



# Wireless

## Proposed Ordinance

Planning Commission  
April 26, 2022



THE CITY OF  
**MONTEREY**

# Background

- City Council appointed a Wireless Subcommittee
- Wireless Subcommittee discussed and revised an ordinance developed by a citizen's group.
- Staff has completed its legal and administrative review of the draft ordinance.



# Wireless Facilities – Building Mounted, Towers



# Wireless Facilities – Utility Poles



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# Wireless Facilities

- Continues to require use permits = transparent and public process



# Proposed Ordinance – Review Process

- Voluntary pre-submittal conference
- Application submitted
- Complete application → Schedule for Planning Commission
- Incomplete application → Deny without prejudice
- Post all applications online within five working days of filing or soon thereafter as practical

Key change: Elimination of mock-up installations



# Location, Design and Development Standards

1. Off the Public Right-of-Way
2. Building Mounted
3. Freestanding Towers Outside of Public Rights-of-Way
4. Public Rights-of-Way



# Off the Public Right-of-Way

- **Concealment** elements incorporated to camouflage or limit visual impacts
- Height shall not exceed the **height limit** for structures in the zoning district
- Cannot encroach into **setbacks**
- Facilities should permit **collocation**
- Shall comply with **noise standards** in City Code
- Install only **timed or motion sensitive light controllers** and lights
- Limitations on **signage**
- Limitations on **fencing**
- **Landscaping** may be required
- Use flat rate electric **metering**
- **Conceal** ground mounted equipment with opaque fences or landscape features





# Building Mounted Facilities – General Preferences

- Concealed and architecturally integrated into the facade or rooftop-mounted base stations with no visible impacts (including shadowing) from any publicly accessible areas at ground level
- 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), subject to height limits applicable to the area where the facility is located, and subject to standards that apply for similar modifications that do not involve wireless communications facilities.



# Building Mounted Facilities – Rooftop Mounted

- The City will not approve unscreened rooftop wireless communications facilities if the applicant has the right to increase the facility height so that the equipment would become visible to public view from ground level on adjoining properties or from the public rights-of-way, or unless the applicant shows that because of the design proposed, or the location, approval of a different design will be no more intrusive and consistent with the goals of the ordinance.



# Building Mounted Facilities – Façade Mounted

- Conceal all facade-mounted transmission equipment behind screen walls as flush to the facade as practicable. The City may not approve any “pop-out” screen boxes unless such design is architecturally consistent with the original support structure. The City may not approve any exposed facade-mounted antennas, which includes exposed antennas painted to match the façade, unless the applicant shows that because of the design proposed, or the location approval, of a different design will be no more intrusive and consistent with the goals of the ordinance.



# Freestanding Towers Outside ROW - Preferences

- Faux architectural stealth structures including, but not limited to, sculptures, clock towers, and flagpoles of a size, type, and proportions, and with design features consistent with the neighborhood and adjacent structures; then
- Faux trees in a stealth design of a size, type, and proportions consistent with nearby trees, and landscaped and located near other vegetation to blend in and appear part of the natural environment.



# Public ROW - Preferences

- Locate antennas on existing or replacement light poles and other vertical structures owned or controlled by City that City chooses to make available for placement of wireless communications facilities; then
- Locate antennas on existing or replacement supporting structures; then
- New support structures, or towers in the public rights-of-way.



# Placement Preferences

1. City owned or controlled parcels outside of open space, residential or historic overlay districts
2. Industrial districts
3. Commercial Districts
4. City-owned or controlled parcels other than listed above
5. Non-preferred area



# Placement Preferences

- a) existing towers or similar large vertical structures or within or upon existing supporting structures other than buildings in a stealth configuration;
- b) building mounted facilities with rooftop mounted antennas;
- c) building mounted facilities with façade mounted antennas;
- d) new towers or supporting structures in stealth design;
- e) existing or replacement supporting structures where the facility can be camouflaged;
- f) placement on existing or replacement supporting structures (other than buildings) where the wireless communications facility is not stealth or camouflaged or a new non-stealth small wireless facility whose height above ground level is the lower of 35' or the height of the closest utility poles.



# RF Emissions

- Wireless facilities must comply with FCC standards for radiofrequency emissions
- Applicants are required to submit RF reports evaluating emissions
- City ordinance also requires peer review of these calculations by an independent consultant.





# Public Comments

Ron Beck – require 1,000 setbacks from homes and schools, pole fall zone zones, site survey, notice for temporary cell towers, evidence of effective prohibition, stealth designs, independent review of RF reviews

Chip Dorey – similar to Beck comments

Bob Evans/David Breedlove – increased enforcement

Kristin Dotterer - similar to Beck comments

Christy Hollenbeck - similar to Beck comments

Janet Jett – ordinance needs strong and evidentiary standards, city staff must handle applications (not consultants), eliminate administrative decision-making

Katalin Markus – do not issue permits for wireless near residences



# Public Comments

Raymond Meyers – require applicants to provide verification methods (actual measurements from structures, antenna and building elevations and topography maps), city appointed rf engineer to review applications  
Monterey Vista Neighborhood Association (2)

Susan Nine – extensive changes to subcommittee draft ordinance, require mock-ups, hire Andrew Campanelli to review the ordinance, impacts to historic structures, certified mail notices, require site surveys

MVNA – require notice for temporary cell towers, safety certification includes wind load analysis, require mock-ups, applications online in 3 days, changes in language from shall to should, requests changes to effective prohibition language, significant gap, technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the City

Paula O'Connor – opposes cell towers near schools and



# Public Comments

Laurie Putnam – consider abandoned or decommissioned equipment within a facility still in use, consider strengthening enforcement, clarify status of permits issued before the revised ordinance

Pat Venza – require drive by tests to prove there is a “proof of gap” or “prohibition”, City conduct a yearly drive-by test by the City or hired contractor; need mock-ups, review video link



# Public Comments


## Verizon –

- Eligible facilities requests receive a simple administrative approval,
- Delete requirement for master plan for small cells,
- Amend requirement to require information supporting a claim that a project denial would violate federal law,
- Change denial by director to incomplete letter,
- Allow three cubic feet for each antenna and 28 cubic feet for associated equipment,
- Allow 10' increase over zoning height requirement,
- Allow a new pole if there is no feasible existing or replacement option within 500',
- Allow 5 cubic feet of equipment on a street light pole or 16 feet on a utility pole,



# Public Comments

Verizon –

- Allow multiple antennas above or on the side of the pole
  - Allow protrusion of equipment housing be increased from 15 to 22 inches
  - Allow new pole designs as envisioned by Verizon
  - Eliminate preference for city owned or controlled poles
  - City can not require effective prohibition showing
  - City can not require a permit term
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# Recommendation

- Planning Commission accept public comment continue public hearing to May 24, 2022

