

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A CONDITIONAL LICENSE AGREEMENT TO ALLOW AN 80-FOOT-  
TALL WIRELESS TELECOMMUNICATIONS FACILITY (“MONOPINE”) AND  
ASSOCIATED EQUIPMENT AT 707 FREMONT AVENUE**

**WHEREAS**, on February 11, 2025 the City Council approved the license agreement to allow the construction of an 80-Foot-Tall wireless telecommunications facility and associated equipment to be constructed at 707 Fremont Avenue; and

**WHEREAS**, the license agreement requires New Cingular Wireless to pay monthly to the City of Los Altos \$4,300, with a 3% increase taking place annually beginning in year two (2) of the initial term in addition to a one-time administrative fee payment of \$2,500; and

**WHEREAS**, on August 8, 2024, the applicant, Eric Lentz, representing AT&T, submitted an application requesting approval of a Conditional Use Permit to construct an 80-foot-tall wireless telecommunications facility designed as a faux tree (“monopine”) and associated equipment within a 750 square foot lease area at the City of Los Altos Municipal Services Center (MSC) at 707 Fremont Avenue; and

**WHEREAS**, Los Altos Municipal Code Section 14.80.050 (A)(1) grants the Planning Commission authority to approve Conditional Use Permits for monopole wireless facilities that comply with applicable zoning regulations; and

**WHEREAS**, approving the Conditional Use Permit project is categorically exempt from environmental review under Section 15303 (“New Construction or Conversion of Small Structures”) of the California Environmental Quality Act (CEQA) because the combined floor area of all associated structures will not exceed 2,500 square feet, the project will not involve use of hazardous materials, the PCF zone district allows wireless facilities as a conditionally permitted use, the site is, and will continue to be served by all necessary public services and utilities, and no sensitive habitat exists at or near the site; and

**WHEREAS**, the project application was found to be consistent with all applicable provisions of the Los Altos Municipal Code and General Plan; and

**WHEREAS**, the project was processed in accordance with the applicable provisions of the Los Altos Municipal Code, California Government Code, and applicable federal laws; and

**WHEREAS**, the Planning Commission finds that the wireless facility complies with all applicable provisions of federal law, including the United States Communications Act; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to consider the Conditional Use Permit on December 5, 2024 and considered the written record and all public comment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the license agreement between the City of Los Altos and New Cingular Wireless PCS, LLC to allow an 80-foot-tall wireless telecommunications facility designed as a faux tree (“monopine”) and associated equipment within a 750 square foot lease area at the City of Los Altos Municipal Services Center (MSC) at 707 Fremont Avenue. in accordance with Section 14.80.060 and 11.12.080 of the Municipal Code, based on the following findings attached hereto as “Exhibit A” and conditions of approval attached hereto as “Exhibit B” and incorporated by this reference, and approved by the Planning Commission of the City of Los Altos.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on February 11, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Pete Dailey, MAYOR

Attest:

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Melissa Thurman, MMC  
CITY CLERK

## **EXHIBIT A**

### **FINDINGS**

With regard to the Conditional Use Permit for the project, the Planning Commission finds, in accordance with Section 14.80.060 of the Los Altos Municipal Code, that:

- A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare because the proposed wireless facility will serve to remedy a significant gap in wireless coverage in the immediate project vicinity, the facility will comply with Federal Communications Commission (FCC) requirements related to radiofrequency (RF) emissions, the facility will comply with applicable noise standards of the Los Altos Municipal Code, and the facility is designed to comply with all applicable design and development standards, and to be as visually disguised as possible;
- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title because granting of the Conditional Use Permit will provide for an appropriate location for a needed facility, which will aid in the provision of wireless coverage for residents, visitors, and emergency responders in the City of Los Altos;
- C. That the proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the facility will comply with Federal Communications Commission (FCC) requirements related to radiofrequency (RF) emissions, applicable noise standards of the Los Altos Municipal Code, and applicable Fire and Building Code requirements;
- D. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02 because the proposed wireless facility and associated equipment will comply with all applicable standards of the PCF zone district;
- E. The Planning Commission finds the project is categorically exempt from environmental review under Section 15303 (“New Construction or Conversion of Small Structures”) of the California Environmental Quality Act (CEQA). This exemption applies when a project involves construction of one or more structures with a combined floor area of up to 2,500 square feet if the project does not involve use of significant amounts of hazardous materials, and the site is zoned for the proposed use, is served by all necessary public services, and the surrounding area is not environmentally sensitive. The total combined footprint of the proposed monopine and associated equipment is less than 750 square feet, the project will not involve use of hazardous materials, the PCF zone district allows wireless facilities as a conditionally permitted use, the site is, and will continue to be served by all necessary public services and utilities, and no sensitive habitat exists at or near the site, therefore the “New

Construction or Conversion of Small Structures” categorical exemption from CEQA applies and no additional environmental review is required.

Additionally, with regard to the Conditional Use Permit for the project, the Planning Commission finds, in accordance with Section 11.12.080 of the Los Altos Municipal Code, that:

- A. Where a wireless telecommunication facility requires a telecom use permit as provided for in this chapter, the city shall not approve any application unless, all of the following findings are made:
1. The proposed facility complies with the locational and siting standards set forth in Chapter 14.85 and with all applicable building, electrical and fire safety codes because the wireless facility is sited to comply with all applicable setback and separation standards of the Los Altos Municipal Code. Additionally, the City of Los Altos Building Official and Santa Clara County Fire Department have reviewed the application and anticipate it will comply with all applicable building, electrical and fire safety codes. Before construction of the facility can commence, the applicant will be required to obtain a building permit, during which Staff will review detailed construction drawings to verify compliance with all applicable building, electrical and fire safety codes;
  2. The proposed facility complies with all applicable provisions of Chapter 14.85 and with the Wireless Telecommunications Facilities Design Guidelines (“Design Guidelines”) adopted by the City because the wireless facility complies with all applicable development standards of the underlying zone, including setback and separation standards, the applicant has presented sufficient evidence demonstrating their need to locate in a “less preferred location” in order to close a significant coverage gap, and the monopine will comply with the Design Guidelines because the faux tree design will replicate the shape, structure, and color of live trees, will look similar to the tree species it intends to replicate, and that branching will not make the tree look top-heavy or unnatural;
  3. The proposed facility complies with all applicable building, electrical and fire safety codes because the City of Los Altos Building Official and Santa Clara County Fire Department have reviewed the application and anticipate it will comply with all applicable building, electrical and fire safety codes. Before construction of the facility can commence, the applicant will be required to obtain a building permit, during which staff will review detailed construction drawings to verify compliance with all applicable building, electrical and fire safety codes;
  4. The proposed facility has been designed and located to achieve compatibility with the community to the maximum extent reasonably feasible because the facility will be in a corporation yard surrounded by compatible municipal service land uses, and the facility is sited and designed to be minimally obtrusive to the community;

5. The applicant has submitted a statement of its willingness to allow other carriers to collocate on the proposed wireless telecommunications facility wherever technically and economically feasible and where collocation would not harm community compatibility. The applicant has submitted a written statement to the City demonstrating their willingness to allow future collocations, and any future collocation will be required to obtain all necessary permits and comply with all applicable requirements at the time of the collocation proposal.
- B. In addition to the findings in subsection A of this section, approval of a wireless telecommunications facility permit for a facility that will be located in the public right-of-way may be granted only if the following findings are made by the city:

*These findings are not applicable because the proposed wireless facility is not located in the public right of way.*

- C. A copy of any decision on an application made under this section shall be provided to the applicant, and to any party who submitted comments to the City Manager (or designee) pursuant to notice required by this chapter. Decisions shall also be posted on the Los Altos website within twenty-four (24) hours of their issuance or as soon as reasonably practicable, in a manner clearly identifying the application to which the decision relates. In addition, the decision shall also be posted on the site of the proposed wireless telecommunications facility. Following a decision from the Planning Commission, City Staff will comply with all posting and noticing requirements described in Section 11.12.080(C) of the LAMC.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

#### **PLANNING DIVISION**

- 1. Approved Plans:** The permittee must construct, install, and operate the wireless telecommunications facility in strict compliance with the approved plans (Application CUP24-0001), except as modified by these conditions as specified below. The permittee shall submit an as-built drawing within ninety (90) days after installation of the facility.
- 2. Conditions Shall be Binding:** All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- 3. Incorporation of Conditions of Approval:** Before the permittee submits any application for a building permit or other permits required by the Los Altos Municipal Code, the permittee must incorporate the wireless telecommunication facility permit granted under this chapter, all conditions associated with the wireless telecommunications facility permit, and any photo simulations (collectively known as the "approved plans") into the project plans.
- 4. Fence and Parking Stall Location:** The building permit plans shall be revised to shift the proposed gate and AT&T access easement and parking stall to the northwest corner of the lease area to maximize usable space for the equipment associated with potential future collocations. The final location of the gate, easement and parking stall will be subject to approval of the Development Services Director.
- 5. Compliance with City Standards:** The wireless telecommunications facility shall meet all applicable city standards including but not limited to building, fire, electrical, mechanical, structural standards, and requirements to ensure safe installation and operation of the facility.
- 6. Expiration:** This Permit is valid for a period of twenty-four months and will expire on December 5, 2026, unless prior to the date of expiration, a building permit for the project is issued, or an extension is granted pursuant to the procedures and timeline for extensions in the Los Altos Municipal Code.
- 7. Lease or License Agreement:** This Conditional Use Permit shall not vest unless a lease or license agreement is finalized between the property owner of the subject site (City of Los Altos) and the permittee (AT&T).
- 8. Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in

which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

- 9. Indemnify and Hold Harmless:** The permittee shall defend, indemnify, protect and hold harmless the city, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers to attack, set aside, void or annul, an approval of the city, planning commission or city council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit the city from participating in a defense of any claim, action or proceeding. The city shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at the permittee's expense.
- 10. Conditional Use Permit Revocation:** Pursuant to Los Altos Municipal Code Section 14.80.080, a use permit may be revoked by the Planning Commission, or whichever body initially approved the permit, based upon a determination by the Development Services Director or their designee that the holder of the permit has failed to comply with any condition thereof or has violated any applicable provision of the Los Altos Municipal Code. The revocation procedure shall be the same as prescribed in this chapter for the initial Conditional Use Permit.
- 11. Future Relocation of Telecommunication Facilities:** Should the property and/or building(s) undergo redevelopment, expansion, or major modifications in the future, the Development Services Director reserves the right to require relocation or removal of any or all telecommunication equipment, including permanent or temporary monopole, enclosures, generators, or accessory equipment affiliated with the operations of the wireless facility. Any relocation of the facility is subject to permits from the Planning and Building Inspection Divisions.
- 12. Building Permit Plans:** Before the permittee submits any application for a building permit or other permits required by the Los Altos Municipal Code, the permittee must incorporate the wireless telecommunication facility permit granted under this chapter, all conditions associated with the wireless telecommunications facility permit, and any photo simulations (collectively known as the "approved plans") into the project plans.
- 13. Certification of Building Permit Plans:** In a letter, the project architect or engineer of record shall certify the design shown in the building permit plans match the approved plans, except as modified by these Conditions of Approval. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect or

engineer of record shall also certify the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Division.

**14. Equipment Removal:** The operator of a telecommunications facility shall be required to remove all unused or abandoned equipment, antennas, poles, towers, and equipment enclosures if the facility has not been operational for the purposes for which it was approved by the City for a consecutive period of six (6) months. A facility is considered abandoned if it no longer provides communication or data services. The removal shall be in compliance with proper health and safety requirements and shall occur no later than thirty (30) days following the end of the applicable cessation period. It is the responsibility of the tower owner to remove the tower, equipment enclosures, and equipment ancillary to the tower in order to restore the site to its original condition.

**15. Mechanical Equipment Noise:** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 45 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used properties, or 60 dB(A) during the day or 55 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining commercially used properties. Except for emergency repairs, any testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 7:00 a.m. and 5:00 p.m. on Monday through Friday, excluding holidays, unless alternative hours are approved by the Development Services Director. Backup generators, if permitted, shall only be operated during periods of power outages or for testing.

**16. Construction Noise Reduction:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.

**17. Site Maintenance:** For the life of the project, the permittee shall be responsible for the maintenance of all facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:

- A. General dirt and grease;
- B. Chipped, faded, peeling and cracked paint;
- C. Rust and corrosion;
- D. Cracks, dents and discoloration;
- E. Missing, discolored, or damaged artificial foliage or other camouflage;



- F. Graffiti, bills, stickers, advertisements, litter and debris;
- G. Any damage from any cause.

The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism has occurred.

**18. Permittee Contact Information:** Prior to issuance of the building permit, the permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permittee shall notify the city of any changes to the information submitted within seven days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

- A. Identity, including the name, address and 24-hour local or toll-free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.
- B. The legal status of the owner of the wireless telecommunications facility, including official identification numbers and FCC certification.

**19. Interference with Access:** The permittee shall not place any facilities that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the City reasonable access to and maintenance of, all utilities and infrastructure within or adjacent to the site, including, but not limited to, below grade sewer and storm drain infrastructure, pavement, trees, public utilities, lighting and public signage.

**20. Required Signage:** At all times, all required notices and signs shall be posted on the site as required by the FCC and California Public Utilities Commission, and as approved by the City as part of the building permit. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved building permit plans.

**21. Radiofrequency (RF) Emissions:** If the City Manager determines there is good cause to believe that the facility may emit radio frequency emissions that are likely to exceed FCC standards, the City Manager may require the permittee to submit a technically sufficient written report certified by a qualified radio frequency emissions engineer, certifying that the facility is in compliance with such FCC standards.

**22. Annual Certification:** Each year on July 1, the permittee shall submit an affidavit that shall list all facilities it owns within the city by location and shall certify that (a) each such installation remains in use, (b) such in-use facility remains covered by insurance in the amount required by Municipal Code Section 11.12.070.A.11; and (c) each installation which is no longer in use. Any facility that is no longer in use shall be removed by permittee within sixty (60) days of delivery of the affidavit

**23. Regulatory Requirements:** At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards including, but not limited to, radio frequency emissions standards adopted by the FCC and antenna height standards adopted by the Federal Aviation Administration. The permittee shall conduct on-site testing to ensure the facility is in compliance with all radio frequency emissions standards adopted by the FCC. Tests shall occur upon commencement of operations, and annually thereafter. Copies of the reports from such testing shall be submitted to the city within thirty (30) days of the completion of testing. The city may retain a consultant, at the cost of the permittee, to perform testing to verify compliance with current regulatory and operational standards.

**24. Performance Standards:** To minimize environmental effects of installation and operations, wireless telecommunications facilities shall comply with the following performance standards:

- A. Where ground disturbance is required for installation of a wireless telecommunications facility, applicable best management practices (BMPs) shall be implemented to minimize loss of topsoil and site erosion and to reduce diesel particulate (PM10) and PM2.5 emissions.
- B. In the event of an unanticipated discovery of historical, archaeological, or Tribal cultural resources during construction, ground-disturbing activities shall be halted until a city-approved qualified consulting archaeologist assesses the significance of the find according to CEQA Guidelines §15064.5. If any find is determined to be a potential Tribal cultural resource or a unique archaeological resource, the city, consulting archaeologist, and the applicable Tribal authority would determine the appropriate measures to be taken. Any Tribal cultural resources identified would be subject to Tribal mitigation requirements. Any archaeological resources recovered would be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.
- C. Installations of wireless telecommunications facilities shall meet the most current California Building Code standards required at the time of construction to reduce the potential for substantial adverse effects related to ground shaking.
- D. In the event of an unanticipated discovery during project construction, ground-disturbing activities shall be halted until a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards determines their significance, and, if significant, supervises their collection for curation. Any fossils collected during site-specific development project-related excavations, and determined to be significant by the qualified paleontologist, shall be prepared to the point of identification and curated into an accredited repository with retrievable storage.
- E. Noise generated by equipment will not be detrimental to the public health, safety and welfare and shall not exceed the standards set forth in [Chapter 6.16](#) of the Municipal Code.

**25. Basic Air Quality Construction Measures:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions.

Emission reduction measures will include, at a minimum, the following measures: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; (f) all excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph; (g) all trucks and equipment, including their tires, shall be washed off prior to leaving the site; (h) Unpaved roads providing access to site located 100 feet of further from a paved road shall be treated with a 6- to 12-inch layer of compacted later of wood chips, mulch, or gravel; (i) publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall be visible to ensure compliance with applicable regulations.

**26. Basic Air Quality Construction Equipment Particulate Matter Exhaust Emission Measures:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce DPM emissions by 60 percent such that increased cancer risk and annual PM<sub>2.5</sub> concentrations from construction. Emission reduction measures will include, at a minimum, the following measures:

- (a) All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM<sub>10</sub> and PM<sub>2.5</sub>), if feasible, otherwise,
  - If use of Tier 4 interim equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
- (b) Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:
  - Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment,
  - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
  - Use of electrically powered equipment,
  - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
  - Change in construction build-out plans to lengthen phases, and

- Implementation of different building techniques that result in less diesel equipment usage.

**27. Discovery of Contaminated Soils:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) the contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) the contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) the contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) the contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) the contractor will cover the bottom of excavated areas with sheeting when work is not being performed.

**28. Discovery of Archaeological Resources:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100' of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chertflaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

**29. Discovery of Human Remains:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Development Services Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the

resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Development Services Director.

- 30. Discovery of Paleontological Resources:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

## **BUILDING DIVISION**

- 31. Building Permit:** A building permit is required for the project and building design plans shall comply with the latest applicable adopted standards. The applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.
- 32. Structural Calculations:** Structural calculations will be required once the application for a building permit is submitted.
- 33. Work Hours/Construction Site Signage:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 5:30 p.m., Monday through Friday, from 9 a.m. to 3 p.m. Saturday, and no work is permitted on Sunday or any holiday. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours and contact information, including an after-hours contact.
- 34. Disturbance Coordinator:** The applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
- 35. Geotechnical Report:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City during the building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. Recommendations may include considerations for design of

permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for back draining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

## **FIRE DEPARTMENT**

**36. Applicable Codes and Review:** The project shall comply with the California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the City of Los Altos Municipal Code (LAMC), California Code of Regulations (CCR) and Health & Safety Code. Review of this developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make an application to, and receive from, the Building Department all applicable construction permits.

**37. Violations:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

**38. Deferred Submittals:** If required, sprinklers and fire alarm to be deferred submittals and noted on sheet A0.00.

## **ENGINEERING DIVISION**

**39. Encroachment Permit:** An encroachment permit, and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

**40. Traffic Control Plan:** Where temporary closure of a sidewalk or roadway travel lane would be necessary for installation of a wireless telecommunications facility, preparation and implementation of a Traffic Control Plan approved by the City Engineer shall be required. Should installation of a wireless telecommunications facility occur adjacent to a transit stop and require temporary relocation of the stop, the applicant for such facility shall provide needed improvements for such a temporary transit stop.

**41. Municipal Regional Stormwater Permit:** The project shall comply with City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2022-0018 dated May 11, 2022. In consideration of Section C.2.

**42. Americans with Disabilities Act:** All improvements shall comply with Americans with Disabilities Act (ADA). The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.

- 43. Public Utilities:** The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
- 44. Transportation Permit:** A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site. The Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
- 45. Pollution Prevention:** The improvement plans shall include the city approved “Blueprint for a Clean Bay” plan sheet in all plan submittals.
- 46. Civil Engineering Drawings:** The applicant shall submit civil engineering drawings that show property lines with bearing and easements prior to the issuance of the building permit
- 47. Grading and Drainage Plan:** Prior to the issuance of the building permit the Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Department.
- 48. Underground Utility Verification:** Prior to the issuance of a building permit, the applicant is required to accurately identify and document the location of the underground storm drainage system on the construction plans using potholing or other means. These plans shall demonstrate that no conflicts exist between the proposed construction and existing utilities. In the event of a conflict, the applicant is responsible for revising their design to adjust the proposed facility layout, or to realign or reconstruct the storm drainage system as necessary to resolve the issue. The applicant shall bear the full cost of any required redesign, realignment, or reconstruction. All revisions must be submitted for review and approval before the building permit can be issued. Significant redesign, as determined by the Development Services Director, may require new and/or additional permits.
- 49. Public Infrastructure Repairs:** Prior to final approval the applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City’s storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee.