (e.g., color, materials, and finish) with the overall structure.
14. Spacing: There shall be a minimum spacing of 800 feet between wireless communications facilities in all directions.

Design Standard for Facilities Installed on Streetlights and Traffic Signal Poles

The following design standards shall apply to all wireless communications facilities proposed to be installed on streetlights (outside of Downtown Specific Plan Area) and traffic signal poles.

1. Equipment shall be installed in compliance with the Acceptable Configurations section below. The City has a preference for a pole-top mounted (topper) installation.
2. Equipment that does not comply with the requirements set forth below in the Acceptable Configurations section shall be installed below grade..
3. Base shrouds are prohibited.
4. All cabling and wires shall be concealed completely within the pole or conduit outside the pole and the concealment shroud. Cabling and wires shall enter/exit the streetlight/traffic signal pole through conduit sweeps within the streetlight/traffic signal pole footing.

Acceptable Configurations

The City has developed the following configuration options in order of desirability for wireless communications facilities on streetlights and traffic signal poles.

Option 1: Pole-Top Mounted (Topper)

This configuration allows wireless communications facility equipment to be installed in a shroud on top of the pole. Base shrouds and backpacks are prohibited under this design configuration.

Pole-top shroud requirements:

1. The pole-top shroud shall be of a tubular/cylindrical form factor.
2. Maximum height: 5 ft. (measured from the top of the pole to the top of the shroud)
3. Maximum diameter: 1 ft.

Stainless steel banding or similar is prohibited. The streetlight/traffic signal pole shall be equipped with top-of-pole mounting bracket to accommodate the wireless communications facility.

Option 2: Backpack

This configuration allows wireless communications facility equipment to be installed in a shroud mounted to the side of the pole and/or within a pole-top shroud. Base shrouds are prohibited under this design configuration.

Pole-top shroud requirements:

1. The pole-top shroud shall be of a tubular/cylindrical form factor.
2. The maximum dimensions of the pole-top shroud shall not exceed:
 - a. Maximum height: 5 ft. (measured from the top of the pole to the top of the shroud)
 - b. Maximum diameter: 8" or the diameter of the pole at top of the pole, whichever is greater.

Shroud mounted to side of pole ("backpack"): Permitted subject to the following requirements:

1. The backpack shall be of a cuboidal form factor.
2. Maximum height: 4'
3. Maximum width: 1'
4. Maximum depth: 1' (measured from the pole face to the outermost point of the shroud; the depth of any standoff brackets shall be included in the calculation of total depth)
5. The backpack shall be mounted in the 3 o'clock, 6 o'clock, or 9 o'clock positions on the pole where the streetlight luminaire shall be considered the 12 o'clock position. The location of the backpack shall not block any portion of the illumination from the luminaire.

All stainless steel banding or similar shall be concealed within shrouding unless the design proposes a shroud mounted to the side of the pole only (i.e., no pole-top shroud is proposed).

Design Standards for Facilities Installed on Joint Utility Poles

The following design standards shall apply to all wireless communications facilities on utility poles regulated by the Joint Powers Authority (JPA). All installations on Joint utility poles shall fully comply

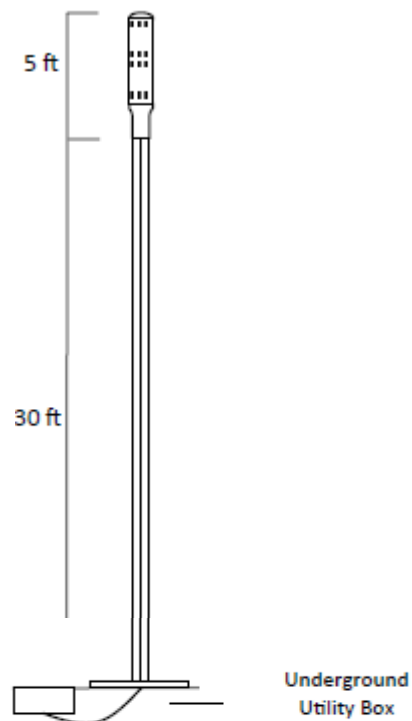


Figure 1—Preferred Design

with the California Public Utilities Commission (CPUC) general orders (GOs), including, but not limited to, GO 95. None of the following design standards are meant to conflict with or cause a violation of GO 95, including, but not limited to, its standards for a safe installation on a utility pole. Accordingly, size limits can be adjusted at the Zoning Administrator's discretion to ensure compliance with CPUC rules on safety.

1. If top-of-pole mounting is not expressly prohibited by the CPUC or other authority having jurisdiction, equipment shall be installed on top of the utility pole subject to the following requirements:
 - a. The utility pole shall be equipped with a top-of-pole mounting bracket to which the wireless communications facility will be attached. The bracket shall be colored to match the pole.
 - b. All wiring running along the length of the pole shall be enclosed in conduit colored to match the pole and installed flush to the pole (no riser or equipment stand-off brackets).
 - c. Wiring in general shall be concealed to the maximum extent technically feasible.
 - d. Equipment must be enclosed in a single tubular concealment shroud colored to match the pole.
 - e. The concealment for all equipment shall not exceed a diameter of 12" or the pole diameter at the height of installation, whichever is greater, or a height of 5'.
 - f. Equipment that exceeds the limitations set forth above shall be installed below grade, with the exception of antennas.
2. If top-of-pole mounting is expressly prohibited by the CPUC or other authority having jurisdiction, equipment shall be installed at the legally-permissible location subject to the following requirements:
 - a. All wiring running along the length of the pole shall be enclosed in appropriate conduit colored to match the pole and installed flush to the pole (no riser or equipment stand-off brackets). All horizontal cables shall be encased within the bracket arm to the maximum extent technically feasible.
 - b. Wiring in general shall be concealed to the maximum extent technically feasible.
 - c. Equipment shall be installed on a bracket arm colored to match the pole subject to the following requirements:
 - i. Maximum length of bracket arm: 60"
 - ii. Max height: 48"
 - d. The bracket arm shall either be parallel or perpendicular to the pole.
3. Equipment that does not comply with the requirements set forth above shall be installed below grade, with the exception of antennas.
4. All installations on utility poles shall fully comply with the CPUC general orders and other applicable federal, state, and local laws.
5. No equipment shall be located within sidewalks or pathways that will reduce the available width of these sidewalks or pathways for pedestrian use.

Design Standards for Replacement Poles

1. If an existing pole is proposed to be replaced to accommodate a wireless communications facility, the replacement pole shall be designed to resemble existing poles in the public right-of-way near that location, including, without limitation, size, height, color, materials, and style.
2. The base of the replacement pole shall be a minimum of 18 inches from the face of the curb.
3. The replacement pole shall be installed as close to the existing pole's location as is technically possible.
4. If the replacement pole is a streetlight, then the replacement streetlight mast arm and luminaire shall match the existing streetlight mast arm and luminaire.

5. All shrouds shall be colored to match the replacement pole.
6. All equipment shall be installed in shrouds as permitted in these Standards and below grade.
7. All cabling, wires, and conduit shall be concealed completely within the pole and applicable shrouds. If the replacement pole is a streetlight, then all cabling and wires shall enter/exit the pole through conduit sweeps within the streetlight footing.
8. As is stated above, replacement poles for the purpose of installing a wireless communications facility in the Downtown Specific Plan area are prohibited.

Design Standards for New Poles

1. If a new pole that will not replace an existing pole is proposed, the new pole shall be designed to resemble existing poles in the public right-of-way near that location, including size, height, color, materials, and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced.
2. The base of the new pole shall be a minimum of 18 inches from the face of the curb.
3. If the new pole is a streetlight, then the new streetlight mast arm and luminaire shall match the existing mast arms and luminaires in the area.
4. All shrouds shall be colored to match the new pole.
5. All equipment shall be installed in shrouds as permitted in these Standards and below grade.
6. All cabling, wires, and conduit shall be concealed completely within the pole and applicable shrouds. If the new pole is a streetlight, then cabling and wires shall enter/exit the streetlight pole through conduit sweeps within the streetlight footing.
7. As is stated above, new poles for the purpose of installing a wireless communications facility in the Downtown Specific Plan area are prohibited.

Construction Notice

Upon approval of the wireless communications facility application by the Zoning Administrator, the permittee shall apply for an encroachment permit. Prior to commencement of construction, the permittee shall provide construction notices to all residents, owners, and businesses within a 300-ft radius of the installation site. The construction notice shall be posted in a conspicuous location at all residences and businesses a minimum of one week in advance of the proposed construction activity. When posting at a multi-tenant building, posting of the notice at the main entry point of the building is considered acceptable if the notice is posted in a conspicuous location. The Planning and Building staff shall approve the contents of the notice. The intent of these construction notices is to ensure proper notification of the nearby community of any impacts that may arise from the permitted activity. The Zoning Administrator reserves the right to reasonably modify the above construction noticing requirements to effectuate the intent of this section.

Section 4. **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting held on the 15 of April, 2019 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Joanne Robbins, City Clerk

Cameron Burks, Mayor