RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA APPROVING DESIGN GUIDELINES FOR WIRELESS COMMUNICATION FACILITIES PURSUANT TO EL MONTE MUNICIPAL CODE CHAPTER 17.82

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City of El Monte (the "City") has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through its police power;

WHEREAS, the City's police power provides the right to adopt and enforce zoning regulations;

WHEREAS, state and federal law do not vest local governments with complete control over the regulation of wireless facilities, such as macro cell towers or so-called small cells,

WHEREAS, wireless service providers must apply to cities and counties for permits to build structures that support wireless telecommunications equipment, like antennae and related devices;

WHEREAS, wireless carriers must seek local approval to place additional telecommunications equipment on structures and facilities where that equipment already exists, which are referred to as collocations;

WHEREAS, California cities are preempted from regulating various aspects of wireless facilities siting, under both federal and state law;

WHEREAS, federal law establishes specified limitations and preemptions in relation to the siting of wireless facilities as part of the Federal Telecommunications Act of 1996 (47 U.S.C. § 332);

WHEREAS, federal law provides that no state or local statute or regulation, or other state or local requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service (47 U.S.C. § 253);

WHEREAS, federal law also provides that a state or local government may not deny, but shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such a tower or base station (47 U.S.C. § 1455(a));

WHEREAS, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") mandates that state or local government approve certain wireless facilities siting requests for modifications and collocations of wireless transmissions

equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of such tower or base station;

WHEREAS, in October 2014, the Federal Communications Commission unanimously approved rules interpreting Section 6409 that took effect as of April 2015;

WHEREAS, under state law, a wireless collocation facility must be a permitted use, not subject to a local discretionary permit, if it satisfies certain requirements (Gov. Code, § 65850.6);

WHEREAS, under California Senate Bill 1627, local governments are required to approve collocations through a ministerial process and are prohibited from limiting the duration of permits for wireless sites to less than 10 years, absent good reason;

WHEREAS, federal and state laws impose various so-called “shot clocks” for periods of 60, 90, or 150 days that can lead to projects being deemed approved if not approved or denied within the applicable time frame;

WHEREAS, for example, California Assembly Bill 57 specifies that a collocation or siting application for a wireless facility is deemed approved if a local government does not act on a permit application within reasonable time periods specified in federal regulations;

WHEREAS, telecommunications companies have access to attach their equipment to utility poles in the public right-of-way, governed by a set of state and federal regulations;

WHEREAS, this method of attachment is increasingly popular as such companies seek to deploy so-called 5G network technology;

WHEREAS, state law establishes a framework, process, and procedures governing the attachment of telecommunications facilities to investor-owned utility poles and municipal utility poles, providing the California Public Utilities Commission (CPUC) the authority to establish and enforce rates, terms and conditions for pole attachments;

WHEREAS, telecommunications companies are authorized to erect poles and attach to investor-owned and municipal utility poles under specified cost-based rates (Pub. Util. Code, § 7901);

WHEREAS, local governments may not block utility pole attachments, but existing law authorizes them to regulate the time, manner, and place of pole attachments in the public right-of-way (Pub. Util. Code, § 7901.1);

WHEREAS, these local regulations are the vehicle for local police power/regulation;

WHEREAS, on March 20, 2018, the City Council adopted Resolution No. 9841 to approve a Master License Agreement template for potential engagement with telecommunications companies for the siting of small cells on City-owned vertical infrastructure in the public right-of-way;

WHEREAS, the City's existing wireless facility regulations have not been updated in over nine years and the City seeks to update such regulations to ensure compliance with state and federal laws, while maintaining the City's values and goals to the extent allowable by law;

WHEREAS, the Planning Commission conducted a duly notice public hearing was held on May 22, 2018 concerning the prospective approval of Code Amendment No. 759;

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission at such public hearing;

WHEREAS, at the conclusion of such public hearing, the Planning Commission adopted Resolution No. 3506 recommending City Council approval of Code Amendment No. 759/Ordinance No. _____;

WHEREAS, the City Council conducted a public hearing on July 17, 2018 to consider this Code Amendment No. 759/Ordinance No. _____ and associated design guidelines;

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091; and

WHEREAS, the City Council concurrently considered the design guidelines set forth herein at such public hearing on July 17, 2018 to protect and promote public health, safety and welfare and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include, without limitation, the aesthetic character of the City, its neighborhoods, and community;

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Approval of Design Guidelines. The City Council hereby approves the design guidelines attached hereto as **Exhibit "A"** as the design guidelines for wireless facilities in accordance with the following findings:

A. the detailed design guidelines consistent with the provisions and intent of the General Plan, El Monte Municipal Code Title 17 and other applicable provisions in the El Monte Municipal Code; and

B. the design guidelines will protect and promote public health, safety, and welfare and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include, without limitation, the aesthetic character of the City, its neighborhoods, and community.

SECTION 2. City Clerk. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the City's book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 17th day of July, 2018.

_____
Andre Quintero, Mayor

ATTEST:

_____
Jonathan Hawes, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Jonathan Hawes, City Clerk of the City of EL Monte, hereby certify that the foregoing Resolution No. ____ was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 17th day of July 2018 and that said Resolution was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Jonathan Hawes, City Clerk

EXHIBIT "A"
DESIGN GUIDELINES

CITY OF EL MONTE DESIGN GUIDELINES FOR WIRELESS FACILITIES

A. **Authorization.** Pursuant to El Monte Municipal Code Section 17.82.100(B), the City Council adopts this Resolution to provide design guidelines for wireless facilities consistent with the generally applicable design regulations in El Monte Municipal Code Section 17.82.100(A). The design guidelines are intended to clarify the aesthetic and public safety goals and standards in El Monte Municipal Code Chapter 17.82 for City staff, applicants and the public.

B. **Defined Terms.** The abbreviations, phrases, terms and words used in this Resolution will have the meanings assigned to them in El Monte Municipal Code Section 17.82.020 unless context indicates otherwise.

C. **Applicability and Exemptions.** Except as provided in El Monte Municipal Code Section 17.82.030, this Resolution shall be applicable to all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy wireless facilities within the City's jurisdictional and territorial boundaries, on private property and within the public rights-of-way.

D. **Design Guidelines.** In addition to the development standards in El Monte Municipal Code Section 17.82.100, all new wireless facilities and collocations, modifications or other changes to existing wireless facilities that require a conditional use permit or administrative wireless permit under El Monte Municipal Code Chapter 17.82 must conform to the following design guidelines, as applicable.

1. **Freestanding Wireless Facilities on Private Property.**

a. **General Standards.**

1. **Tower-Mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors to match existing colors, subject to the approval authority's prior approval.

2. **Ground-Mounted Equipment; Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque non-chain link fences or other enclosures subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

b. **Monopines.**

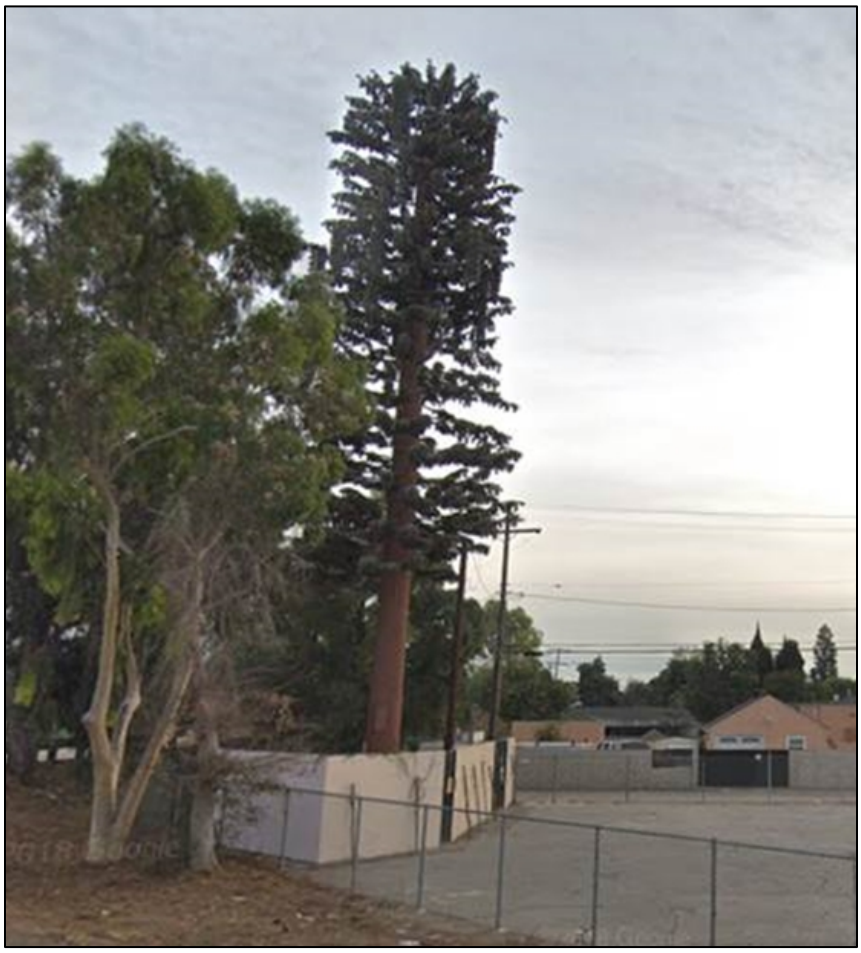
1. **Shape and Branching.** Monopines shall be gradually tapered from bottom to top to resemble the natural conical pine-tree shape, with shorter branches at the top and wider branches at the bottom. All monopines shall include a "crown" or "topper" installed above the monopole to create a natural point at the top. Branches shall begin at no greater than 15 feet above ground level and maintain at least 3.5 branches per vertical foot when averaged between the bottom-most branch and the highest point on the monopole (excluding any "crown" or "topper" installed above the monopole).

2. **Bark Cladding.** The entire monopole shall be fitted with faux-pine bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural pine bark.

3. **Equipment Concealment Techniques.** All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the monopine must be painted or colored with a flat greens, browns or other appropriate earth tones to blend into the faux pine branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux-pine "sock" with faux-pine needles. No tower-mounted equipment shall be permitted to protrude beyond the branch canopy such that it would materially alter the tapered pine shape.

4. **Concealment Material Selection and Approval.** All materials and finishes used to conceal the monopine shall be subject to prior approval by the Planning Division. Applicants shall use only high-quality materials to conceal the wireless facility. The applicant shall use color-extruded plastics for elements such as the faux-pine needles and

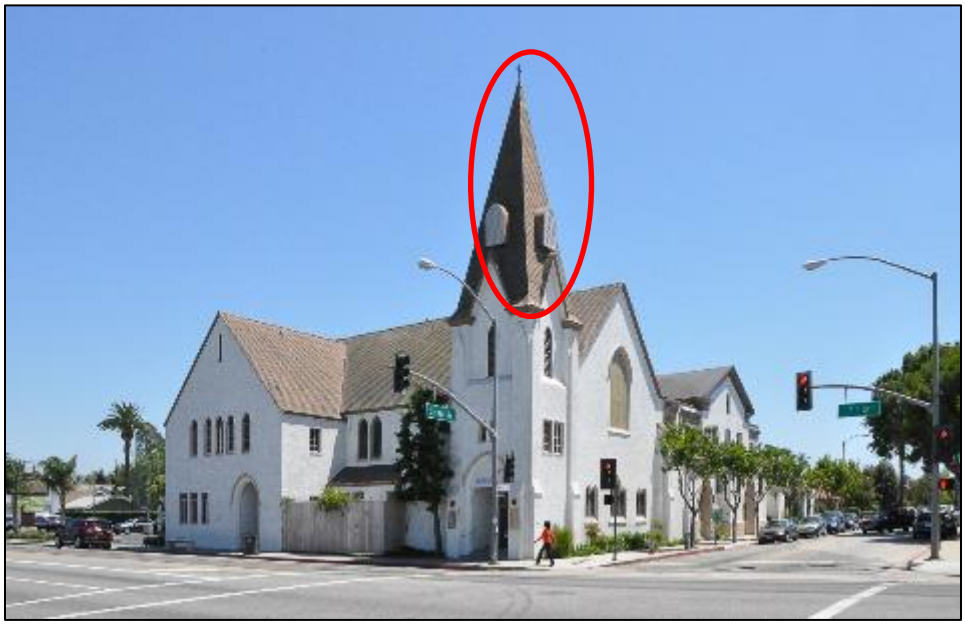
faux-bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.



2. **Building-Mounted Wireless Facilities on Private Property.**

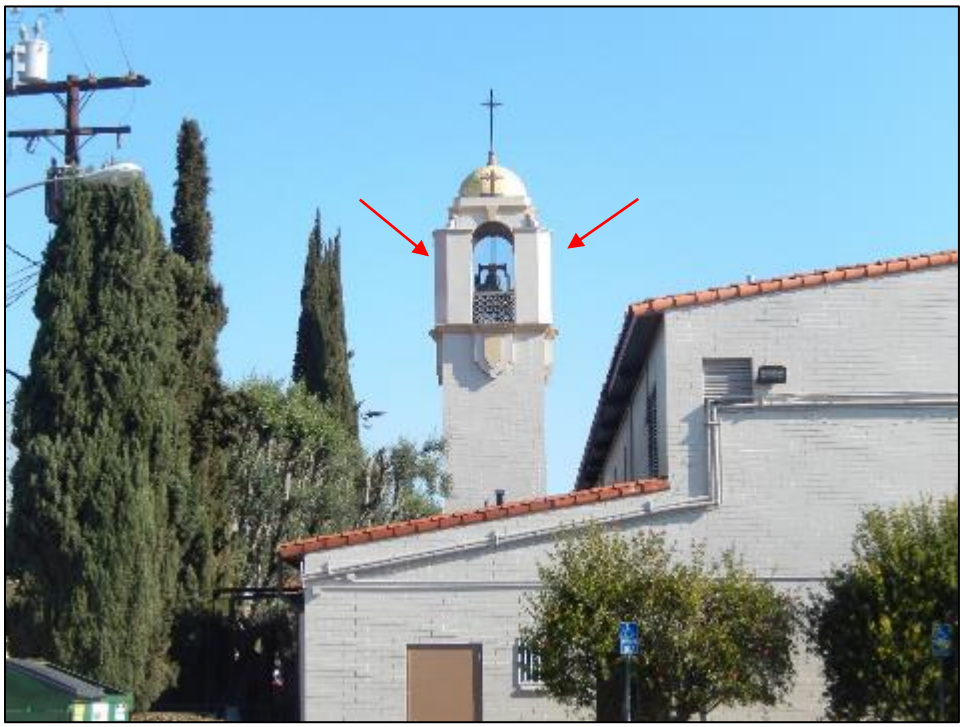
   a. **Preferred Concealment Techniques.** All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind

existing parapet walls or other existing screening elements to the maximum extent feasible.

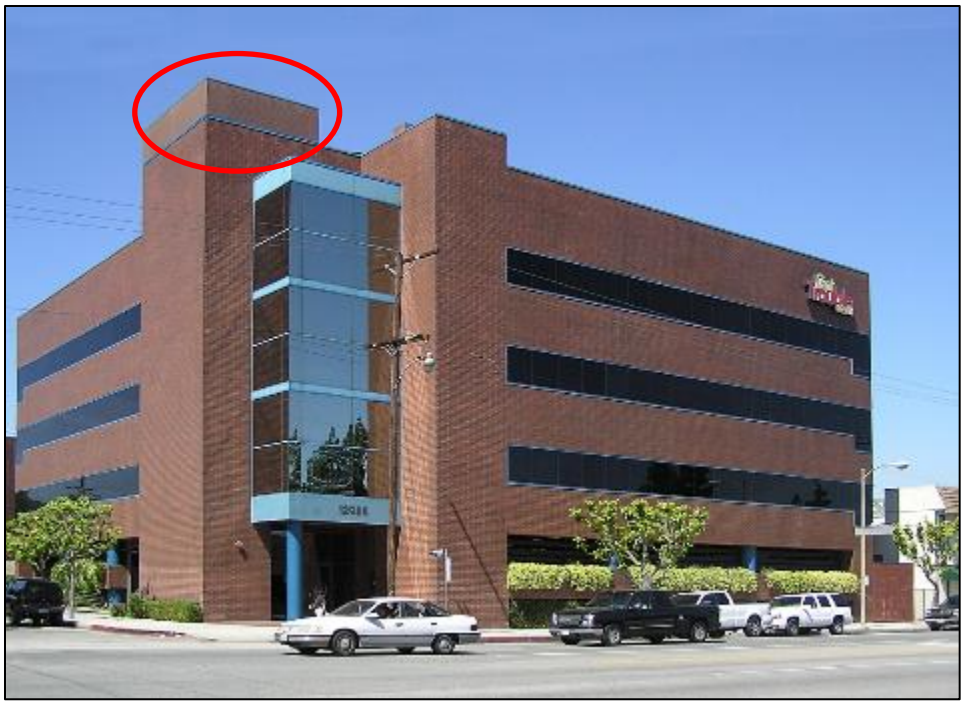


b. **Facade-Mounted Equipment.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this section. All facade-mounted

equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve “pop-out” screen boxes unless the design is architecturally consistent with the original building or support structure. Except in manufacturing zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.



c. **Rooftop-Mounted Equipment.** All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.



d. **Ground-Mounted Equipment; Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, building interior equipment room, or other enclosures subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

3. **Right-of-Way Wireless Facilities.**

a. **Existing and Replacement Support Structures.** All wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) or replacement support structures whenever possible. The approval authority shall not approve any wireless facility proposed to be installed on a traffic control pole. Existing above-ground structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is, in the approval authority's discretion, substantially similar to the existing structure to be replaced.

b. **New Support Structures.** The approval authority shall not approve any new, non-replacement support structures unless: (a) the

applicant demonstrates that above-ground support structures within the intended service area either do not exist or are not potentially available to the applicant; or (b) the approval authority specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives in this Chapter than installations on existing structures near the project site. The approval authority shall have the discretion to require that any new support structure must be a streetlight that conforms to the City's streetlight standards and specifications, which the City shall maintain for street illumination and public safety purposes or other new structure other than a streetlight pole or utility pole in the public right of way (e.g. wireless telecommunication kiosk). The approval authority shall not approve any new, non-replacement wood pole.

c. **Antennas.** Antenna(s) must be top-mounted and concealed within a single, canister-style antenna shroud (or radome). The cable connections, antenna mount and other hardware must be concealed within the antenna shroud or other cable and mounting bracket shroud that tapers or transitions from the bottom of the antenna canister to the top of the pole. GPS antennas, data transport or backhaul antennas and other similar antennas must be placed within the antenna shroud or otherwise concealed from public view through other techniques. If the antenna(s) cannot feasibly be mounted on top of the pole, the approval authority may approve side-mounted antennas concealed within a shroud or radome. All cables, wires and other connectors must be concealed within the side arm mount or other extension arm(s) to the extent feasible. The maximum separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations (such as CPUC General Order 95).

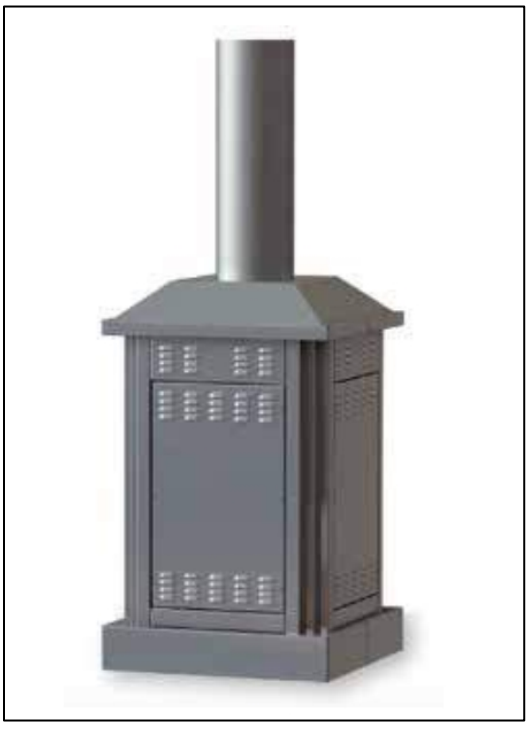
d. **Accessory Equipment.**

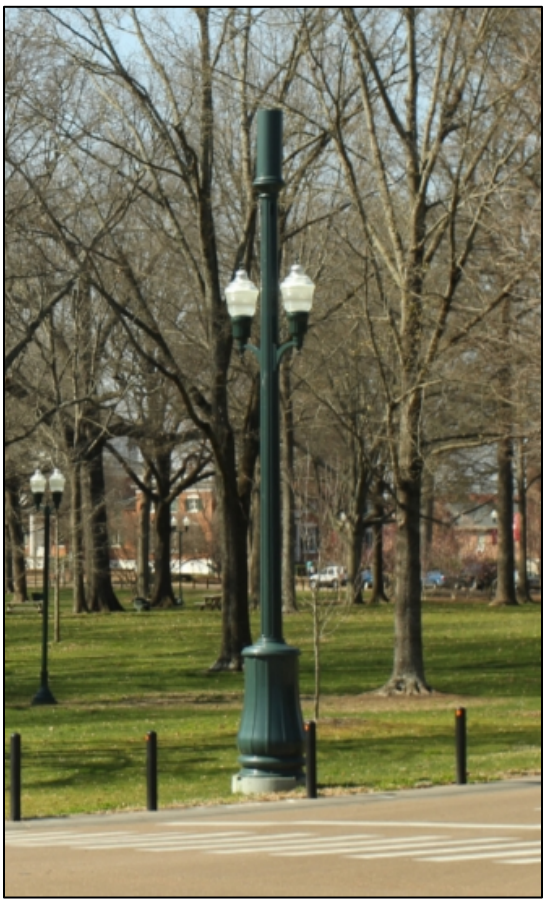
1. **Installation Preferences.** All applicants should, to the extent feasible, install non-antenna accessory equipment according to the following preferences, ordered from most preferred to least preferred: (a) underground; (b) base-mounted; (c) pole-mounted; (d) ground-mounted.

2. **Undergrounded Equipment.** To conceal the equipment to the maximum degree feasible, applicants must install all equipment (other than the antenna) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna) underground when the approval authority finds that the above-ground equipment

would unreasonably interfere with the public's ability to use the right-of-way for uses that include without limitation travel, social, expressive and/or aesthetic uses. Applicants shall not install ground-mounted electric meters to the extent feasible. When making a determination on whether to require undergrounded equipment, the approval authority shall take into account the presence of existing above-ground utilities. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement. If an applicant proposes to install a facility in an area in which the existing utilities are primarily located underground, the approval authority shall have the discretion to require that the applicant install a new streetlight that conforms to the City's streetlight standards and specifications as the facility support structure. The approval authority may approve backup power sources to the extent they are installed underground.

3. **Base-Mounted Equipment.** Base-mounted equipment must be concealed within a ventilated equipment shroud or enclosure that is integrated into the base of the pole. The base equipment shroud or enclosure shall be reasonably proportional in size and consistent with the design and texture of the underlying support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.





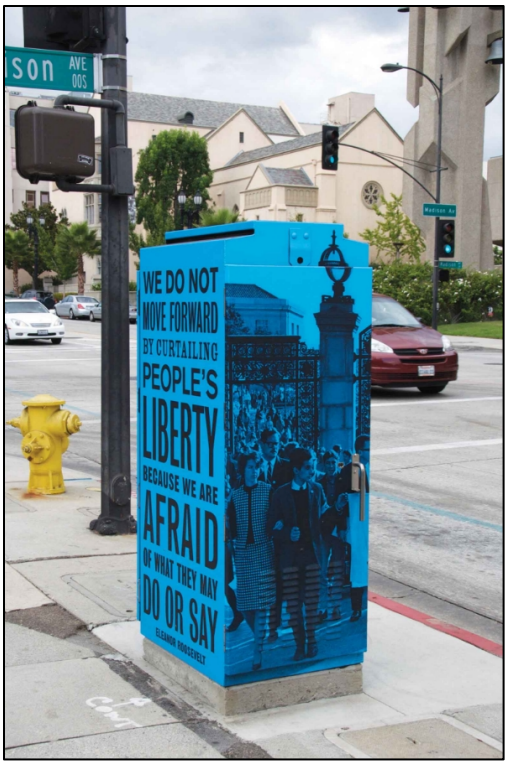
4. **Pole-Mounted Equipment.** All pole-mounted equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation between the equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures to the extent feasible, unless otherwise required by state or federal law. Pole-mounted equipment may be installed behind existing or new street, traffic or other signs subject to the approval authority's discretion. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or

housing, matching the existing pole color, to the extent feasible. Publicly visible spools or service loops of excess cable or fiber on aerial strand, “snow shoes” or the pole are prohibited.

5. **Ground-Mounted Equipment.** To the extent that the equipment cannot be placed in the City’s more-preferred locations, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The approval authority may condition approval on new or enhanced landscaping to conceal ground-mounted equipment. The approval authority shall not approve a ground-mounted electric meter pedestal or other electric meter enclosure to the extent feasible.

    a. **Self-Contained Cabinet or Shroud.** The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the concrete, metal or composite pole and undergrounded between the pole and the ground-mounted cabinet.

    b. **Concealment.** The approval authority may require the applicant to incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, installing a replacement pole with a decorative base for equipment concealment, strategic placement in less obtrusive locations and placement within existing or replacement street furniture such as a bus stop bench or trash bin specifically designed to conceal transmission equipment.


WE DO NOT
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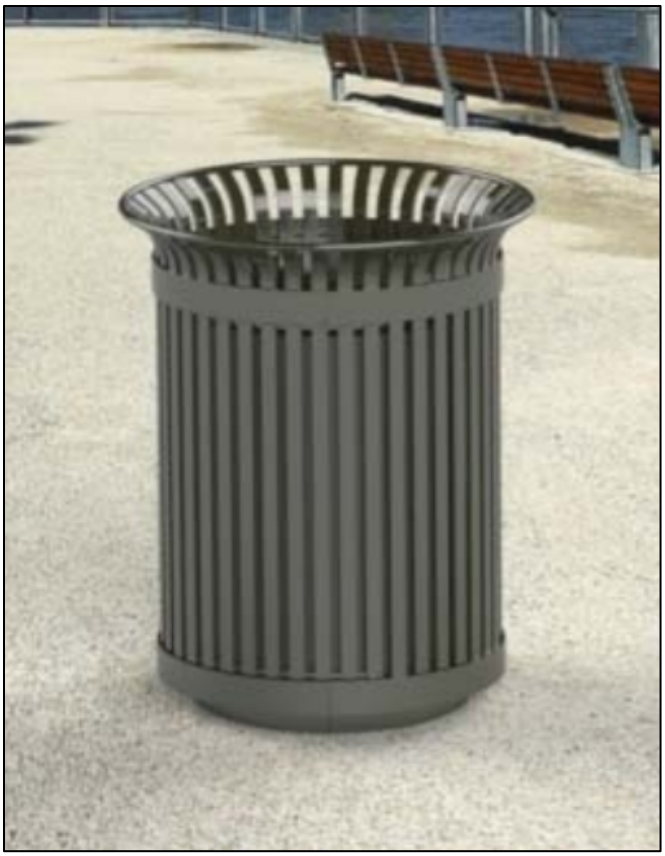
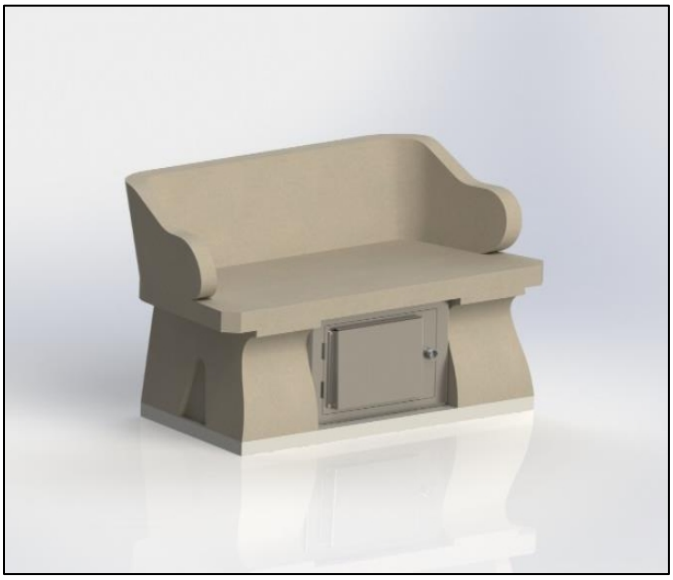
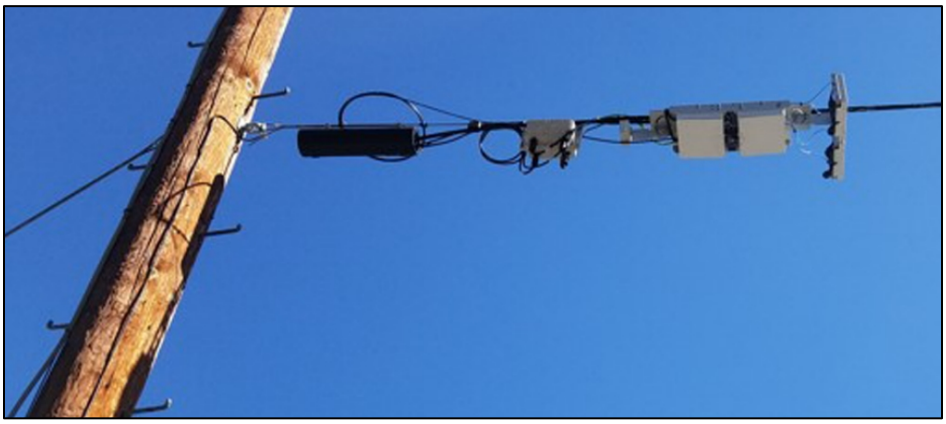




e. **Antenna Volume.** Each antenna associated with a wireless facility in the public rights-of-way shall not exceed three (3) cubic feet in volume, and the cumulative volume for all antennas associated with a wireless facility in the public rights-of-way shall not exceed six (6) cubic feet in total volume. The volume calculation shall include any

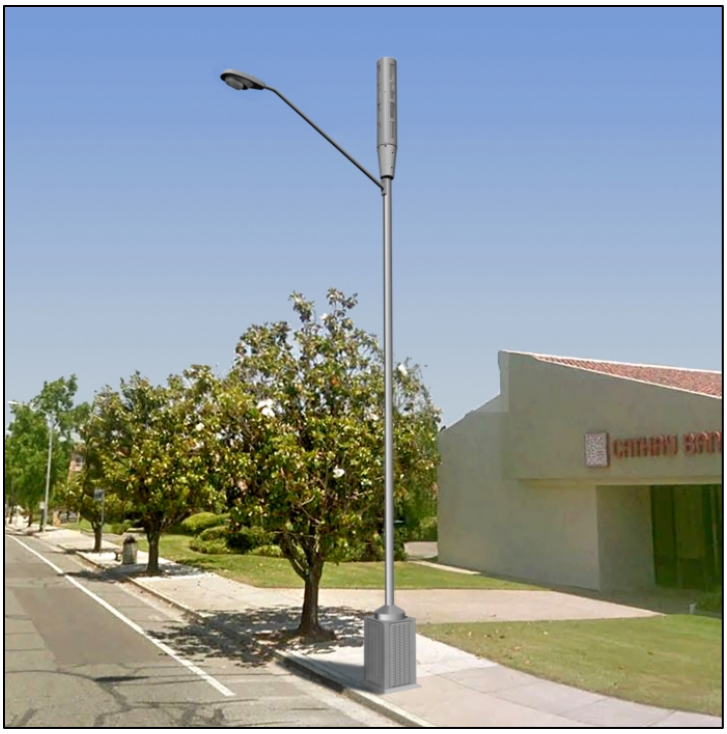
shroud, radome or other concealment device used in connection with the antenna.

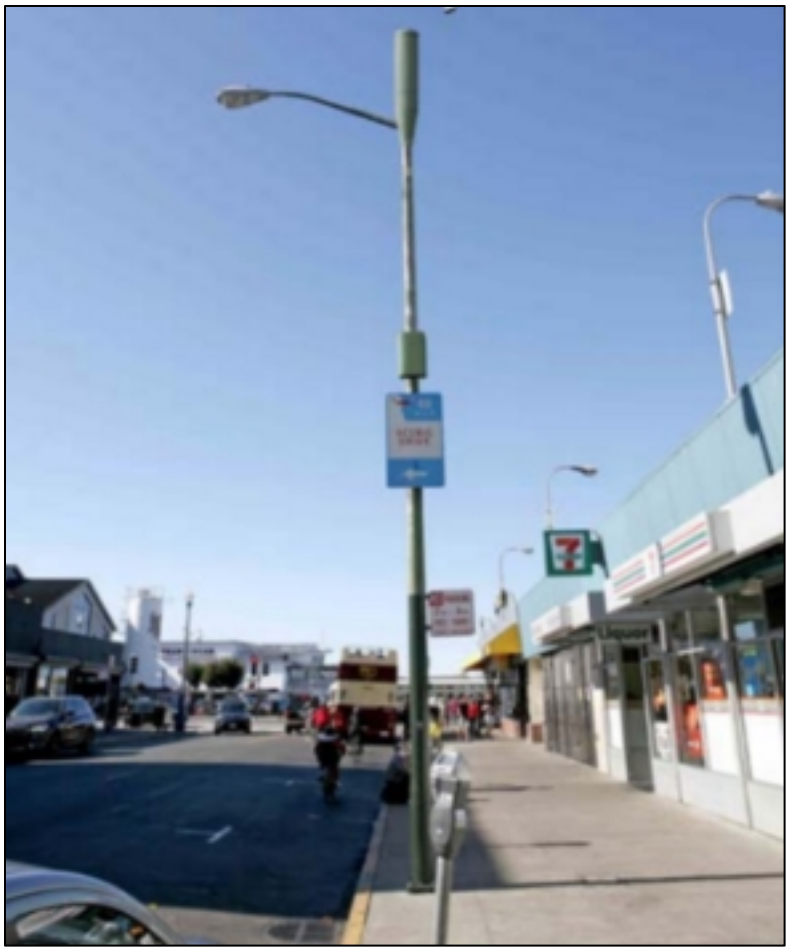
f. **Strand-Mounted Wireless Facilities.** Strand-mounted wireless facilities are permitted provided that such facilities comply with the applicable provisions of CPUC General Order 95 and any other applicable health and safety regulations. All components of strand-mounted wireless facilities, including but not limited to the antennas, radio units, power converters, power amplifiers and fiber splice boxes, shall not exceed three cubic feet in total volume. All cable sweeps, wires, connectors, and jumpers shall be installed in a neat and professional manner. It is the policy of the City of El Monte to permit only one pair of fiber optic cable storage snow shoes ("FOCSSS") per pole-to-pole overhead span of strand. The purpose of this policy is to reduce visual clutter related to strand-mounted FOCSSS devices and the increased visual bulk created on the strand due to the stored fiber optic cable. A fiber optic system operator may request that the City Engineer issue a variance from this policy only in exceptional cases where the application of this policy would actually prohibit the provision of a telecommunications service. The approval authority shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facilities, unless in the approval authority's discretion, it is the least obtrusive alternative.

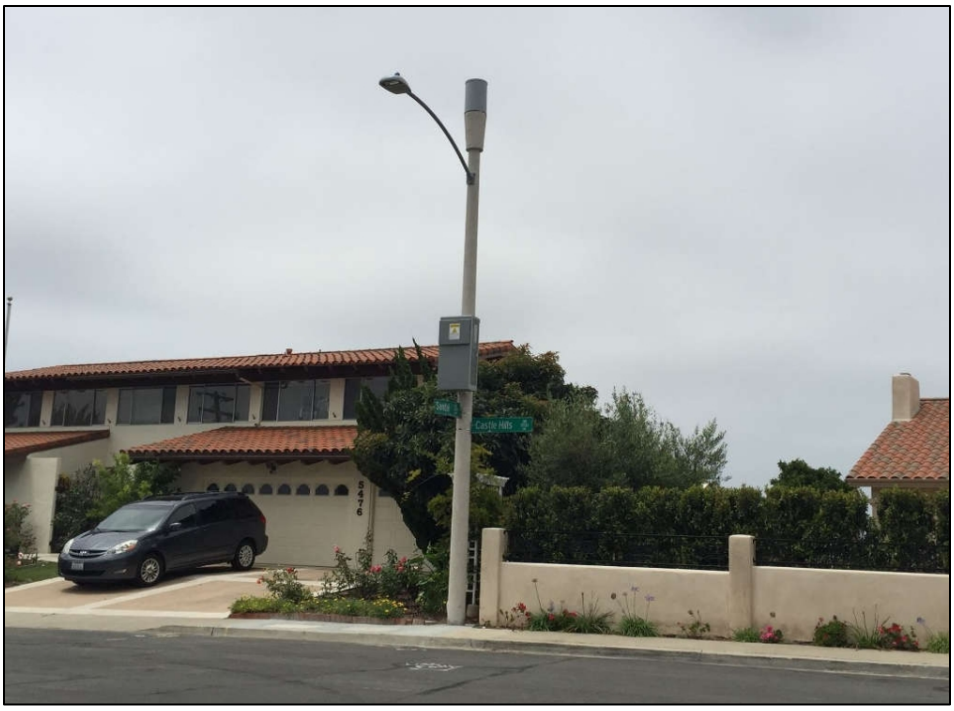


*NOTE: Spooled fiber or cables are prohibited.

g. **Illustrative Examples.** The following photographs depict wireless facility designs that the City may deem appropriate in preferred locations. These examples are illustrative only, and may not be appropriate in all cases.



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