



MEMORANDUM

Date: November 12, 2013

To: Chair Pearce and Members of the Planning Commission

From: Julie Harryman, Asst. City Attorney

Subject: **Item 6d**
Proposed Amendments to the Wireless Ordinance

Page 7 of the staff report (third full paragraph) contains an error that affects the locational requirements in the proposed ordinance. The same error can also be found in Exhibit A on page 6, second sentence in section 18.110.50(A)(2)(a) of the redlined ordinance. This supplemental memo highlights the error and provides a clarification.

Some parks and schools are located in the A or P district, e.g., Foothill High School, the Sports Park, Muirwood Park, Augustin Bernal Park. If the sentence in ~~strikeout~~ (below) is not removed, wireless facilities would be able to be locate in the A or P districts (including some park and school sites) if a carrier conceals the facility. It was not staff's intent to propose such a change, though the Planning Commission may consider it. Please see the revised language below which would not allow wireless facilities to be located on school or park sites even if concealed.

2. Properties Zoned Agriculture, Public, Public and Institutional, Mixed Use (A, P, P&I, M-U). If it is not feasible to locate a personal wireless service facility on a parcel zoned C, O, or I, a facility may be located on properties zoned A, P, P&I, or M-U.

- a. ~~Concealed preferred over Camouflaged: Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged. If a facility is Concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.~~
- b. Facilities in these zoning designations may not be located within three hundred feet of the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the General Plan.

If you have any questions, please feel free to contact me at 931-5015.