



# CITY COUNCIL MEETING

## AGENDA

7:00 PM - Tuesday, June 14, 2022  
*via Teleconference*

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**Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference Only.**

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**Telephone: 1-650-242-4929 Meeting ID: 149 633 8494**  
**<https://webinar.ringcentral.com/j/1496338494>**

**TO PARTICIPATE VIA VIDEO:** Follow the link above. Members of the public will need to have a working microphone on their device and **must have the latest version of Ringcentral installed** (available at <http://www.ringcentral.com/download.html>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

**TO PARTICPATE VIA TELEPHONE:** Members of the public may also participate via telephone by calling the number listed above. To request to speak, press \*9 on your telephone.

**TO SUBMIT WRITTEN COMMENTS:** Prior to the meeting, comments on matters listed on the agenda may be emailed to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov). Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. [Please follow this link for more information on submitting written comments.](#)

*Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.*

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## AGENDA

**CALL MEETING TO ORDER**

**ESTABLISH QUORUM**

**PLEDGE ALLEGIANCE TO THE FLAG**

**REPORT ON CLOSED SESSION**

**SPECIAL ITEM**

**A.** Juneteenth Proclamation

## CHANGES TO THE ORDER OF THE AGENDA

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

### CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

- 1. Minutes:** Approve Minutes of the City Council Regular Meeting of May 24, 2022. (A Rodriguez)
- 2. Reject Bid for Annual Storm Drain Improvements on Milverton Road:** Authorize the City Manager to reject the bid received for the Milverton Road Storm Drain Improvements Project, Project CD-01012, request the design consultant to reevaluate the project plans and specifications, and rebid the project (T. Nguyen)
- 3. SB-1 Road Repair and Accountability Act Resolution:** Adopt Resolution No 2022-XX, identifying street maintenance projects to be funded by Senate Bill 1 (SB-1) Road Repair and Accountability Act; find the adoption of the resolution exempt pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) (G. Watanabe)
- 4. Approve Contract:** Authorize the City Manager to execute an agreement on behalf of the City with Alta Planning + Design in an amount not to exceed \$154,814 to provide additional Safe Routes to Schools consulting services for the Transportation Division of the Engineering Services Department. (M. Lee)
- 5. Appointments to Remaining Term for Santa Clara County Cities Association Board of Directors:** Appoint Mayor Enander to the Santa Clara County Cities Association Board of Directors and Vice Mayor Meadows as Alternate
- 6. Emergency Declaration Resolution:** Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic
- 7. Contract Amendment: Complete Streets Master Plan:** Authorize the City Manager to execute Amendment #3 for Professional Services Agreement with Alta Planning + Design for Complete Streets Master Plan and find that the execution of Amendment #3 is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061, 15262, 15301, 15304 and 15322 (M. Lee)

### PUBLIC HEARINGS

- 8. Hold the Public Hearing, Consider Resolution No. 2022-\_\_:** Adopt a Resolution approving Sewer Service Charges for FY 2022/23, and Consider a Finding that the Adoption of the

Resolution Is Exempt from Review under the California Environmental Quality Act (“CEQA”) Pursuant to CEQA Guidelines Section 15273 (A. Fairman)

**9. FY 2021/22 Budget Appropriations:** Review and Approve Final Adjustments to FY 21/22 Budget appropriations (J.Furtado)

**10. Proposed FY 2022/23 Mid-Term Budget:** Approve the following actions:

- A. Approve the FY 2022/23 Mid-Term Budget; and
- B. Adopt Resolution No. 2022-\_\_ establishing the FY 2022-23 Appropriations Limit; and
- C. Adopt Resolution No. 2022-\_\_ setting certain fees and charges to be collected in FY 2022/23; and
- D. Adopt Resolution No. 2022-\_\_ approving the FY 2022/23 Pay Schedule

**11. Wireless Telecommunications Facilities Ordinance and Design Guidelines:**

Approve Resolution 2022-\_\_, Wireless Telecommunications Facilities Adopting a Negative Declaration in compliance with CEQA; and

Approve Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards, as recommended by the Planning Commission with additional modifications per City Council discussion on April 12 and May 10, 2022; and

Approve Resolution 2022-\_\_, Wireless Telecommunications Facilities Design Guidelines, as recommended by the Planning Commission with additional modifications per City Council discussion on April 12 and May 10, 2022.

## DISCUSSION ITEMS

**12. AB 481 Military Equipment Use Policy:** Review the Los Altos Police Department Draft Policy 709 and provide modifications as needed (K. Krauss)

**13. Council Legislative Subcommittee Update And Potential Council Action:** Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to AB 2053, AB 2097, AB 2221, AB 2625, AB 2164, AB 1944, AB 2011, AB 2181, SB 897, SB 922, SB 930, SB 932, & SB 1067

## INFORMATIONAL ITEMS ONLY

**14.** Tentative Council Calendar

## COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

## ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.

If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record.



# *Proclamation*

## *Of the Mayor*

### *Of the City of Los Altos, California*

**WHEREAS**, on September 22, 1862, President Lincoln issued the Emancipation Proclamation, which freed enslaved peoples in the Confederate States that had been liberated by Union troops; and

**WHEREAS**, on January 1, 1863 the Emancipation Proclamation took effect, but was only promulgated slowly throughout the affected states; and

**WHEREAS**, On January 31, 1865 the 13<sup>th</sup> Amendment passed the U.S. Congress, freeing all slaves nationwide, including those in Delaware and Kentucky – the “border states” with the Confederacy where slavery had continued; and

**WHEREAS**, on June 19, 1865, Major General Gordan Granger issued General Orders #3 in Galveston, Texas, informing the people of Texas that, in accordance with the Emancipation Proclamation, “all slaves are free;” and

**WHEREAS**, on December 6, 1865, the 13<sup>th</sup> Amendment was ratified, although the last enslaved people present in the continental United States were only freed in 1866, when the enslaved people held in the “Indian Territories” that had sided with the Confederacy were released; and

**WHEREAS**, Juneteenth became a traditional celebration in Texas among freed slaves and their descendants that has spread across the United States; and

**WHEREAS**, Juneteenth has become a symbol and celebration of new beginnings for descendants of slaves across the world, including the Mascogos, descendants of Black Seminoles who escaped from slavery in 1852 and settled in Coahuila, Mexico; and

**WHEREAS**, Juneteenth was made a state holiday in Texas in 1980, the first state to do so; and

**WHEREAS**, on June 17, 2021, the President signed into law S. 475, “The Juneteenth National Independence Day Act,” designating Juneteenth as a legal public holiday; and

**WHEREAS**, Juneteenth is a day to celebrate the day that brought new beginnings to African-Americans, a culture which has contributed to every part of American history, science, literature, art, culture, and politics;

**NOW THEREFORE BE IT RESOLVED**, that I, Anita Enander, Mayor of the City of Los Altos, and on behalf of the entire Los Altos City Council, do hereby proclaim June 19, 2022, as **JUNETEENTH DAY**, to recognize the cultural and historical significance of this day and in hopes that all Los Altos residents will take the opportunity learn about and share the joy and optimism that this foundational day in Black culture represents.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Los Altos this 29<sup>th</sup> day of March, 2022.

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Anita Enander, MAYOR



**CITY COUNCIL MEETING  
MINUTES  
7:00 PM - Tuesday, May 24, 2022  
via Videoconference**

**CALL MEETING TO ORDER**

At 7:00 p.m. Mayor Enander called the meeting to order.

**ESTABLISH QUORUM**

**PRESENT:** Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows and Mayor Enander

**ABSENT:** None

**PLEDGE ALLEGIANCE TO THE FLAG**

Tara and Mili Sridhar, with Troop 61911 & 60425 led the Council in the Pledge.

**REPORT ON CLOSED SESSION**

No Closed Session - Nothing to report.

**CHANGES TO THE ORDER OF THE AGENDA**

No changes were requested.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Roberta Phillips requested Item 6 from the Consent Calendar to be removed. Marie Young, Beth Beninato and Mike Abrams ceded their time to Joe Beninato.

**SPECIAL ITEMS**

- A. Anne Roberts and Dick Liewer Recipient of the 2022 Los Altos Historic Preservation Award

Mayor Enander presented the Proclamation honoring Anne Roberts and Dick Liewer Recipient of the 2022 Los Altos Historic Preservation Award.

**CONSENT CALENDAR**

1. **Minutes:** Approve Minutes of the City Council Regular Meeting of May 10, 2022. (A Rodriguez)
2. **Approve Resolution:** Authorize staff to submit the Los Altos Climate Action and Adaptation Plan for a Beacon Award for environmental excellence (R Aggarwal)

3. **Delegation of Authority:** Authorize the City Manager to submit applications to CalPERS for Industrial Disability Retirements of behalf of the City (I Silipin)
4. **Quarterly Investment Portfolio Report:** Receive the Investment Portfolio Report through Quarter Ended March 31, 2022 (J Furtado)
5. **Tree Protection Ordinance:** Direct the Environmental Commission to work with City staff to evaluate the City's Tree Protection Ordinance and recommend changes as needed (J Maginot)
6. **Approve:** Rental Fee Waiver Request by the Friends of the Library of Los Altos (M Price)

Council Member Fligor requested to remove Item 5 and Council Member Lee Eng requested Item 6 to be removed from the Consent Calendar.

Mayor Enander asked a clarifying question regarding Item 2 to Staff. Laura Simpson, Interim Planning Director responded.

Following a motion by Council Member Neysa Fligor, seconded by Council Member Weinberg, Items 1-4 were approved 5-0 with the following roll call vote:

AYES: Council Member Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

Mayor Enander indicated Items 5 and 6 will be taken at the end of the Discussion Items.

#### **PUBLIC HEARINGS - None**

#### **DISCUSSION ITEMS**

7. **Review and Approve:** Recommended Process proposed by Alta Housing for establishing a Below Market Rate (BMR) Waiting List and Provide Direction to Staff (L. Simpson)

Laura Simpson, Interim Planning Director, introduced Georgina Mascarenhas and Randy Tsuda from Alta Housing, whom presented to Council.

Council Members Lee Eng, Fligor, Weinberg, Vice Mayor Meadows, and Mayor Enander asked clarifying questions to the presenters. Council Member Weinberg asked a clarifying question to the City Attorney.

The following members of the public commented: Lori Cunningham, Anne Paulson, and Susan Russell.

The Council expressed support in doing an open recruitment and constituting a new waitlist, retain priority number 1 as is with the inclusion of Steven Creek Elementary and private schools, have number 2 be 'all those who live or work in Los Altos,' a number 3 for 'all others,' an annual report with all data tied to the operations of this program without any names or identifies of individuals, having City Staff lead a robust effort working with Alta on outreach to all schools (public, private, religious), ensure certificated

and non-certificated school staff as well as badged and administrative public service professionals as well as all of Los Altos business and religious institutions.

Council further indicated clarity was needed in explaining how the waitlist process works while setting realistic expectations to applicants and to see if Staff can work out a practical way for the lottery process to be more observable.

Council asked Staff to bring back any amendment to Alta's Contract if required to complete the desired work, including the possibility of expanding how Alta can work with rental firms on privately owned rental units and included deed restricted ADU units as well as additional outreach support if needed.

Mayor Enander moved to direct Staff to move forward with the formally noted instructions and following a second by Vice Mayor Meadows, the motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

At 9:21pm, Mayor Enander called a for a recess and returned the meeting back to order at 9:33 pm.

**8. In-person City Council and Commission meetings:** Provide direction on the return to in-person City Council and Commission meetings (J. Maginot)

Jon Maginot, Assistant City Manager, made himself available to answer questions from Council.

Council Members Weinberg, Fligor, Lee Eng, Vice Mayor Meadows, and Mayor Enander asked clarifying questions to Mr. Maginot.

The following members of the public commented: Pete Dailey, Joe Beninato and Freddie Wheeler.

Following Council discussion, a motion made by Mayor Enander, seconded by Vice Mayor Meadows, to have the option and the ability of holding hybrid public meetings with Council first and then include Commissions, if medically feasible and not against the County Health Officer's recommendations or State mandates, aiming for the first meeting being after the summer break. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

**9. Council Legislative Subcommittee Update And Potential Council Action:** Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to AB 2053, AB 2063, AB 2097, AB 2221, AB 2625, AB 2762, AB 2164, AB 1944, SB 897, SB 922, SB 930, SB 932, & SB 1067

Mayor Enander presented the report to Council.



There was no public comment on this item.

AB2181 was requested to add to the list from Council Member Lee Eng and AB2011 was requested to be added to the list by Mayor Enander.

Council Member Weinberg provided comments on SB 932.

### **10. Open Government Policy: Council Subcommittee Report**

Mayor Enander presented the topic to the Council.

There was no public comment for this item.

Council discussion continued and will come back on a future agenda.

**Consent Item 5: Tree Protection Ordinance:** Direct the Environmental Commission to work with City staff to evaluate the City's Tree Protection Ordinance and recommend changes as needed (J. Maginot)

Council member Fligor expressed some concerns around scope. City Manager England responded that they will only address technical aspects and not policy.

The Council asked clarifying questions to City Manager Gabe England to which he responded.

Following a motion by Mayor Enander, seconded by Council Member Lee Eng, to have the Environmental Commission look at the technical aspects of the tree ordinance. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, Mayor Enander  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

**Consent item 6: Approve:** Rental Fee Waiver Request by the Friends of the Library of Los Altos (M. Price)

The following members of the public commented: Roberta Phillips, and Freddie Wheeler.

Council Member Weinberg moved to approve, seconded by Council Member Fligor the item as presented. The motion passed 3-2 with the following roll call vote:

AYES: Council Members Fligor, Weinberg, Vice Mayor Meadows,  
 NOES: Council Member Lee Eng, Mayor Enander  
 ABSENT: None  
 ABSTAIN: None

### **INFORMATIONAL ITEMS ONLY**

#### **11. Tentative Council Calendar**

Council Member Weinberg asked a clarifying question to City Manager England and requested for Council to review Council Norms, which received support from Vice Mayor Meadows and Council Member Fligor to have it on a future agenda as Discussion.

Council Member Fligor asked for an update on the Complete Streets Master plan and City Manager England answered.

Mayor Enander announced a forthcoming proclamation around Juneteenth.

**COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

The Mayor and Council Member Weinberg reported out announcements.

**ADJOURNMENT**

Meeting adjourned at 11:22 p.m.

\_\_\_\_\_  
Anita Enander MAYOR

ATTEST:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject:** Annual Storm Drain Improvements, Milverton Road Project CD-01012

**Prepared by:** Thanh Nguyen, Senior Civil Engineer

**Reviewed by:** Aida Fairman, Engineer Services Manager  
Jim Sandoval, Engineering Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment:**  
A. Resolution

**Initiated by:**  
Capital Improvement Plan – Annual Storm Drain Improvements, Project CD-01012

**Previous Council Consideration:**  
March 26, 2019; March 22, 2022

**Fiscal Impact:**  
None: recommending rejection of the bid received.

- Breakdown of funds to be used in this project:
  - o \$950,000 General Fund already appropriated
  - o The very high bid received if awarded, would require an additional appropriation of \$612,042 from the General Fund (not recommended)

Project Item	Project Budget
Design (Original Contract & Amendments. 1, 2, 3)	\$102,448
Construction ( <i>not recommended for award</i> )	\$1,212,690
Inspection and testing services	\$62,000
Printing/Environmental Doc/Misc.	\$3,000
Construction contingency (15%)	\$181,904
<b>Estimated Total Cost</b>	<b>\$1,562,042</b>
Available Funds to-Date	\$950,000.00
<b>Budget Shortfall (<i>if the bid were awarded</i>)</b>	<b>\$612,042</b>

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City Manager GE                      City Attorney JH                      Finance Director JE



**Subject:** Annual Storm Drain Improvements, Milverton Road Project CD-01012

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**Environmental Review:**

Categorically Exempt pursuant to CEQA Section 15301

**Policy Question for Council Consideration:**

- Should the Council reject the single bid received and ask the designer to reevaluate the plans and specifications for rebid?

**Summary:**

- The project was designed by Schaaf & Wheeler Consulting Civil Engineers and includes drywell systems to improve stormwater drainage on Milverton Road
- A single bid was received for this project, which was very high above the cost of construction estimated by the project designer
- It is not currently a competitive bid environment in the San Francisco Bay Area

**Staff Recommendation:**

Authorize the City Manager to reject the bid received for the Milverton Road Storm Drain Improvements Project, request the design consultant to reevaluate the project plans and specifications, and rebid the project



**Subject:** Annual Storm Drain Improvements, Milverton Road Project CD-01012

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**Purpose**

Reject the bid received or award the construction contract for the Annual Storm Drain Improvements Project at Milverton Road.

**Background**

The 2016 Stormwater Master Plan identified and prioritized areas for storm drainage infrastructure improvements. The Milverton Road Drywells Project was prioritized in the plan due to historic flooding on that street. Drywells are able to improve drainage infrastructure without requiring piped connections to the storm drain system. Drywells also benefit local creeks by reducing urban stormwater runoff pollution.

The original design services agreement with Schaaf & Wheeler was executed on March 8, 2018, in the amount of \$54,913. The first amendment to the agreement was executed on August 16, 2018, for \$17,000 for additional services, including potholing locations in the field to collect data on potential utility conflicts. The second amendment to the agreement of \$16,780 was executed in April 2019 to perform additional land surveying, potholing, and design needed to address information gaps and other design considerations to optimize the project plan. The CIP budget for the Annual Storm Drain Improvements project was deferred in 2020 due to financial constraints arising from the COVID-19 pandemic. A third amendment was executed on September 22, 2021, in the amount of \$13,665 to validate the project design, including potholing and modifications to plans and specifications.

**Discussion/Analysis**

On April 28, 2022, the City received one bid for the Milverton Road Storm Drain Improvements Project. The bid received was in the amount of \$1,212,690, which was way above the Engineer’s Estimated range of \$475,000 to \$525,000.

Cities in the San Francisco Bay Area are experiencing extremely high bids over the engineering estimates. Due to the price of fuel, labor, and materials (steel, etc.). It is currently not a competitive bid environment.

Storm drain improvements in the City of Los Altos do not have a dedicated funding source. The City sought the creation of a dedicated funding source through the Clean Water and Sustainable Storm Drain ballot initiative in 2019, which did not pass. Funding for the Annual Storm Drain Improvements Program comes from the General Fund. Due to the extremely high bid received, the award of the construction contract would require an additional appropriation of \$612,042 from the General Fund. There are competing needs in other programs for the City’s limited general fund resources.



**Subject:** Annual Storm Drain Improvements, Milverton Road Project CD-01012

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Therefore, staff recommends rejecting the bid and asking the designer to reevaluate the plans and specifications to look for potential ways to reduce costs, which may involve changes to the scope, or the use of an alternative bid structure.

**Options**

- 1) Authorize the City Manager to reject all bids received for the Milverton Road Storm Drain Improvements Project, request the design consultant to reevaluate plans and specifications, and rebid the project

**Advantages:** Does not require the appropriation of \$612,042 from the General Fund, allowing those funds to be available for other current needs; potential cost savings when rebidding the project compared to the existing funds required.

**Disadvantages:** Delays construction of the storm drainage improvements, design costs.

- 2) Authorize the City Manager to award the construction contract for the Milverton Road Storm Drain Improvements Project to EPS, Inc. for \$1,212,690 and appropriate and additional \$612,042 to the Annual Storm Drain Improvements Program CD01012 from the General Fund.

**Advantages:** Construction of improvements to the storm drainage system.

**Disadvantages:** Allocates \$612,042 of General Fund dollars for the construction of an overbudget project in an uncompetitive bid environment.

**Recommendation**

The staff recommends Option 1.

**RESOLUTION NO. 2022-\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO REJECT THE BID RECEIVED  
FOR THE MILVERTON ROAD STORM DRAIN IMPROVEMENTS PROJECT  
CD-01012**

**WHEREAS**, the City's Engineering Services Department secured Schaaf & Wheeler to perform design consulting services for the Milverton Storm Drain Improvements Project; and

**WHEREAS**, the City received only one bid for construction of the said project; and

**WHEREAS**, the bid received was very high above the estimated construction cost, creating a budget shortfall for the project; and

**WHEREAS**, there is no dedicated funding source for storm drain improvements, and therefore an award of the construction contract to the bidder would require a significant appropriation from the General Fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby

1. Authorizes the City Manager to reject the bid received on April 28, 2022, for the bid opening for the Milverton Storm Drain Improvements Project CD-01012.

**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 the 14th day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, interim CITY CLERK

**From:** [Jim Wing](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 2-06/14/2022  
**Date:** Tuesday, June 7, 2022 7:54:58 AM  
**Attachments:** [image003.png](#)

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Council Mayor Enander and Distinguished Council Members,

Council 6/14/2022 Meeting Agenda Item 2, Milverton Stormwater Drain Improvements

**I recommend you provide Engineering Staff guidance to review design with Milverton residents and get their opinion on most important elements of design / phasing of project for cost reduction. Review should be done before approved funding is moved to other projects.**

When Santa Clara County subdivided Milverton in 1947, two drywells were installed at both natural low spots to capture street stormwater runoff. These drywells worked just fine because Santa Clara County cleaned out drywells every 10 years until Milverton was annexed to Los Altos in 1972. Los Altos last cleaned both drywells in 1980 and since then they soon became “loaded with silt” and lost their ability to absorb street stormwater within 2 hours. Currently they absorb street stormwater in 3 or 4 days. Resident requests to Los Altos Maintenance Staff for cleaning drywells have been returned “**we do not clean drywells**”. In late 1980’s Los Altos had a street flooding stormwater pump truck but it soon became too costly to operate.

Thank you for your consideration!

Jim Wing Milverton Road Los Altos, CA



**Project:** Milverton Road  
**Project Identifier:** AD PA 1002

**Issue:** Poorly functioning drywells cause flooding

**Priority:** Moderate

**Cost:** \$410,000

**Project Summary:**  
 Milverton Rd, approximately 515 feet NW of S El Monte Rd, approximately 515 feet NW of S El Monte Rd, has experienced drainage problems. Drywells exist, but function poorly.

New inlets at the low point in Milverton Rd will improve roadway conditions by draining the street and carrying the runoff to the existing city SD system.

The proposed improvements were added to the city's SD model to determine impacts. It appears the El Monte system has capacity for the proposed improvements. The peak flow in the most downstream pipe in the El Monte system increases from 3.9 cfs to 7.1 cfs, however, the system has capacity for this addition flow.

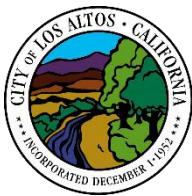


**Master Plan Improvements:**

1. Add new 18" RCP line along Milverton Rd. Top of system is approximately half way between S El Monte Ave and the bend in Milverton Rd. Tie into existing system at MH G2D-608 (S El Monte Ave at University Ave).
2. Construct 3 new inlets on Milverton Rd at the low point where flooding occurs. Drywells should be removed. Improvements consist of 772 LF of 18" RCP, 2 new MH connections, and 1 MH connection to an existing line.







### AGENDA REPORT SUMMARY

**Meeting Date:** June 14, 2022

**Subject** Consider the adoption of Resolution No 2022-XX, identifying street maintenance projects to be funded by Senate Bill 1 (SB-1) Road Repair and Accountability Act; consider finding the adoption of the resolution exempt pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities)

**Prepared by:** Gaku Watanabe, Assistant Engineer  
**Reviewed by:** James Sandoval, Engineering Services Director  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
1. Resolution 2022-XX List of Street Repairs for Fiscal Year 2022-23 for use of SB1 Funds  
2. Local Streets and Roads – Projected Revenues

**Initiated by:**  
Staff

**Previous Council Consideration:**  
None

**Fiscal Impact:**  
The current FY 2022-23 State of California budget estimates \$695,465 for street improvements from the State’s Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 (SB-1). The City must front the complete cost of projects for use of SB-1 funds and the state provides reimbursement upon completion of the projects.

**Environmental Review:**  
The adoption of the resolution is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), in that Section 15301(c) provides an exemption for operation, repair, maintenance, or minor alteration of existing rights of way involving negligible or no expansion of existing or former use. The adoption of the proposed resolution will facilitate funding for ordinary street maintenance, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

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**Reviewed By:**

City Manager	City Attorney	Finance Director
<i>GE</i>	<i>JH</i>	<i>JE</i>



**Subject:** Resolution No 2022-XX: Senate Bill 1 (SB-1) Road Repair and Accountability Act

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**Policy Question(s) for Council Consideration:**

None

**Summary:**

- Senate Bill 1 generates funding through gas taxes for Cities and Counties to address road improvement needs. The Fiscal Year 2022-23 SB-1 estimated allocation for the City of Los Altos is \$695,465.
- To be eligible to receive SB-1 funds, a list of projects to be funded through the program must be provided annually to the State of California via resolution.
- A total of 16 street segments are included in the list of streets to be eligible for SB1 funding.

**Staff Recommendation:**

Adopt Resolution No. 2022-XX to incorporate a list of projects planned for funding with the Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 in Fiscal Year 2022-23.

**Purpose**

Adopt Resolution No. 2022-XX to incorporate a list of projects planned for funding with the Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 in Fiscal Year 2022-23.

**Background**

Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide. SB-1 is intended to enable Cities and Counties to better address significant maintenance, rehabilitation, and safety needs on the local street system. The City of Los Altos will receive approximately \$695,465 in SB-1 funding in the Fiscal Year 2022-23.

**Discussion/Analysis**

Accountability and transparency measures are built into SB-1, including a requirement that Cities and Counties adopt project lists at the start of every fiscal year via resolution and provide year-end reporting on completed projects by December 1st. The City must include a list of all projects proposed to receive funding through SB-1 in the City’s budget, which will include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement.

As part of the FY 2022-23 budget, the City allocated \$3,500,000 for street maintenance and rehabilitation. Funding sources include General Fund, Gas Tax, County Measure B, and \$695,465



**Subject:** Resolution No 2022-XX: Senate Bill 1 (SB-1) Road Repair and Accountability Act

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from the SB-1 program. The list of proposed street sections for use of SB-1 funds in the FY 2022-23 is attached in the Council resolution. Note that this list includes more streets than SB1 funding will cover. A larger list was developed to provide more flexibility in prioritizing projects depending on changes in funding. The City may reprioritize its project list at any time. The Project Expenditure Report to be submitted to the California Transportation Commission (CTC) will give the City an opportunity to communicate any changes to the list proposed.

**Recommendation**

Adopt Resolution No. 2022-XX to incorporate a list of projects planned to be funded with Road Maintenance and Rehabilitation Account (RMRA).

**RESOLUTION NO. 2022-XX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-23 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, the City Council must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

**WHEREAS**, the City will receive an estimated \$695,465 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

**WHEREAS**, this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

**WHEREAS**, the City has undergone a robust public process by presenting the planned street list to Complete Streets Commission meeting to ensure public input is integrated into our transportation priorities/the project list; and

**WHEREAS**, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

**WHEREAS**, the funding from SB 1 will help the City maintain and rehabilitate 16 streets throughout the City this year and dozens of similar projects into the future; and

**WHEREAS**, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in an “good” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a “very good” condition; and

**WHEREAS**, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

**NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by the City Council of the City of Los Altos, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues:

**Project Title:** Annual Street Resurfacing Project

**Project Description:** Complete pavement maintenance work including digout repairs, microsurfacing and asphalt-concrete overlay.

**Project Location:** Various streets within the City of Los Altos. See list below.

**Estimated Project Schedule: Start (June/2023)– Completion (October/2023) based on the component being funded with RMRA funds**

**Estimated Project Useful Life: 12-15 years**

Project Street (Section)	Proposed Pavement Treatment and Description	Proposed Schedule	Estimated Useful Life
S. Clark Avenue (N. El Monte Ave to Cuesta Dr)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Alegre Avenue (Miramonte Ave to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Alta Vista Avenue (Chamisal Ave to Yerba Buena Ave)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Autumn Ln (Oakhurst Ave to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Avon Way (Echo Dr to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Frances Drive (Eleanor Ave to Gordon Way S.)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Fremont Avenue (Campbell Ave to Riverside Dr)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Havenhurst Drive (Truman Ave to Fallen Leaf Ln)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Marlborough Ave (Canterbury Wy to Oak Ave)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Miguel Avenue (Peninsular Ave to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years

Project Street (Section)	Proposed Pavement Treatment and Description	Proposed Schedule	Estimated Useful Life
Rose CR E. (Covington Rd to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Rosita Ave (Campbell Ave to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Solana Drive (Almond Ave to Jardin Dr)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Traverso Ct (Traverso Ave to End)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
University Avenue (El Monte Ave to Anita Ave)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years
Valencia Drive (Almond Ave to Jardin Drive)	2'' Mill & Overlay	Jun-Oct 2023	12-15 years

**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 the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



# Local Streets and Roads - Projected Revenues

<i>Estimated January 2022</i>	2021-22			2022-23		
	Hwy Users Tax	Road Mntnc	TOTAL	Hwy Users Tax	Road Mntnc	TOTAL
	Account	Rehab Acct		Account	Rehab Acct	
<b>SANTA BARBARA COUNTY</b>						
BUELLTON	144,876	112,572	257,449	160,819	123,889	284,708
CARPINTERIA	343,044	273,322	616,366	381,753	300,798	682,552
GOLETA	832,372	669,821	1,502,193	927,235	737,157	1,664,392
GUADALUPE	218,830	172,867	391,696	243,312	190,244	433,556
LOMPOC	1,090,334	880,136	1,970,470	1,214,983	968,614	2,183,597
SANTA BARBARA	2,376,361	1,927,402	4,303,762	2,649,328	2,121,157	4,770,486
SANTA MARIA	2,744,438	2,225,454	4,969,893	3,059,618	2,449,172	5,508,790
SOLVANG	146,832	114,167	261,000	163,001	125,644	288,645
County of Santa Barbara	10,780,093	8,234,763	19,014,856	12,011,936	9,062,578	21,074,514
Total Cities & County: Santa Barbara	18,677,180	14,610,505	33,287,685	18,677,180	14,610,505	33,287,685
<b>SANTA CLARA COUNTY</b>						
CAMPBELL	1,084,208	860,252	1,944,460	1,207,733	946,731	2,154,464
CUPERTINO	1,528,246	1,214,912	2,743,159	1,702,698	1,337,044	3,039,742
GILROY	1,475,084	1,172,307	2,647,391	1,643,418	1,290,155	2,933,573
LOS ALTOS	799,322	631,938	1,431,260	890,063	695,465	1,585,528
LOS ALTOS HILLS	223,637	173,778	397,415	248,590	191,247	439,837
LOS GATOS	807,747	638,691	1,446,438	899,458	702,896	1,602,354
MILPITAS	1,967,787	1,567,170	3,534,957	2,192,820	1,724,712	3,917,533
MONTE SERENO	98,944	74,648	173,592	109,663	82,152	191,815
MORGAN HILL	1,235,167	981,234	2,216,401	1,376,064	1,079,874	2,455,938
MOUNTAIN VIEW	2,152,603	1,715,285	3,867,888	2,398,904	1,887,717	4,286,621
PALO ALTO	1,760,875	1,401,346	3,162,220	1,962,096	1,542,218	3,504,315
SAN JOSE	26,639,203	21,329,358	47,968,561	29,701,926	23,473,532	53,175,459
SANTA CLARA	3,393,891	2,708,076	6,101,967	3,782,749	2,980,311	6,763,059
SARATOGA	800,252	632,684	1,432,936	891,100	696,286	1,587,386
SUNNYVALE	3,990,412	3,186,142	7,176,554	4,447,916	3,506,434	7,954,351
County of Santa Clara	34,879,355	25,234,635	60,113,990	38,859,508	27,771,394	66,630,902
Total Cities & County: Santa Clara	82,836,732	63,522,455	146,359,187	82,836,732	63,522,455	146,359,187



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject:** Professional Services Agreement with Alta Planning + Design for Safe Routes to School Program Coordinator

**Prepared by:** Marisa Lee, Transportation Services Manager

**Reviewed by:** Jim Sandoval, Engineering Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment:**

A. Resolution 22-\_\_\_\_

**Initiated by:** Transportation Services Division

**Previous Council Consideration:**

- There was a previous agreement with Alta Planning + Design for SRTS Coordination which was executed on September 22, 2020, for an amount not to exceed \$120,000.

**Fiscal Impact:**

The proposed future scope of work is estimated to cost \$154,814. Sufficient funds are available in the FY 2023 Operating Budget of the Transportation Services Division’s Professional Services Budget (4210-5270).

- Breakdown of funds to be used:
  - o \$154,814 General Fund--Traffic Operating Professional Services (4210-5270) budget
- Amount already included in approved budget? Yes
- Amount above budget requested: \$0

**Environmental Review:**

Not applicable

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE



**Subject:** Professional Services Agreement with Alta Planning + Design for Safe Routes to Schools Program Coordinator

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**Summary:**

- Continued assistance for the Transportation Division of the Engineering Services Department is needed for Safe Routes to Schools transportation planning services, project management, education and encouragement, and programmatic and infrastructure recommendations for the schools within the City of Los Altos.
- Alta Planning + Design has been successfully assisting the City with project management and various tasks related to Safe Routes to Schools since September 22, 2020.

**Staff Recommendation:**

Authorize the City Manager to execute a contract on behalf of the City with Alta Planning + Design in an amount not to exceed \$154,814 to provide additional Safe Routes to Schools consulting services for the Transportation Division of the Engineering Services Department.

**Purpose**

Contract for additional Safe Routes to Schools transportation planning consulting services for the Transportation Division of the Engineering Services Department.

**Background**

There was a previous agreement for Safe Routes to Schools Coordination with Alta Planning + Design that was executed on September 22, 2020, in an amount not to exceed \$60,000 per year for two years. The goal of this contract was to support City staff with various SRTS projects in the areas of programming, education, and encouragement. Only a portion of the allotted \$60,000 was used for the first year, and the remainder was returned to the General Fund. The \$60,000 allotted for the second year is nearly fully used.

Achievements in the past two years have included:

- Drive Safely Neighborhood Yard Signs - 500 signs distributed citywide with the help of five schools
- Creation of a [SRTS Champion Toolkit](#), available on the City website
- Student Hand Tallies and Parent Survey - [Report](#) also online
- Creation of a Bike/Ped Curriculum. Discussion with the school district for a pilot.
- Creation of an Advisory Committee, scheduling of Advisory Committee meetings, and development of Meeting Agenda Topics. This is an opportunity for school administrators and City staff to collaborate, share ideas and best practices, and create uniformity and consistency among SRTS programs across School Districts. Three meetings have been completed, an additional meeting is upcoming in June
- Spring/Bike Month events:
  - Video Challenge



**Subject:** Professional Services Agreement with Alta Planning + Design for Safe Routes to Schools Program Coordinator

- 
- Crossing Guard Appreciation Week - May 9-12
  - Family Bike Days, May 21-22 (Co-organized with Green Town). Three guided bike rides each day and three energizer stations. A total of 59 people registered for the guided bike rides and 100 people for the self-guided rides
  - Drop-off site visit and observation for Los Altos High School and programmatic, infrastructure, and network recommendations for streamlining
  - Representation of Los Altos at TSCN and SRTS Providers Meetings

Activities in progress include:

- Administration Survey and Student Survey
- Ongoing work to support City staff and School staff in solutions for Los Altos High School, including Transportation Demand Management, infrastructure and programmatic recommendations, and planned Walk Audit
- Ongoing representation of Los Altos at TSCN and SRTS Providers Meetings

**Discussion/Analysis**

Alta Planning + Design has been successfully assisting the City with project management and Safe Routes to School education, encouragement, and programmatic tasks. Alta Planning + Design is needed to continue assisting the Transportation Division of the Engineering Services Department with various school transportation projects. Alta Planning + Design is intimately familiar with the Los Altos community, the School District, and transportation-related issues throughout the City and has forged relationships with School Administrators and District Personnel. Accordingly, the firm is uniquely qualified to continue services.

**Recommendation**

Staff recommends authorizing the City Manager to execute a contract on behalf of the City with Alta Planning + Design in an amount not to exceed \$154,814 to provide additional SRTS consulting services for the Transportation Division of the Engineering Services Department.

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH ALTA PLANNING + DESIGN IN AN AMOUNT NOT TO EXCEED \$154,814 FROM THE FY 23 OPERATING BUDGET TO PROVIDE ADDITIONAL SAFE ROUTES TO SCHOOLS CONSULTING SERVICES FOR THE ENGINEERING SERVICES DEPARTMENT.**

**WHEREAS**, on September 22, 2020, The City of Los Altos and Alta Planning + Design entered into an agreement for Safe Routes to School Program Coordinator consulting services; and

**WHEREAS**, continued assistance for the Engineering Services Department is needed for on-call and planned programmatic Safe Routes to School Program Coordinator consulting services, including supporting the Transportation Services Department’s staff; and

**WHEREAS**, Alta Planning + Design has been successfully assisting the City with project management and various SRTS tasks for the Transportation Services Division since September 7, 2020; and

**WHEREAS**, Alta Planning + Design is an independent consultant providing similar professional services to numerous other cities; and

**WHEREAS**, Alta Planning + Design is intimately familiar with the Los Altos community and school transportation related issues throughout the city, and accordingly, the firm is uniquely qualified to continue services;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds that the foregoing recitals are true and correct and approves authorization by the City Manager to execute the agreement between the City of Los Altos and Alta Planning + Design for an amount of \$154,814,

**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 the \_\_\_\_ day of \_\_\_\_, 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject** Appointments to Remaining Term for Santa Clara County Cities Association Board of Directors

**Prepared by:** Gabriel Engeland, City Manager

**Attachment(s):**  
None

**Initiated by:**  
City Council

**Previous Council Consideration:**  
December 14, 2021

**Fiscal Impact:**  
None

**Environmental Review:**  
Not applicable

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to accept the Mayor’s appointments to the Santa Clara County Cities Association Board of Director position and Alternate for the remainder of 2022?

**Summary:**

- The Mayor annually appoints Councilmembers to serve on regional boards and Council Committees.

**Staff Recommendation:**

The City Council should act on the Mayor’s appointments to the Santa Clara County Cities Association for the remainder of 2022:

- Appoint Mayor Enander to the Board of Directors
- Appoint Vice Mayor Meadows as Alternate

City Manager  
*GE*

**Reviewed By:**  
City Attorney  
*JH*

Finance Director  
*JF*



**Subject:** Appointments to Remaining Term for Santa Clara County Cities Association Board of Directors

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Each term will be for the timeframe of June 14, 2022 – December 31, 2022, or until such a time new appointments are made.





**Subject:** Appointments to Remaining Term for Santa Clara County Cities Association Board of Directors

**Purpose**

To act on the Mayor’s appointments to the Santa Clara County Cities Association.

**Discussion/Analysis**

Per the City’s Council Norms and Procedures, the Mayor appoints Councilmembers to serve on various Council Committees and regional boards. These appointments are made at the beginning of each year except for certain, multi-year appointments. The appointments are subject to affirmation by the full Council. In making appointments on December 14, 2021, for the following year, the Council declined to confirm the Mayor’s appointments for the Santa Clara County Cities Association Board of Directors and Alternate. Instead, Council appointed Councilmember Fligor to the Board of Directors and Mayor Enander as the Alternate. Both appointments were for a 6-month term, beginning on December 14, 2021. New appointments are needed, to be effective June 15, 2022, until December 31, 2022, or until new appointments are made.

**Recommendation**

City Council should act on the Mayor’s appointments to the Santa Clara County Cities Association:

- Appoint Mayor Enander to the Board of Directors
- Appoint Vice Mayor Meadows as Alternate

Each term will be for the timeframe of June 15, 2022 – December 31, 2022, or until such time as new appointments are made.



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Bill Hough](#)  
**To:** [Public Comment](#); [City Council](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** public comment regarding item #5 on 6/14/2021 agenda  
**Date:** Tuesday, June 14, 2022 8:38:20 AM

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I am submitting this public comment in my capacity as a resident and taxpayer in Los Altos.

I support the staff recommendation as written. It says the *City Council should act on the Mayor's appointments to the Santa Clara County Cities Association for the remainder of 2022:*

- *Appoint Mayor Enander to the Board of Directors*
- *Appoint Vice Mayor Meadows as Alternate*

Since she is the Mayor, Anita Enander should have an opportunity to represent the city on the Santa Clara County Cities Association.

**From:** [Deb Skelton](#)  
**To:** [Public Comment](#)  
**Subject:** City Council meeting 6/14  
**Date:** Tuesday, June 14, 2022 12:49:50 PM

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Dear Council Members and City Staff,

This note is in regards to items on the agenda for the June 14 Los Altos City Council meeting. Please include this note in the packet.

First of all, many thanks to all of you for your dedication and for the work that you do.

Agenda item #5:

Santa Clara County Cities Association - I believe the current Mayor should have the opportunity to represent our City in this organization. I'm not sure why this transition has not occurred, it seems late in the game. Mayor Enander should be representing our City, if she so chooses, for the duration of her term. This should be passed on to Ms Meadows promptly, when she becomes our next Mayor.

Agenda item #11:

I believe Los Altos should have access to 5G without delay. It is important we keep current. Wireless communications are too important in today's society to fall behind. It is also very important that all safety standards are incorporated and that they be required for all wireless communication equipment.

Sincerely,  
Debbie Skelton

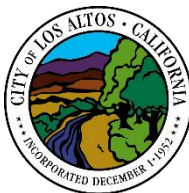
June 14, 2022

Dear Mayor Enander, Vice-Mayor Meadows and Members of the Los Altos City Council,

The purpose of this note is to encourage you to reappoint Council member Neysa Fligor as our City's representative to the Santa Clara County Cities Association (Association) until all the outstanding claims involving the Association's Executive Director are resolved.

Best regards,

Robin Abrams, Curtis Cole, Kim Cranston, Cathy Lazarus, Bill Sheppard, Marie Young  
Steering Committee, Los Altos Community Voices



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject** Emergency Declaration Resolution

**Prepared by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. Resolution No. 2022-xx

**Initiated by:**

Staff

**Previous Council Consideration:**

March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021; October 12, 2021; November 9, 2021; December 7, 2021; January 11, 2022; February 8, 2022; March 8, 2022; April 12, 2022; May 10, 2022

**Fiscal Impact:**

None; however, a local emergency declaration is a prerequisite for requesting state or federal assistance.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to renew its existing declaration by adopting a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

**Summary:**

- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

**Staff Recommendation:**

Adopt a Resolution extending the declaration of a local emergency due to the COVID-19 pandemic

**Reviewed By:**

City Manager

*GE*

City Attorney

*JH*

Finance Director

*JE*



**Subject:** Emergency Declaration Resolution

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**Purpose**

To adopt a resolution extending the existing declaration of emergency

**Background**

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. The City Council subsequently adopted resolutions monthly beginning in October 2021 continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

**Discussion/Analysis**

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this manner. AB 361 applies to local agencies until January 1, 2024.

**Recommendation**

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE  
COVID-19 PANDEMIC**

**WHEREAS**, on March 12, 2020, the Los Altos City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

**WHEREAS**, since October 2021, the City Council has monthly adopted resolutions extending the declaration of a local emergency; and

**WHEREAS**, by the beginning of June 2022, over 2,200 Santa Clara County residents had died of COVID-19; and

**WHEREAS**, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

**WHEREAS**, vaccines provide proven protection against COVID-19; and

**WHEREAS**, by the beginning of June 2022, approximately 91 percent of Santa Clara County residents over the age of 5 had been vaccinated, and statewide vaccination rates were higher than the national average; and

**WHEREAS**, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

**WHEREAS**, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

**WHEREAS**, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against variants than against prior strains of the SARS-CoV-2 virus; and

**WHEREAS**, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

**WHEREAS**, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and



**WHEREAS**, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; and

**WHEREAS**, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Los Altos that:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency. At this If deemed appropriate the City Council may take further action.

**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 the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

---

Anita Enander, MAYOR

Attest:

---

Angel Rodriguez, INTERIM CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject:** Contract Amendment: Authorize the City Manager to execute Amendment #3 for Professional Services Agreement with Alta Planning + Design for Complete Streets Master Plan; find that the execution of Amendment #3 is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061, 15262, 15301, 15304, and 15322

**Prepared by:** Marisa Lee, Transportation Services Manager

**Reviewed by:** James Sandoval, Engineering Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment:**

A. Resolution 2022-\_\_\_\_\_

**Initiated by:** Transportation Services Division

**Previous Council Consideration:**

May 12, 2020, and January 11, 2022

**Fiscal Impact:**

The City awarded a contract to Alta Planning + Design on May 12, 2020, in the amount of \$165,426 for the development of the Complete Streets Master Plan (CSMP). The project was reviewed at a Study Session on November 9, 2021, where the Council received an overview of the project and provided feedback. At that time, the project was on budget, with an amount of a remaining budget reserved to facilitate a final round of revisions after comments from the City Council and the public review period. The November 9, 2021, City Council Study Session resulted in feedback that required substantive changes to the structure of the CSMP, as well as an additional future Council Study Session requested by the Council, which requires an additional budget outside of what was reserved for finalization of the report.

Amendment #2 for an amount of \$14,000 to make the revisions requested in the first Study Session, expanded the total contract value to \$179,426 on January 11, 2022. This amount was funded by the Annual Bicycle/Pedestrian Access Improvements Project (TS-01052). Sufficient funds were available within the approved CIP budget, and a fund transfer was not requested.

---

**Reviewed By:**

Interim City Manager

GE

City Attorney

JH

Finance Director

JF



**Subject:** Amendment #3 for Professional Services Agreement with Alta Planning + Design for Complete Streets Master Plan

The CSMP Final Draft returned for the additional requested Study Session #2 on March 22, 2022. Staff recommended the adoption of the CSMP at that Study Session. Council requested additional edits. Staff worked with Alta Planning + Design to generate a cost estimate and scope for the additional edits, not scoped in Amendment #2.

Amendment #3 for an amount of \$10,000 is requested to make the additional revisions to the Final Draft of the CSMP. This would expand the total contract value to \$189,426. Amendment #3 in the not-to-exceed amount of \$10,000 would be funded by the Annual Bicycle/Pedestrian Access Improvements Project (TS-01052). Sufficient funds are available within the approved CIP budget. A fund transfer is not requested.

<b>Project Amendment</b>	<b>Project Budget</b>
<b>Original Contract</b>	<b>\$165,426.00</b>
<b>Amendment #1 – Schedule change only</b>	<b>\$0.00</b>
<b>Amendment #2 – Revisions to Draft CSMP</b>	<b>\$14,000.00</b>
<b>Amendment #3 – Revisions to Final Draft CSMP</b>	<b>\$10,000.00</b>
<b>Total</b>	<b>\$189,426.00</b>

**Environmental Review:**

The CSMP project is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines §15262 – Feasibility and Planning Studies, §15301 (c) – Existing Facilities, § 15304 (e) - Minor Alterations to Land, §15306- Information Collection, §15322 – Educational or Training Programs Involving No Physical Changes. The Amendment is also exempt pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that the amendment to the Contract would have no environmental impacts, and none of the circumstances described in CEQA Guidelines § 15300.2 applies.

**Summary:**

Additional service is required to conduct the additional updates to the Final Draft of the Complete Streets Master Plan (CSMP) as requested by Council during the March 22, 2022 Study Session. Additional work scope is funded through CIP TS-01052, Annual Bicycle / Pedestrian Access Improvements.



**Subject:** Amendment #3 for Professional Services Agreement with Alta Planning + Design for Complete Streets Master Plan

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**Background**

The Draft Complete Streets Master Plan establishes a community-supported long-term vision for improving walking and bicycling in Los Altos by updating the previous Bicycle and Pedestrian Master Plans. The CSMP provides a strategy to develop a comprehensive bicycling and walking network to provide access to transit, schools, and Downtown alongside support facilities like bicycle parking and pedestrian amenities. These network improvements are paired with education, encouragement, and evaluation programs. The document identifies a plan to implement these projects and programs through prioritization and phasing to ensure implementation is manageable and fundable.

The CSMP process was initiated in May of 2020 to merge and update the City’s existing bicycle plan and pedestrian plan, as well as expand Safe Routes to School programs and infrastructure recommendations. The project is expected to be completed in the Spring of 2022. City Staff and Alta Planning + Design have received comments from the Complete Streets Commission, City Council, the Climate Action Planning Commission, as well as residents. The public comment period was open from October through December of 2021. Mailers were sent to households city-wide to solicit feedback. Ads were placed in the Town Crier, and the Draft CSMP was publicized through the City Manager’s email update. Over 150 comments have been logged.

A contract in the amount of \$165,426 was approved between the City of Los Altos and Alta Planning + Design on May 12, 2020, at a City Council Meeting.

Amendment #1 extended the project schedule and was approved by the City Manager in November 2021.

Amendment #2 added \$14,000 to make revisions following the first Study Session.

Amendment #3 proposes the addition of another \$10,000 to make additional revisions requested in the second Study Session.

**Discussion/Analysis**

Alta will facilitate the following revisions under Amendment #3:

- Design Guidelines – fourth typology in addition to the original three scoped in Amendment #2
- Collision Maps – Creation of figures 17 and 19 at Council Request
- Title Change – Requested by Council in Study Session #2
- Street Plans – Additional language in the Executive Summary stating that the CSMP is meant as a companion document to the City’s Collector Traffic Calming Plan and Neighborhood Traffic Management Plan



**Subject:** Amendment #3 for Professional Services Agreement with Alta Planning + Design for Complete Streets Master Plan

- 
- Vision – Additional language from the Introduction added to the Executive Summary
  - Housing Element Update – Addition of disclaimer regarding updates that may be necessary due to forthcoming update of the Housing Element of the City’s General Plan
  - Project Delivery Process – update to the graphic that shows the inclusion of Public Input at every stage
  - Collision maps – addition of the word “Reported”
  - New Mobility Devices – addition of statement to the effect that new mobility devices should be operated according to CA Vehicle Code
  - School Maps – addition of Egan to the Bullis Charter map
  - Blach School and Carmel Terrace – addition of notes regarding the 2019 planning process for these areas

**Recommendation**

Staff recommends that the City Council authorize the City Manager to execute Amendment #3 with the authorization of the work scope in the attached memo so that revisions may be made to the Final Draft of the Complete Streets Master Plan for adoption. Staff also recommends that the City Council find that the execution of Amendment #3 is exempt from review under CEQA pursuant to CEQA Guidelines Sections 15061, 15262, 15301, 15304, and 15322.

**RESOLUTION NO. 2022-\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT ON  
BEHALF OF THE CITY WITH ALTA PLANNING + DESIGN IN AN AMOUNT  
NOT TO EXCEED \$10,000 TO PROVIDE ADDITIONAL COMPLETE STREETS  
MASTER PLAN CONSULTING SERVICES FOR THE ENGINEERING  
SERVICES DEPARTMENT.**

**WHEREAS**, on May 12, 2020, The City of Los Altos and Alta Planning + Design entered into an agreement on May 12, 2020, in the amount of \$165,426, for the development of the Complete Streets Master Plan (CSMP); and

**WHEREAS**, on January 11, 2022, The City of Los Altos and Alta Planning + Design executed Amendment #2 for an amount of \$14,000 to make the revisions requested in the first Study Session for the Complete Streets Master Plan (CSMP); and

**WHEREAS**, continued revisions are requested by Council for the Final Draft of the Complete Streets Master Plan as a result of the second Study Session;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds that the foregoing recitals are true and correct and approves authorization by the City Manager to execute the agreement between the City of Los Altos and Alta Planning + Design for an amount of \$10,000,

**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 the 14th day of June 2022 by the following vote:

AYES:

NOES:

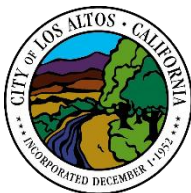
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject** Hold the Public Hearing, Consider Resolution No. 2022-\_\_: Approving Sewer Service Charges for FY 2022/23, and Consider a Finding that the Adoption of the Resolution Is Exempt from Review under the California Environmental Quality Act (“CEQA”) Pursuant to CEQA Guidelines Section 15273

**Prepared by:** Aida Fairman, Engineering Services Manager

**Reviewed by:** James Sandoval, Engineering Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachments:**

- 1. NBS Sewer Service Charge Report dated June 2022 without Listing of Sewer Service Charges
- A. Resolution No. 2022-\_\_

**Initiated by:**

City Council, Ordinance No. 2018-445

**Previous Council Consideration:**

March 13, 2018; June 26, 2018; July 10, 2018; June 25, 2019; October 22, 2019; June 9, 2020; June 8, 2021

**Fiscal Impact:**

The rate report and expected revenues resulting from the posted rates are included in the City’s proposed FY 2022/23 budget.

**Environmental Review:**

The adoption of the proposed resolution is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15273 (Rates, Fares, Tolls, and Charges), in that the proposed action involves setting and collecting sewer rates that will be used in the ongoing operation and maintenance of existing sewer infrastructure or to fund capital projects within an existing service area.

**Summary:**

- Conduct a Hearing regarding the Report of Sewer Charges to be collected on the Fiscal Year 2022/23 Tax Roll

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JE



**Subject:** Resolution No. 2022-\_\_: Sewer Service Charges for FY 2022/23

- 
- Resolution No. 2022-\_\_ approving the Report of Sewer Service Charges for the Fiscal Year 2022/23 and directing the Filing of Charges for Collection by the County Tax Collector

**Staff Recommendation:**

Conduct a Hearing regarding the Report of Sewer Charges to be collected on the Fiscal Year 2022/23 Tax Roll. At the conclusion of the hearing, the City Council may overrule any and all objections or protests received from members of the public and adopt Resolution No. 2022-\_\_ approving the Report of Sewer Service Charges for the Fiscal Year 2022/23 and directing the Filing of Charges for Collection by the County Tax Collector. Or it may revise, change, reduce or modify any charge described in the Report.

**Purpose**

Conduct a Hearing regarding the Report of Sewer Charges to be collected on the Fiscal Year 2022/23 Tax Roll; and adopt Resolution No. 2022-\_\_ approving the Report of Sewer Service Charges for Fiscal Year 2022/23 and directing the Filing of Charges for Collection by the County Tax Collector.

**Background**

Los Altos Municipal Code Chapter 10.12 authorizes the City to impose sewer service charges to fund costs associated with the City’s sanitary sewer system. The City Council passed Ordinance No. 2018-445 in July 2018 that established sewer rates to be applied for the five-year period beginning FY2018/19. The rates increase annually through the five-year period to reflect historic trends in inflation associated with the sewer system (infrastructure improvements, long-term replacement, operation, and maintenance).

In accordance with Municipal Code sections 10.12.135 and 10.12.140 and Ordinance No. 2018-445, the rate structure for the sewer service charges is comprised of two components: (1) a fixed annual per parcel base charge that is determined on the basis of the number of equivalent dwelling units (“EDU”) assigned to a property; and (2) a variable quantity charge. One EDU equates to the quantity of wastewater an average single-family residential customer discharges to the sewer system. One EDU is assigned to each single-family residential home. The number of EDUs assigned to other customers is based on their expected wastewater flows relative to an average single-family residential customer. The quantity charge is imposed on a per unit basis, with one unit equal to one hundred cubic feet, or 745 gallons, of metered water use. The total amount of the quantity charge is based on a customer’s average winter water use from the prior year (using the three wettest months of the prior year) multiplied by 12 and is designed to reflect a customer’s estimated wastewater flow. Estimated average winter water usage is used because individual sewer flows are not metered, and winter months’ water usage, when outdoor water use is least likely to occur, best reflects actual flows into the sewer system. The Sewer Rate Study establishes the





**Subject:** Resolution No. 2022-\_\_: Sewer Service Charges for FY 2022/23

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FY2022/23 per-parcel base sewer service charge of \$301.29 per dwelling unit plus a quantity charge of \$2.42 per estimated sewer unit.

**Discussion/Analysis**

To levy sewer service charges on property tax bills for FY2022/23, the Council must hold a hearing on the report of charges to be submitted to the County for collection for the fiscal year. That report, prepared by NBS, is on file with the City Clerk and the body of the report (excluding the parcel list) is included here as Attachment 1. During the hearing, members of the public may raise objections or protests to the proposed charges. Following the hearing, the Council may overrule all objections and adopt Resolution No. 2022-\_\_ and direct the Filing of Charges for Collection by the County Tax Collector. Alternatively, the City Council may revise or modify the report.

The percent increase for sewer rates for FY2022/23 is 3.0%.

Notices of the hearing to consider the Annual Sewer Service Charge Report was published in the Los Altos Town Crier on May 11 and May 18, 2022.

**Recommendation**

Conduct a Hearing regarding the Report of Sewer Charges to be collected on the Fiscal Year 2022/23 Tax Roll; waive all objections and protests; adopt Resolution No. 2022-\_\_ approving the Report of Sewer Service Charges for the Fiscal Year 2022/23 and directing the Filing of Charges for Collection by the County Tax Collector; and find that the adoption of the resolution is exempt from review under CEQA pursuant to CEQA Guidelines Section 15273.

ATTACHMENT 1

# CITY OF LOS ALTOS

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*Fiscal Year 2022/23 Annual Report For:*

**Sewer Service Charge**

**June 2022**

**CITY OF LOS ALTOS  
SEWER SERVICE CHARGE  
Los Altos City Hall  
1 North San Antonio Road  
Los Altos, CA 94022  
Phone - (650) 947-2700**

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**CITY COUNCIL**

Anita Enander, Mayor

Sally Meadows, Vice Mayor

Neysa Fligor, Councilmember

Lynette Lee Eng, Councilmember

Jonathan Weinberg, Councilmember

**CITY STAFF**

Gabriel Engeland, City Manager

Jim Sandoval, Engineering Services Director

Aida Fairman, Engineering Services Manager

**NBS**

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

Kristin Harvey, Administrator

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# 1. INTRODUCTION

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The City of Los Altos (the “City”) imposes a Sewer Service Charge to fund costs associated with the City’s sanitary sewer system in accordance with its Municipal Code Chapter 10.12. The City restructured the Sewer Service Charge in July 2013 to ensure a flow-of-funds for the on-going operation and maintenance, and to fund the upgrading and refurbishing of the City’s sanitary sewer system. The main objectives for updating the rate structure were to ensure a fair and equitable charge to all sewer users and to stabilize the charges to provide needed revenue.

A study was completed in February 2018 to support increased rates beginning July 1, 2018 and ending June 30, 2023. The City Council adopted an Ordinance in July 2018 establishing the Sewer Service Charge to be applied to each of the succeeding five fiscal years, which is comprised of a base charge per equivalent dwelling unit, plus a usage charge per estimated sewer unit. The adopted rate structure is designed to reduce volatility in the City’s sewer revenue stream and equitably allocate costs to each customer class of sewer use.

The Sewer Service Charge is levied pursuant to the California Health and Safety Code, Sections 5471 et seq. and the City’s Municipal Code Chapter 10.12. Payment of the Sewer Service Charge for each parcel will be made in the same manner and at the same time as payments are made for property taxes. This report contains the necessary data required to establish the Sewer Service Charge and is submitted for filing in the office of the City Clerk, where it shall remain open for public inspection.

## 2. SEWER SERVICE CHARGE CALCULATION

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The total annual Sewer Service Charge for a parcel will be the sum of the base charge plus the usage charge. The calculation for each charge is described in this section and detailed in the City’s Municipal Code Chapter 10.12.

### 2.1 Base Charge (Per EDU)

The base charge is determined by multiplying the per equivalent dwelling unit (EDU) rate by the number of EDUs on each parcel. For residential parcels, 1.0 EDU is assigned for each dwelling unit (multi-family residential parcels included).

Parcels with non-residential structures or improvements shall also be assigned 1.0 EDU for the first 110 water units (or fraction thereof) of estimated sewer use for non-residential improvements on the parcel plus a number of additional EDUs (or fractions thereof) equal to the remaining estimated sewer use for non-residential improvements on the parcel divided by 110. A minimum of 1.0 EDU is assigned to each non-residential parcel or group of parcels associated with a shared meter.

Where multiple non-residential parcels share a common water meter, the equivalent dwelling units calculated based on water use measured by that meter shall be divided equally amongst the parcels sharing the meter.

### 2.2 Usage Charge (Per Unit of Estimated Sewer Use)

The usage charge is based on water consumption data provided by the California Water Service Company for the previous year. The three monthly billing periods which indicate the lowest total water consumption are selected as the wet seasons in that they represent a reasonable approximation of the amount of sewer usage. Water usage from the wet season months is averaged and multiplied by 12 to calculate estimated annual sewer usage.

Where actual monthly water consumption data is not available for a water account on a parcel (as when a structure(s) on the parcel is recently connected to a water system), sewer use is estimated as the average estimated sewer use for the prior year of all parcels in the same land use. For purposes of this section, land uses are classified as follows:

- Single-Family Home
- Condominium Unit
- Multi-Family Residence (two dwelling units)
- Multi-Family Residence (three to four dwelling units)
- Multi-Family Residence (five or more dwelling units)
- Church
- Commercial/Industrial
- Institutional
- Park
- School
- Government

### 3. SEWER SERVICE CHARGE CALCULATION

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To provide the revenue to keep up with the increase in projected revenue needs, the City adopted an updated five-year rate structure in July 2018. Both the base charge and the usage charge per sewer unit will be increased annually each year. The following table shows the adopted rates through Fiscal Year 2022/23 based on the rate study.

Adopted Rates	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Per EDU (Base Charge)	\$267.69	\$275.72	\$283.99	\$292.51	\$301.29
Per Unit of Estimated Sewer Use (Usage Charge)	\$2.15	\$2.21	\$2.28	\$2.35	\$2.42
Percentage Increase over Prior Fiscal Year	2.5%	3.0%	3.0%	3.0%	3.0%

## 4. WET SEASON MONTHS

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The “wet season months” are the three monthly billing periods for which the records of the California Water Service Company indicate the lowest total water consumption during that calendar year by parcels connected to the City’s sewer system that are serviced by the California Water Service Company.

In 2021, the City’s three lowest months for water use were February, March, and December. Therefore, these are the months used to calculate each individual parcel’s estimated annual sewer usage for Fiscal Year 2022/23.

The following table provides the total annual sewer usage for calendar year 2021, as provided by the California Water Service Company.

<b>Calendar Year 2021 Total Water Consumption for the City of Los Atos <sup>(1,2)</sup></b>											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
163,234	<b>140,384</b>	<b>153,218</b>	213,855	265,007	317,439	330,852	333,364	307,996	307,274	187,482	<b>160,588</b>

- (1) Data provided by the California Water Service Company for the City of Los Altos and certain parcels located within the Town of Los Altos Hills and unincorporated areas of the County that are connection to the City’s sewer system.
- (2) One unit = 100 cubic feet of sewer use.



## 5. SUMMARY OF LAND USE CLASSIFICATIONS

The following summarizes the estimated annual sewer usage for properties that are connected to the City’s sewer system for Fiscal Year 2022/23.

Land Use Classification	Number of Parcels <sup>(1)</sup>	Total Estimated Yearly Sewer Use (in Units) <sup>(1)</sup>	Average Sewer Use Per Parcel <sup>(2)</sup>
Single-Family Home	10,363	1,452,764	140
Condominium Unit	1,033	63,926	62
Multi-Family Residence (two units)	65	7,344	113
Multi-Family Residence (three to four dwelling units)	11	1,500	136
Multi-Family Residence (five or more dwelling units)	68	20,991	309
Church	22	12,124	551
Commercial/Industrial	458	89,183	195
Institutional	6	34,972	5,829
Park	4	5,008	1,252
School	10	11,132	1,113
Government	10	5,640	564
Vacant	5	32	6

- (1) Usage data includes all parcels in the City of Los Altos and in unincorporated Santa Clara County served by the City of Los Altos’s sewer program. The City’s program uses capacity and facilities provided to the program by the City of Mountain View to serve some parcels in the City of Los Altos. These parcels are charged a Sewer Service Charge by the City of Los Altos, and data for these parcels is included in the above table. The City of Los Altos compensates the City of Mountain View for access to the Mountain View sewer system by providing the Mountain View’s sewer program with access to a similar volume of service from the Los Altos system. Parcels located in Mountain View, but connected to the City’s sewer system, are receiving service from the Mountain View sewer program and are not included in the above table or subject to City’s Sewer Service Charge. Additionally, the City of Los Altos sells sewer services, in bulk, to the Town of Los Altos Hills, and the Town uses these services to serve parcels located in Los Altos Hills. Usage by parcels in Los Altos Hills is not shown in the above table because these parcels are not subject to the Sewer Service Charge. Instead, the full cost of the services indirectly provided by the Town of Los Altos Hills parcels is covered by the direct payment to the City from the Town of Los Altos Hills. Costs of these services are not spread to parcels directly served by the City of Los Altos sewer program.
- (2) Average consumption based upon parcels where actual usage data was available. Developed properties that are connected to the City’s sewer system, which water consumption information is not available, are charged at the average sewer use per parcel identified above.

## 6. LISTING OF SEWER SERVICE CHARGES

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Assessor’s parcel identification, for each lot or parcel subject to the Sewer Service Charge, shall be based on the County Assessor’s secured roll data for the applicable year in which this report is prepared and is incorporated herein by reference.

A listing of assessor’s parcels subject to the Sewer Service Charge for Fiscal Year 2022/23, along with the charge amounts, is on file in the office of the City Clerk and incorporated herein by reference. Based on Santa Clara County Assessor’s secured roll data, current assessor’s parcels, including corrected and/or new assessor’s parcels, will be submitted and/or resubmitted to the Santa Clara County Auditor/Controller. The annual charge amount to be levied and collected for the resubmitted parcel(s) shall be determined in accordance with the City’s Municipal Code Chapter 10.12 and charge rate approved in this report. Therefore, if a single assessor’s parcel has a status change in development, other land use change, or subdivides into multiple assessor’s parcels, the charge amounts applied to each of the new assessor’s parcels shall be recalculated and applied according to the approved method outlined in the City’s Municipal Code Chapter 10.12 and charge rate rather than a proportionate share of the original charge amount.

## 7. RESOLUTION FOR FISCAL YEAR 2022/23

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The following page presents the Resolution approving the report of Sewer Service Charges for Fiscal Year 2022/23 and directing the filing of charges for collection by the Santa Clara County Tax Collector.

**RESOLUTION NO. 2022-\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING THE REPORT OF SEWER SERVICE CHARGES FOR FISCAL  
YEAR 2022/23 AND DIRECTING THE FILING OF CHARGES FOR  
COLLECTION BY THE COUNTY TAX COLLECTOR**

**WHEREAS**, pursuant to Chapter 10.12 of Los Altos Municipal Code, the City of Los Altos imposes Sewer Service Charges upon parcels connected to the sewer system; and

**WHEREAS**, pursuant to section 5473 of the California Health and Safety Code, the City Council has elected to annually collect the Sewer Service Charges on the property tax roll; and

**WHEREAS**, the Engineering Services Director has caused to be prepared a report (the "Report") containing a description of each parcel of real property subject to the Sewer Service Charges and the amount of the Sewer Service Charges to be imposed on each such parcel for Fiscal Year 2022/23, computed in conformity with the rates prescribed by Ordinance of this City Council, which report is filed with the City Clerk, available for public inspection, and incorporated herein by reference; and

**WHEREAS**, on June 14, 2022, following publication of notice as required by law, the City Council held a full and fair public hearing with respect to the Report, and at such hearing the City Council heard and considered all protest and objections to the Report; and

**WHEREAS**, the City Council desires to approve the Report and to submit the Sewer Service Charges described therein to the Santa Clara County Tax Collector for collection on the Fiscal Year 2022/23 tax roll.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby authorizes that:

1. The City Council hereby overrules all protests and objections to the Report on the Sewer Service Charges and confirms and approves the Report and the Sewer Service Charges to be imposed on each parcel within the City subject to such charges as submitted; and
2. The City Clerk is instructed and authorized to transmit the Report to the Santa Clara County Tax Collector and to file the necessary documents with the Tax Collector that the Sewer Service Charges set forth in the Report will be included on the Santa Clara County Tax Roll for Fiscal Year 2022/23.

**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 the 14th day of June, 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, MMC, CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14<sup>th</sup>, 2022

**Subject** Approve Final Adjustments to FY 21/22 Budget appropriations

**Prepared by:** John Furtado, Finance Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Attachment 1 – Capital Projects List FY 22-26
2. Attachment 2 – Revenue, Expenses, and Fund Balances Other Funds
3. Attachment 3 – General Fund Summary, Revenues, Expenditures, and Transfers Out.

**Initiated by:**

Staff

**Previous Council Consideration:**

April 12, 2022

**Fiscal Impact:**

Budget revisions detail

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to approve The Final Adjustments to the FY 21/22 Budget as presented, or with recommended changes?
- Does the City Council wish to increase the budget for legal fees by \$1,000,000 from \$2,500,000to \$3,500,000 to pay for expected legal fees that were incurred during the current Fiscal Year?
- Does the City Council wish to provide \$38,000 in funding, from Park in Lieu funds, to participate in a feasibility study for a new live theater located in downtown Los Altos?
- Does the City Council wish to adopt the recommendation of staff to complete reconciliation and corrections of the current fiscal year budget, including correctly applying CPI, appropriately charging Enterprise Funds for services received, and correctly reflecting fund balances?

**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

---

**Summary/ Background:**

On April 12, 2022, the City Council approved the 2021-2022 Midyear Operating Budget, and as of March 31, 2022, nine months of the 2021-23 budget cycle have been completed. Throughout the budget cycle, staff actively monitors actual revenues and expenditures and prepares a status update report to the Council at six-month intervals. These updates provide staff with opportunities to advise Council on major budget trends (revenue and expenditure) and propose changes where necessary to meet ongoing service demands or modifications related to economic or other factors. As we approach the close of the Fiscal year 21/22 staff have made further analysis on the revenue and expenses as well as past practices followed in the city which has necessitated this current, off sequence update to council for the Fiscal year 21/22. This report provides an update to the City Council on the General Fund Operating Budget’s additional needs for the Fiscal Year 2021-22, and outlines proposed budget adjustments for the park in Lieu fund, enterprise, and the General Liability Fund.

**Staff Recommendation:**

- I. Approve the Final adjustments to the FY 21/22 Budget Appropriations as presented.
- II. Approve the increase in Legal Fees as defined in the report.
- III. In line with the direction received on April 12, 2022, City Council meeting, Staff recommends the City Council direct staff to:
  - 1. Amend the FY 21-22 Mid-Year budget by increasing expenditures by \$38,000 and budget the funds to come from Park in Lieu Funds, and
  - 2. Provide these funds to the New Theater Working Group as expressed in their funding request (attachment 1), and
  - 3. As part of the normal budget process, a notice for a public hearing had been done, the council will need to include the legally required findings for the use of Park in Lieu expenditures for developing new parks and recreational facilities.

**Discussion/Analysis**

At the April 12<sup>th</sup>, 2022, City Council meeting the City Council adopted changes to the midyear budget. Since the City Council meeting, the City has received several legal invoices for legal



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

services rendered. To pay for known and expected costs for legal fees that were incurred during the current fiscal year, the legal fees budget should be increased by \$1,000,000.

During the Council meeting, the City Council directed staff to provide \$38,000 to the New Theater Working Group for participation in a feasibility study for a new theater downtown. The City Council further directed staff to provide these funds from the Park in Lieu funds.

**Legal Fees**

As part of the FY 21/22 Operating Budget, the City Council appropriated \$2,500,000 to the City Attorney line item. These dollars were to cover litigation fees. As of May 4, 2022, the City has paid or encumbered \$2,657,737 in legal fees which included the unbudgeted settlement paid for \$1.2 Million to 40 Main LLC. In addition, the City has received approximately \$270,000 in invoices for services. It should be noted that these fees are for services rendered to the City through February/March of 2022. It is expected that the City will incur additional expenditures for April through June.

Based on staff’s analysis of funds expended thus far which total approximately \$2,920,000, as well as estimated expenditures for the months of April, May, and June, the staff is estimating that an additional \$1 million needs to be appropriated to the City Attorney’s litigation line item.

These funds would need to be appropriated from the General Fund operating reserve, the table below projects the change to the operating reserve after the payment is incurred.

<b>Operating Reserve Projected Balances FY 21/22</b>		<b>Reserve Balance</b>	
<b>Detail</b>	<b>\$ Millions</b>	<b>% Before</b>	<b>% After</b>
Projected Operating Reserve FY 22	8,649,169		
Legal/ Litigation Fees Appropriation need	(1,000,000)		
Revised Reserve Balance	7,649,169		
Revised Expenditure Projection 2022	47,492,544	18.2%	<b>16.1%</b>

As seen on the table above the Projected operating reserve was increased to \$8,649,169 or 18.2% of expenses with the approval of the mid-year budget on April 12<sup>th</sup>, 2022. The current action of





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appropriating \$1 million towards additional legal fees brings down the Operating Reserve to \$7,6 million which represents 16.1% of expenses. The desired reserve level for the city is defined as 20%.

**Park in Lieu Appropriation for \$ 38,000**

- At the April 12 City Council meeting, the City Council authorized staff to make changes to the midyear budget as follows: Provide \$38,000 in funding to the New Theater Working Group to participate in a feasibility study for a new live theater located in downtown Los Altos.
- Prior to using Park in Lieu funds for developing new park and recreational facilities the City Council must make certain findings as outlined in State law, and these findings must be made at a noticed public hearing.
- If approved, Staff will include this change to the Final FY 22 budget, as well as the required findings, at a noticed public hearing as part of the regular budget adoption process.
- If approved, Per the MOU, the City Manager will execute an agreement with the Los Altos Stage Company to provide funds for the feasibility study of a downtown theater.”

**WHEREAS,** The City Council finds that the Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities such as the commissioning of a feasibility study of a downtown theater in certain designated locations within the City because: (1) the neighborhood in which the fees are to be expended has fewer than three (3) acres of park area per 1,000 members of the City; (2) it reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the following: (a) the City’s adopted General Plan, Open Space, Conservation & Community Facilities Element, Policy 9.2: Work with private developers to offer cultural activities within the community, such as a community theater and cinema; (b) the City’s adopted Downtown Vision Plan(DTVP), Section 3, The Community’s Vision: Utilizing existing parking plazas in a manner that enhances the village character while also meeting the working, living, entertainment, and hospitality desire of the community; (c) DTVP, Section 4, Land Use: San Antonino Road District: Envisioned attributes include: Performing arts theater, a central entertainment venue for the community; (d) DTVP, Section 4, Land Use: Opportunity Sites: Entertainment: A live thereafter is identified on Parking Plaza 2. This use would be both a daytime and evening draw from the community and elsewhere that would support complimentary businesses, such as pre-event dining; and (e) DTVP, Section 9,



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Implementation: Phase 3: Long-Term: Construct live theater (Parking Plaza 2); and (4) the fees are used in compliance Los Altos Municipal Code Section 13.24.010.

**FY 21/22 Final Reconciliation and Corrections.**

Staff conducted a detailed analysis of trends and budget to actuals across all funds for the past 3 years, during the review process staff discovered several errors in the budget to actuals for some funds as listed below.

**Under-charged expenses to Enterprise funds.**

Fund/ Program Name	Actuals FY 21	Budget FY 21	Variance
Sewer System Administration	74,760	355,168	(280,408)
Sewer System Maintenance	766,352	865,528	(99,176)
Solid Waste	16,792	181,331	(164,539)
<b>Grand Total</b>	<b>857,904</b>	<b>1,402,027</b>	<b>(544,123)</b>

As seen on the table above the Sewer and Solid waste Funds have been undercharged in the FY 20/21 year by 544,123. These funds have personnel allocations for services provided to the Enterprise activities such as Maintenance workers and Environmental Sustainability Coordinator to name a few. Staff reviewed the personnel charges and noted that while several personnel who were budgeted for these funds had either retired or left the city the Maintenance department has allocated other Maintenance workers to perform the services required, it was however noticed that these workers continued to charge their time to the General Fund instead of the enterprise funds. Based on the analysis staff is recommending that \$380,584 & \$ 164,539 be charged to the Sewer and solid waste fund respectively to recoup the charges borne by the General Fund.



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**Lack of factoring in Inflation, CPI, and correct charges.**

**Bay Area CPI changes FY 2012 - 2021**

Year	Jun CPI	% Change	Cumulative Change
2022*	328.1	1.6%	27.5%
2021	309.5	3.2%	25.9%
2020	300.0	1.6%	22.7%
2019	295.3	3.2%	21.1%
2018	286.1	3.9%	17.9%
2017	275.3	3.5%	14.0%
2016	266.0	2.7%	10.5%
2015	259.1	2.3%	7.8%
2014	253.3	3.0%	5.6%
2013	245.9	2.5%	2.5%
2012	239.8		0.0%
*FY 22 is projected based on trends			

The Administrative fees for the sewer and solid waste funds were set in FY 2012 and have never been changed since that time, Staff recommends that the bay area CPI be used to update these charges for the years FY 21 through FY 23. Staff is currently looking into hiring a consultant to conduct a complete cost allocation study for the city. This study will identify the true costs of administrative services to not only the enterprise funds but also to all other city departments and services, staff plans to bring forward the FY 24-25 Budget with those cost allocations factored in. Staff is currently recommending that the CPI factor be applied to the administrative fees charged for FY 20/21 and FY 22 years. The administrative fee to the sewer fund was set at \$827,000, after adjusting for CPI of 25.9% in FY 21 and 27.5% in FY 22 the increases will be \$214,193 & \$227,045 respectively.

Similarly, for the solid waste fund the charges were set at 91,500 after adjusting for CPI of 25.9% in FY 21 and 27.5% in FY 22 the increases will be \$23,699 & \$25,120 respectively. Furthermore, staff also found that while the charges for the solid waste fund were set at 91,500 only \$55,000 was being charged, therefore an additional 36,500 for each year is proposed to be charged.



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It must be noted that these cost increases were projected in the Prop 218 rate studies and the Enterprise funds do have the fund balance to meet these added charges.

<b>Operating Reserve Projected Balances FY 21/22- Final</b>			<b>Reserve Balance</b>	
<b>Detail</b>	<b>\$ Millions</b>		<b>% Before</b>	<b>% After</b>
Sewer Personnel Costs FY 21 recovered	380,584			
Solid Waste Personnel Costs FY 21 recovered	164,539			
Administrative Fees CPI Adjustment- Sewer FY 21 & 22	441,238			
Administrative Fees CPI Adjustment- Solid Waste FY 21 & 22	48,819			
Administrative CPI Adjustment- Solid Waste	73,000	Undercharged*		
Total FY 22 Adjustments - Contribute to Operating Reserve	1,108,180			
Revised Operating Reserve Balance	8,757,349			
Expenditure Projection 2022	47,492,544			<b>18.4%</b>
Amount required to reach 20%	760,364			

**General Liability Charges**

Staff on review noticed that the Sewer and solid waste were charged Liability insurance right up to FY 2019 however since then it was dropped off while the General Liability costs have increased exponentially over the past few years. The Enterprise funds-related claims have been consistently around 20% of claims paid. The current year’s General liability costs exceed \$1 million. Therefore, we recommend restoring the Sewer and Solid waste contributions to the General Liability for \$150,000 and \$ 50,000 for each of the years FY 21 & 22, these funds will be transferred to the General Liability Fund.

Budget appropriations required for the Sewer and solid waste funds based on the proposed changes are listed below

For the Sewer Fund, the total of all the corrections required for the FY 21 & 22 sum up to \$1,121,822, however additional budget appropriations are only required to the tune of \$326,881, this is because when the original budget was adopted \$794,941 of the Solid waste budget was also appropriated to the Sewer fund in error.

For the Solid Waste Fund, the total of all the corrections required for the FY 21 & 22 sum up to \$386,881, and therefore a budget appropriation of \$386,881 is requested.



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**Conclusion**

Staff continues to review the financial records and budget documents for the Fiscal Years 22 & 23 and will be bringing forth a revised budget to the City council that will also reflect several of these proposed changes. At this time staff recommends that the City Council approve the final cleanup changes requested to the FY 22 budget as presented in this report.

## CIP Fund - Mid Year 22

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01009	Walter Singer Bust Relocation	\$ 10,000	\$ (10,000)							\$ -
CD-01012	Annual Storm Drain Improvements	\$ 12,492			\$ 950,000					\$ 962,492
CD-01017	First Street Streetscape Design -- Phase II	\$ 261,243								\$ 261,243
CD-01018	Downtown Lighting Cabinet Replacement	\$ -				\$ 200,000				\$ 200,000
CD-01019	Public Works Electronic Document Management	\$ 105,949								\$ 105,949
CD-01020	Climate Action Plan Implementation Program	\$ 59,330						\$ 55,000		\$ 114,330
CD-01021	Community Chamber AV Equipment	\$ 216,600	\$ (116,600)		\$ (100,000)					\$ -
CD-01022	Asset Management System	\$ -	\$ (150,000)		\$ 150,000					\$ -
CF-01002	Los Altos Community Center Redevelopment	\$ 970,509								\$ 970,509
CF-01003	Annual Civic Facilities Improvement	\$ -	\$ 250,000		\$ 750,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 5,800,000
CF-01010	Annual ADA Improvements (Facilities)	\$ 316,883			\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 691,883
CF-01011	City Hall Emergency Backup Power Generator	0				\$ 150,000				\$ 150,000
CF-01013	MSC Fuel-Dispensing Station Overhead Canopy	\$ -					\$ 300,000			\$ 300,000
CF-01016	Waterline Backflow Preventers	\$ 80,435								\$ 80,435
CF-01018	MSC Parking Lot Resurfacing	\$ -				\$ 1,300,000				\$ 1,300,000
TS-01001	Annual Street Resurfacing	\$ 142,448			\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 5,392,448
TS-01003	Annual Street Striping	\$ -			\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
TS-01004	Annual Street Slurry Seal	\$ -			\$ 250,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 3,450,000
TS-01005	Annual Concrete Repair	\$ 118,074			\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,118,074
TS-01006	Annual Traffic Sign Replacement	\$ 94,821			\$ 200,000					\$ 294,821
TS-01008	Annual ADA Improvements (Streets and Roadways)	\$ 136,697			\$ 75,000	\$ 200,000	\$ 200,000	\$ 75,000	\$ 75,000	\$ 761,697
TS-01013	Annual Transportation Enhancements	\$ 216,313			\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 591,313
TS-01051	University Ave/University Rd Sidewalk Gap Closure Project	\$ 55,000				\$ 100,000				\$ 155,000
TS-01052	Annual Bicycle/Pedestrian Access Improvements	\$ 313,712			\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 2,063,712
TS-01055	Fremont Ave Pedestrian Bridge Rehabilitation	\$ 155,118			\$ 260,000					\$ 415,118
TS-01056	Fremont Avenue Pavement Rehabilitation	\$ 1,750,000								\$ 1,750,000
TS-01057	In-Road Light System Maintenance				\$ 300,000					\$ 300,000
TS-01059	Diamond Court Reconstruction	\$ 100,000								\$ 100,000
TS-01061	Foothill Expressway Widening from Homestead Rd to I-	\$ -				\$ 250,000				\$ 250,000
CF-01021	Emergency Operations Center	\$ 2,718,677	\$ (1,518,677)		\$ 300,000					\$ 1,500,000
CD-01023	Housing Element Update	\$ 42,139			\$ 565,000					\$ 607,139
CD01024	General Plan	\$ -					\$ 2,000,000			\$ 2,000,000
<b>TOTAL</b>	<b>Fund Balance</b>	<b>\$ 7,876,439</b>	<b>\$ (1,545,277)</b>	<b>\$ -</b>	<b>\$ 5,550,000</b>	<b>\$ 6,050,000</b>	<b>\$ 6,350,000</b>	<b>\$ 3,980,000</b>	<b>\$ 3,925,000</b>	<b>\$ 32,186,162</b>

\$ 1,469,303 \$ 6,081,162

\$ 280,630

### CDBG

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01058	Intersection Access Barrier Removal	\$ (531,566)	\$ 531,566							\$ (0)
<b>TOTAL</b>		\$ (531,566)	\$ 531,566	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (0)

### Equipment Replacement Fund

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
00923	Police Records Management & Dispatch System	560,332								\$ 560,332
	Parks Division Utility Truck				\$ 45,000					\$ 45,000
	Parks Division Van				\$ 40,000					\$ 40,000
	Patrol Vehicle Automated License Plate Reader Replacement				\$ 25,000					\$ 25,000
	Police Radio/Phone Recording Equipment				\$ 60,000					\$ 60,000
	Patrol Vehicles (2)				\$ 122,000					\$ 122,000
	Unmarked Police Vehicle				\$ 42,500					\$ 42,500
	Traffic Division RIPA Collection Devices				\$ 23,000					\$ 23,000
	Passenger Car (EV)					\$ 37,000				\$ 37,000
	Patrol Vehicles (3)					\$ 187,500				\$ 187,500
	Unmarked Police Vehicles (2)					\$ 87,000				\$ 87,000
	Streets Division Bucket Truck					\$ 65,000				\$ 65,000
<b>TOTAL</b>		\$ 560,332	\$ -	\$ -	\$ 357,500	\$ 376,500	\$ -	\$ -	\$ -	\$ 1,294,332

## Gas Tax

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing				\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,750,000
TS-01003	Annual Street Striping				\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
TS-01004	Annual Street Slurry Seal				\$ 800,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,800,000
TS-01009	Annual City Alley Resurfacing				\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ 1,350,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 4,550,000

## in-Lieu Park Fund

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CF-01009	Annual Pathway Rehabilitation	\$ -			\$ 50,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,050,000
CF-01017	Annual Park Improvement Project	\$ 334,396			\$ 750,000	\$ 650,000	\$ 900,000	\$ 980,000	\$ 1,200,000	\$ 4,814,396
CF-01019	Veterans Community Plaza Shade Structure	\$ 45,476								\$ 45,476
CF-1004	Halsey House rehabilitation			\$ 290,480						\$ 290,480
	Dog Park Fencing Project			\$ 100,000						\$ 100,000
CF-01023	Grant Park Master Plan					\$ 150,000				\$ 150,000
CF-01024	City-wide Parks and Recreation Master Plan							\$ 300,000		\$ 300,000
<b>TOTAL</b>		\$ 379,872	\$ -	\$ 390,480	\$ 800,000	\$ 1,050,000	\$ 1,150,000	\$ 1,530,000	\$ 1,450,000	\$ 6,750,352

## Measure B

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing				\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,750,000
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,750,000



## OBAG

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01056	Fremont Avenue Pavement Rehabilitation	\$ 336,000								\$ 336,000
<b>TOTAL</b>		<b>\$ 336,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 336,000</b>

## PEG Fees

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01021	Community Chamber AV Equipment	\$ 671,219			\$ 100,000					\$ 771,219
<b>TOTAL</b>		<b>\$ 671,219</b>			<b>\$ 100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 771,219</b>

## Public Art Fund

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01009	Walter Singer Bust Relocation		\$ 10,000							\$ 10,000
CD-01003	Annual Public Arts Projects	\$ 8,000			\$ 60,000	\$ 50,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 148,000
<b>TOTAL</b>		\$ 8,000	\$ 10,000	\$ -	\$ 60,000	\$ 50,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 158,000

## REAP Grant

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01023	Housing Element Update	\$ -			\$ 35,000					\$ 35,000
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ 35,000

## Resident Contribution

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01059	Diamond Court Reconstruction	\$ 100,000								\$ 100,000
<b>TOTAL</b>		\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000

## Road Maint and Acct Act

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing				\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000

## Sewer Fund

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add / Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
WW-01001	Annual Sewer System Repair Program	\$ 859,418			\$ 630,000	\$ 640,000	\$ 650,000	\$ 660,000	\$ 670,000	\$ 4,109,418
WW-01002	Annual Structural Reach Replacement	\$ 1,117,369			\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 5,117,369
WW-01005	Annual CIPP Corrosion Rehabilitation	\$ 473,925			\$ 465,000	\$ 480,000	\$ 500,000	\$ 520,000	\$ 535,000	\$ 2,973,925
WW-01006	Annual Fats, Oils, Grease Program (FOG)	\$ 66,566			\$ 66,000	\$ 68,000	\$ 70,000	\$ 72,000	\$ 74,000	\$ 416,566
WW-01008	Annual GIS Updates	\$ 319,911			\$ 66,000	\$ 68,000	\$ 70,000	\$ 72,000	\$ 74,000	\$ 669,911
WW-01009	Sewer System Management Plan Update	\$ 50,000			\$ 25,000				\$ 75,000	\$ 150,000
WW-01011	Sanitary Sewer Video Inspection	\$ 467,997			\$ 430,000		\$ 440,000			\$ 1,337,997
WW-01012	Adobe Creek Sewer Main Replacement	\$ 692,298			\$ -	\$ 2,000,000	\$ -	\$ 2,000,000		\$ 4,692,298
WW-01003	Annual Root Foaming				\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,000,000
<b>TOTAL</b>		<b>\$ 4,047,484</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,682,000</b>	<b>\$ 4,256,000</b>	<b>\$ 2,730,000</b>	<b>\$ 4,324,000</b>	<b>\$ 2,428,000</b>	<b>\$ 20,467,484</b>

## VTAs 80%

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add / Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01007	Annual Neighborhood Traffic Management		\$ 50,000							\$ 50,000
TS-01022	Annual Collector Street Traffic Calming		\$ 100,000							\$ 100,000
TS-01052	Annual Bicycle/Pedestrian Access Improvements		\$ 100,000							\$ 100,000
TS-01060	SR2S Improvement Projects		\$ 300,000							\$ 300,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ 550,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,000</b>

## Prop 1B

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01058	Intersection Access Barrier Removal		\$ 44,542							\$ 44,542
<b>TOTAL</b>		\$ -	\$ 44,542		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 44,542

## Traffic congestion Relief

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01058	Intersection Access Barrier Removal		\$ 106,129							\$ 106,129
										\$ -
<b>TOTAL</b>		\$ -	\$ 106,129	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 106,129

## TDA Article III

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01052	Annual Bicycle/Pedestrian Access Improvements	\$ -			\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000

## Technology Fund

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01008/CIT Initiatives		\$ 214,160			\$ 180,000	\$ 350,000				\$ 744,160
CF-01022	City Hall and Maintenance Services Building Security Systems	\$ -			\$ 70,000					\$ 70,000
<b>TOTAL</b>		<b>\$ 214,160</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ 350,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 814,160</b>

## Traffic Impact Fees

Project #	Project Name	Estimated Appropriated Per Actual	Canceled / Add /Reduce	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01007	Annual Neighborhood Traffic Management	\$ 23,288	\$ (50,000)		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 223,288
TS-01013	Annual Transportation Enhancements									\$ -
TS-01022	Annual Collector Street Traffic Calming	\$ 24,700	\$ (100,000)		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 424,700
TS-01052	Annual Bicycle/Pedestrian Access Improvements		\$ (100,000)		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
TS-01060	SR2S Improvement Projects	\$ -	\$ (300,000)		\$ 300,000	\$ 200,000				\$ 200,000
TS-01058	Intersection Access Barrier Removal		\$ 380,895							\$ 380,895
<b>TOTAL</b>		<b>\$ 47,988</b>	<b>\$ (169,105)</b>	<b>\$ -</b>	<b>\$ 550,000</b>	<b>\$ 450,000</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>	<b>\$ 1,628,883</b>

<b>TOTAL</b>		<b>\$ 13,709,927</b>	<b>\$ (472,145)</b>	<b>\$ 390,480</b>	<b>\$ 12,834,500</b>	<b>\$ 14,482,500</b>	<b>\$ 12,390,000</b>	<b>\$ 11,994,000</b>	<b>\$ 9,963,000</b>	<b>\$ 75,292,262</b>
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**Revenue, Expenses, and Fund Balances Other Funds**

<b>Fund Name</b>	<b>Fund Bal 6/21</b>	<b>FY 22 Revenue Projection</b>	<b>Transfers IN/ (Out)</b>	<b>Prior</b>	<b>FY 22 Operating Expenses</b>	<b>FY 22 CIP Expenses</b>	<b>Ending Fund Balances</b>
<b>Internal Service Funds</b>							
Equipment Replacement Fund	389,459		900,000	560,332		357,500	371,627
Technology Fund			1,458,582	214,160		250,000	994,422
PERS & OPEB Stabilization Fund	0		6,792,614		6,500,000		292,614
Dental/ Vision Fund	(94,747)	269,595	100,000		269,959		4,889
Unemployment Fund	546,698		(450,000)		15,000		81,698
Workers Compensation Fund	1,568,308	291,003	576,000		791,003		1,644,308
General Liability Fund	282,864	500,000	558,000		1,108,000		232,864
<b>Sub Total</b>	<b>2,692,582</b>	<b>1,060,598</b>	<b>9,935,196</b>	<b>774,492</b>	<b>8,683,962</b>	<b>607,500</b>	<b>3,622,422</b>
<b>Special Revenue Funds</b>							
Road Maint and Acct Act	273,040	609,599				500,000	382,639
CDBG	(531,566)		531,566				0
Grants ARPA Fund			0				0
Downtown Parking Fund	889,174	40,000	(40,000)				889,174
Estate Donations Fund							0
Gas Tax	2,020,468	800,054				1,350,000	1,470,522
Prop 1B Road Maintenance	44,542		(44,542)				0
Measure B	410,236	550,000				550,000	410,236
Supplemental Law Enforcement	146,007		(100,000)				46,007
TDA Article III	0	50,000				50,000	0
Traffic Impact Fees	21,642	411,693	(380,895)	47,988			4,452
Vehicle Registration Fund (VTA)	529,401	579,000				550,000	558,401
Traffic Congestion Relief	106,129		(106,129)				0
OBAG (Outside Funding)	0	336,000		336,000			0
In-Lieu Park Fund	5,780,278	5,319,000	(789,490)	379,872	38,000	1,190,480	8,701,436
PEG Fees	740,037	105,000	(70,000)	671,219		100,000	3,818

**Revenue, Expenses, and Fund Balances Other Funds**

<b>Fund Name</b>	<b>Fund Bal 6/21</b>	<b>FY 22 Revenue Projection</b>	<b>Transfers IN/ (Out)</b>	<b>Prior</b>	<b>FY 22 Operating Expenses</b>	<b>FY 22 CIP Expenses</b>	<b>Ending Fund Balances</b>
Public Art Fund	166,128	355,460		8,000	60,000	70,000	383,588
REAP Grant	0	35,000				35,000	0
Vehicle Impound Fund		20,000	(20,000)				0
Resident Contribution	0	100,000					100,000
<b>Sub Total</b>	<b>10,595,516</b>	<b>9,310,806</b>	<b>(1,019,490)</b>	<b>1,443,078</b>	<b>98,000</b>	<b>4,395,480</b>	<b>12,950,274</b>
<b>Enterprise Funds</b>							
Sewer Fund	9,928,022	8,420,000	(554,612)	4,047,484	5,260,151	2,682,000	5,803,775
Solid Waste	5,606,102	888,913	(138,002)		1,021,822		5,335,191
Storm Drain	(23,939)		23,939				
<b>Sub Total</b>	<b>15,510,185</b>	<b>9,308,913</b>	<b>(668,675)</b>	<b>4,047,484</b>	<b>6,281,973</b>	<b>2,682,000</b>	<b>11,138,966</b>
<b>Debt Service</b>							
General Debt Service	364,179		789,490		789,490		364,179
<b>Sub Total</b>	<b>364,179</b>	<b>-</b>	<b>789,490</b>	<b>-</b>	<b>789,490</b>	<b>-</b>	<b>364,179</b>
<b>Grand Total</b>	<b>29,162,462</b>	<b>19,680,317</b>	<b>9,036,521</b>	<b>6,265,054</b>	<b>15,853,425</b>	<b>7,684,980</b>	<b>28,075,841</b>

**General Fund Summary- FY 22 Final Budget Reconciliation**

Revenues	FY 21 Actual	FY 22 Original Budget	FY 22 Revised Budget	Revised Budget Change	FY 22 Mid Year Budget	Mid Year Budget Change	FY 22 Corrected Budget	Corrected Budget Change
Business License Tax	539,589	<b>479,400</b>	479,400	-	520,000	40,600	520,000	-
Community Development Fees	3,846,830	<b>3,791,300</b>	3,791,300	-	3,791,300	-	3,791,300	-
Documentary Transfer Tax	931,856	<b>580,000</b>	580,000	-	730,000	150,000	730,000	-
Franchise Fees	2,214,947	<b>2,317,500</b>	2,317,500	-	2,317,500	-	2,317,500	-
Motor Vehicle Tax	22,646	-	-	-	-	-	-	-
Other Revenue	100,000	-	-	-	-	-	-	-
Property Tax	28,464,194	<b>28,713,170</b>	28,713,170	-	30,309,225	1,596,055	30,309,225	-
Sales Tax	2,996,325	<b>3,053,000</b>	3,053,000	-	3,451,879	398,879	3,451,879	-
Transient Occupancy Tax	662,132	<b>1,000,000</b>	1,000,000	-	1,000,000	-	1,000,000	-
Utility Users Tax	2,917,251	<b>2,729,500</b>	2,729,500	-	2,729,500	-	2,729,500	-
Administrative Fees*	918,500	<b>918,500</b>	918,500	-		(918,500)		-
Construction Tax	150,170	<b>110,000</b>	110,000	-	110,000	-	110,000	-
Interest Income	136,671	<b>335,000</b>	335,000	-	335,000	-	335,000	-
Miscellaneous Revenue	4,145,425	<b>99,000</b>	99,000	-	99,000	-	99,000	-
One Time Revenue	-	<b>3,598,964</b>	3,598,964	-	3,598,964	-	3,598,964	-
Police Fees	182,482	<b>253,200</b>	253,200	-	253,200	-	253,200	-
Recreation	271,410	<b>568,000</b>	568,000	-	698,000	130,000	698,000	-
Rental Income	8,228	<b>24,000</b>	24,000	-	24,000	-	24,000	-
Transfer In	146,176	<b>230,000</b>	230,000	-	230,000	-	230,000	-
<b>Grand Total</b>	<b>48,654,832</b>	<b>48,800,534</b>	<b>48,800,534</b>	<b>0.0%</b>	<b>50,197,568</b>	<b>1,397,034</b>	<b>50,197,568</b>	<b>-</b>

\* Administrative fees revenue moved to offset expenses in non-departmental (under Finance)



**General Fund Summary- FY 22 Final Budget Reconciliation**

Expenditure	FY 21 Actual	FY 22 Original Budget	FY 22 Revised Budget	Revised Budget Change	FY 22 Mid Year Budget	Mid Year Budget Change	FY 22 Corrected Budget	Corrected Budget Change
Executive	5,606,507	6,593,329	6,823,329	230,000	6,823,329	-	7,823,329	1,000,000
Legislative	332,040	368,572	473,572	105,000	473,572	-	473,572	-
Finance*	1,784,465	1,710,301	1,710,301	-	1,710,301	-	1,710,301	-
Non Departmental		339,000	339,000		(579,500)		(1,687,680)	(1,108,180)
Community Dev	3,557,649	4,278,005	4,278,005	-	4,278,005	-	4,278,005	-
Engineering	3,165,378	3,847,984	3,847,984	-	3,847,984	-	3,847,984	-
Maintenance	5,250,899	5,821,229	5,972,959	151,730	6,034,458	61,499	6,034,458	-
Public Safety	19,389,800	21,662,657	21,682,657	20,000	21,682,657	-	21,682,657	-
Recreation	1,782,020	2,471,738	2,471,738	-	2,471,738	-	2,471,738	-
General Fund Operating Reserve					1,000,000	1,000,000	1,000,000	-
City Wide Salary Savings					(250,000)	(250,000)	(250,000)	-
Transfers out	8,693,434	1,707,719	7,700,989	5,993,270	9,266,521	1,565,532	9,266,521	-
<b>Grand Total</b>	<b>49,562,193</b>	<b>48,800,534</b>	<b>55,300,534</b>	<b>6,500,000</b>	<b>56,759,065</b>	<b>2,377,031</b>	<b>56,650,885</b>	<b>(108,180)</b>

\* Administrative fees revenue moved to offset expenses in non-departmental (under Finance)

**Details Of Transfers Out**

Transfer Detail	FY 21 Actual	FY 22 Original Budget	FY 22 Revised Budget	Revised Budget Change	FY 22 Mid Year Budget	Mid Year Budget Change	FY 22 Corrected Budget	Corrected Budget Change
Transfer to Debt Service COP 2004	167,400	167,400	167,400	-		(167,400)		-
Transfer to Debt Service Communi	700,000	622,090	622,090	-		(622,090)		-
Transfer to ARPA Fund		918,229	61,499	(856,730)		(61,499)		-
Transfer for CAPERS UAL			5,000,000	5,000,000	5,000,000	-	5,000,000	-
Transfer for OPEB			1,500,000	1,500,000	1,500,000	-	1,500,000	-
Transfer to Technology Fund			350,000	350,000	<b>1,458,582</b>	1,108,582	<b>1,458,582</b>	-
Transfer to Dental Fund					<b>100,000</b>	100,000	<b>100,000</b>	-
Transfer to Workers Compensation	1,037,108				126,000	126,000	126,000	-
Transfer to General Liability Fund					<b>158,000</b>	158,000	<b>158,000</b>	-
Transfer to Equipment Replacement fund					<b>900,000</b>	900,000	<b>900,000</b>	-
Transfer to Storm Drain Fund					23,939	23,939	23,939	-
Transfer to Raymundo Debt Servic	7,754							-
Transfer to CIP	6,781,172							-
<b>Totals</b>	<b>8,693,434</b>	<b>1,707,719</b>	<b>7,700,989</b>	<b>5,993,270</b>	<b>9,266,521</b>	<b>1,565,532</b>	<b>9,266,521</b>	<b>-</b>



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14<sup>th</sup>, 2022

**Subject** Adoption of proposed FY 22/23 Mid Term Budget

**Prepared by:** John Furtado, Finance Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Attachment 1 – Capital Projects Final List FY 22-26
2. Attachment 2 – Revenue, Expenses, and Fund Balances Other Funds
3. Attachment 3 – General Fund Summary, Revenues, Expenditures, and Transfers Out.
4. Attachment 4 – Staffing FTE by Department
5. Attachment 5 – GANN Limit Calculations and Resolution
6. Attachment 6 - FY 2022/23 Fee Schedule & Resolution
7. Attachment 7 - FY 2022/23 Pay Schedule & Resolution

**Initiated by:**

Staff

**Previous Council Consideration:**

June 1, 2021

**Fiscal Impact:**

Budget revisions detail

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to approve The FY 22/23 Mid Term Budget as presented, or with recommended changes?

**Summary/ Background:**

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JE



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

On June 1, 2021, the City Council approved the 2021-2023 Biennial Operating Budget, and as of April 30, 2022, 7 months of the 2021-23 budget cycle have been completed. Throughout the budget cycle, staff actively monitor actual revenues and expenditures and prepare a status update report to the Council at six-month intervals. These updates provide staff with opportunities to advise Council on major budget trends (revenue and expenditure) and propose changes where necessary to meet ongoing service demands or modifications related to economic or other factors. This report was developed with feedback provided by the Subcommittee of the financial commission and was presented to the full Finance Commission on May 16<sup>th</sup>, 2022. The Financial commission after a lengthy discussion with staff voted unanimously to recommend that the city council approve all the recommended changes outlined in this report. It is the norm of the City of Los Altos to adopt the second year of the biennial budget prior to June 30<sup>th</sup> of the first year.

**Staff Recommendation:**

- I. Approve the FY 22/23 Mid-Term Budget as presented, or with recommended changes.

**Discussion/Analysis**

City Departments completed an in-depth review of their budgets in preparation for the FY 23 budget adoption by the City Council. Departments evaluated their revenues and expenditures, as well as operational trends, and recommended necessary adjustments. In addition, each department evaluated service-level needs and identified any adjustments necessary to respond to changes in the community’s demand for services. On May 10<sup>th</sup> the Financial commission subcommittee met with City staff and discussed the proposed changes, on May 16<sup>th</sup> the report was reviewed by the Full Financial Commission who voted unanimously to recommend that the city council approve the Midterm budget as presented below.

The Finance Department evaluated major non-departmental revenue sources (sales tax, property tax, real property transfer tax, business license tax, transient occupancy tax, etc.) to determine what, if any, mid-year adjustments are needed. Finance staff also evaluated any changes in compensation or cross-departmental expenses, such as medical costs or CalPERS rates, and recommend adjustments as needed.



Subject: Approve Final Adjustments to FY 21/22 Budget appropriations

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**Summary of General Fund Budget for FY 2023**

Table 1 outlines projected changes in resources available and their proposed uses in the General Fund for FY2022-2023. These resources are classified into 3 relevant classifications as seen below

<b>Table 1</b>	
<b>General Fund Summary (In millions)</b>	
<b><i>Projected revenue increase</i></b>	<b>Amount</b>
Sales Tax	0.39
Property Tax	2.43
Documentary Transfer tax	0.02
Business License Tax	0.03
Transient Occupancy Tax	0.30
Interest Income	0.05
Community Development Fees	0.40
<b><i>Total Revenue Increases</i></b>	<b>3.62</b>
<hr/>	
<b><i>One time Items</i></b>	
ARPA Balances	1.50
<b><i>Total One Time Available Funds</i></b>	<b>1.50</b>
<hr/>	
<b><i>Expenditure reductions</i></b>	
Rosita Park COP *	0.17
Community Center loan*	0.62
<b><i>Total Expense reductions</i></b>	<b>0.79</b>
<b><i>Total Available</i></b>	<b>5.92</b>

\*Funding will now come from the Park in Lieu Fund

Revenues



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

General Fund revenue is monitored in several categories, including general revenue and departmental revenue. General revenue includes City-wide revenues such as sales and property taxes. Departmental revenue represents monies generated by the activities of operating departments. For example, in Community & Economic Development, revenue is generated through the issuance of building permits and hourly planner charges.

• **General Revenue**

- **Sales Tax** – Sales tax revenues are anticipated to increase by approximately \$0.39 million, based on the most recent estimates by HDL the City’s consultant, and are in line with growth projected at the mid-year update for FY 22.
- **Property Tax** –Property tax revenue is estimated to increase by \$2.43 million also based on our property tax consultants HDL as well as staff projects on the unsecured and ERAF rolls. These are projected to increase by 5.5% over the updated FY 22 Mid-year budget
- **Documentary Transfer Tax** – This category has been minimally adjusted to reflect historical trends and is increase by \$0.02M
- **Business license tax** –Is anticipated to increase over the original budget by \$0.03M
- **Transient Occupancy Tax (TOT)**– The FY 22 budget assumed a \$1 million in TOT, we are seeing stronger growth in this sector and the FY 22 actuals are anticipated to come in higher than projected. For FY 23 we have increased our projection by \$300K from \$1.31 million to \$1.61 million
- **Interest Income** – With a rising rate environment staff predicts that interest income will increase by 0.05M

• **Departmental Revenue**

**Department revenues-** The City has witnessed a lot of development activity and applications for permits, based on staff analysis we are predicting an increase of \$0.4 million for community development. Other departmental revenues are expected to be on target with original projections.

**Administrative Fees** – The General Fund receives revenue amounting to \$918,500 related to staff costs incurred towards the Sewer and Solid waste Funds, historically these have been treated as revenue for the general fund, which is fundamentally wrong, these should be treated as an offset to costs that are already incurred in the General Fund, therefore staff is proposing to remove this revenue from the general fund and reduce expenditure by the same amount. Furthermore, as



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

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indicated in the FY22 final budget appropriations Consumer price index (CPI) has been applied to the Sewer and solid waste funds increasing the amounts by \$227,045 & \$25,120, respectively.



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

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**One Time Items**

The City will receive \$3.6 million in the second and final installment of the American Rescue Plan Act (ARPA) monies in FY 23. When the original budget was approved \$2.1 million of that was used to balance the budget while the balance of \$1.5 million was designated as a transfer to the ARPA fund. Considering the COVID uptick recently and economic uncertainty staff is proposing that this money remain unassigned in the General Fund, these funds can be reviewed at mid-year or close of FY 23 and be used to Fund the CIP, should they be available.

**Expenditures**

Staff performed a detailed analysis of the **Operating Budget**. Staff noticed that there were several errors in the compilation of the original budget on the personnel side that resulted in over \$700K of required corrections, some examples were the Finance manager position was frozen in the FY 22 budget and the dollars were used for consultancy services as the position was vacant, however, in the FY 23 original budget, both the Finance manager budgeted dollars and the consultant dollars were removed causing a shortfall of \$240K. Another permit technician position was also frozen while the employee was and is still working with the city and therefore requires a restoration of budget to the tune of \$150K, besides these issues the budget also failed to account for several hourly staff that were already employed with the city.

The FY 22-23 original budget had 6 positions vacant and unbudgeted the budgets were erroneously removed for the unfunded accrued liability (UAL) embedded in these positions thereby underbudgeting UAL by over \$110K. The city had made a \$5 million prepayment to CalPERS that was anticipated to yield savings of \$0.33M, however, due to the prior errors the actual reduction made is only \$0.22M

Staff also scrubbed all the operating budgets and made significant reductions to the Litigation expenses for FY 23 which were reduced by \$600K.

The proposed expenses after the above corrections reflect current costs as well as the realignment and restoration of some positions into the budget based on business needs, and the compensation Philosophy adjustments that the council has approved. Total expenses are projected to increase by \$0.51M over the Original FY 23 budget, details can be seen in **attachment 3**





**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

Staff also reviewed the **Capital projects list (Attachment 1)**, detailed listing of the changes is listed below and should be read in conjunction with Attachment 1 of this staff report.

Staff was able to identify projects that could be removed, reduced, or find alternative funding sources. This exercise resulted in \$728,126 of prior appropriations to be released. For the FY 22/23, CIP listings staff considered internal resources and ability to complete the projects and decided to prioritize accordingly, with some projects either eliminated, advanced, or moved to different years.

**Table 3** shows a summary of the details in attachment 1.

Key changes were made to the CIP projects are listed below.

<b>Table 3</b>	
<b>CIP General Fund Summary (In Millions)</b>	
<i><b>Project Summary</b></i>	<b>Budget Amounts</b>
Estimated Prior Appropriated	6.13
Projected FY 2022 Expenditure	5.75
Projected FY 2023 Expenditure	4.03
<b>Total Allocated</b>	<b>15.91</b>
<b>Funding Available</b>	
CIP Reserves FY 22	12.16
CIP Cancelled projects	0.73
FY 22 Mid Year approved Transfers	2.92
<b>Total Funding Available</b>	<b>15.81</b>
<b>Projected Excess/ (Shortfall) for FY 23</b>	<b>(0.10)</b>



Subject: Approve Final Adjustments to FY 21/22 Budget appropriations

**List of Projects changed, reduced, or eliminated (General Fund)**

**CD-01012 Annual Storm Drain Improvements**– added cost of \$88,758 in FY 22/23 based on Engineers’ estimate of, \$350,000/- the contract has been awarded to the consultant.

**CD-01017 First Street Streetscape Design Phase II** – added cost in FY 21/22 based on Engineers’ estimate, \$88,758/- the contract has been awarded to the consultant.

**CF-01003 Annual Civic Facilities Improvement** - FY 2022/23 reduced by \$100,000 in FY 22/23 & FY 24-26 \$1,200,000 from each year removed as in the future we will bring specific projects related to improvements.

**CF-01010 Annual ADA Improvements (Facilities)** – Prior appropriations did not have identified projects and therefore prior appropriations of \$316,883 are removed, also the FY23-26 amounts of \$75,000 in each year are removed.

**CF-01011 City Hall Emergency Backup Power Generator** - \$150,000 moved from FY 22/23 to FY 23/24 as it is not anticipated to be completed in FY 22/23.

**CF-01013 MSC Fuel-Dispensing Station Overhead Canopy**- The project is not needed based on regulations therefore the FY 23/24 allocation of \$300,000 is removed.

**CF-01018 MSC Parking Lot Resurfacing** – The project is not expected to commence in FY 22/23, therefore \$15,000 for design is moved to FY 23/24 & \$1,285,000 for construction is moved to FY 24/25

**TS-01008 Annual ADA Improvements (Streets and Roadways)** - Since prior appropriations exist (\$136,697) the FY 22/23 & FY 23/24 allocated amounts of \$200,000 each are removed.

**TS-01013 Annual Transportation Enhancements** – Since prior appropriations exist (\$216,313) the FY 22/23 & FY 23/24 allocated amounts of \$75,000 each are removed.

**TS-01051 University Ave/Milverton Rd Sidewalk Gap Closure** - The project needs for FY 22/23 are reduced by \$80,000 and \$500,000 is added to FY 23/24 to complete the construction phase of the project.



**Subject:** Approve Final Adjustments to FY 21/22 Budget appropriations

**TS-01052 Annual Bicycle/Pedestrian Access Improvements** - The FY 22/23 allocation of \$350,000 is removed as prior balances exist (\$313,712) and in FY 23/24 \$1,318,000 and 4,111,000 in FY 24/25 are added to account for the completion of the design and construction of the project.

**TS-01055 Fremont Ave Pedestrian Bridge Rehabilitation** – In FY 22/23 \$100,000 in added to meet the current Engineer’s estimate of construction.

**New Projects added.**

**Carmel Terrace Sidewalk Gap Closure** In FY 23/24 \$350,000 is added as this project was a prior council priority as well as a priority of the Complete Streets Master Plan.

**Emergency Storm Drain Outfall Repair (Montclair Way)-** FY 22/23 added \$65,000. The City maintains a 1-inch storm drain line that passes along the southerly side of the property located at 1266 Montclair Way and eventually outflows into Permanente Creek, which borders the westerly property line. The bottom portion of the storm drain pipe that outfalls into the creek has rusted away, causing the creek bank to erode. This project is to perform an interim repair to stop the bank erosion.

**Emergency Retaining Wall Repair Along Path to Access the Windimer Ditch-** FY 22/23, added \$132,000 The City maintains the storm drainage ditch located within a public utility easement along private properties behind Windimer Drive, Sierra Ventura Avenue, and Via Huerta. The City has observed safety concerns stemming from old, failed, short retaining walls in the existing access through the easement at the rear of one of the properties. The project includes the necessary repairs to address the tripping hazards.

**999 Fremont-** FY 22/23 \$10,000 is added for the setting up of a Police Substation at the location which is currently unused.

**Park in Lieu Funded Projects**

**CF-01019 Veterans Community Plaza Shade Structure-** The Original project was downsized and completed in FY 20, therefore the prior appropriations of 45,476/- are being released

**CF-01017 Annual Park Improvement Project-** In prior Years the Park in Lieu projects were grouped under a General CIP project named the “Annual Park improvement project”, with remaining funds carried over each year, THE CIP currently has a prior appropriated balance of 334,396 and a further amount of \$750,000 in FY 21/22 of which only \$14,136 is spent and another



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\$13,189 is encumbered. As part of the new philosophy, the staff is advocating that CIP projects would need to be specifically identified to the individual location level, therefore we have removed \$1,000,000 of prior appropriations and allocated the future years FY 23-26 on the individual projects listed on the sheet and below.

**CF-01023 Grant Park Master Plan** – Since we have received direction from the council on the Grant Park and have allocated \$1,000,000 towards the same as seen below the \$150,000 reserved for the masterplan is not required at this time

**New Project - Designated Picnic Areas** - \$80,000 allocated in FY 22/23. This will meet a current need for reservable picnic areas as well as generate revenue. The city currently only has 2 reservable picnic areas, Patriots Corner at Shoup Park and Grant Park.

**New Project- Naturescape** - \$35,000 allocated in FY 22/23. Naturescape is a play/exploration area that is composed of all-natural features. Components such as tree stumps, downed trees, wood chips, and sticks of various sizes. It is in the Redwood Grove Nature Preserve

**New Project- Drainage and Drinking Fountains**- \$180,000 allocated in FY 22/23. The funds will be used to install appropriate drainage systems and drinking fountain/hydration stations in identified park locations. Stations may include bottle fillers and dog dishes.

**New Project- Park Shade**-\$120,000 allocated in FY 22/23. Based on the 2012 Parks Master Plan Update and will provide shade in parks where appropriate.

**New Project- Hillview Dog Park**- \$50,000 allocated in FY 22/23 & \$500,000 allocated in FY 23/24. These are estimated costs based on a full design of a fenced-in dog park.

**New Project- McKenzie Dog Park**- \$50,000 allocated in FY 23/24 & \$500,000 allocated in FY 24/25. These are estimated costs based on a full design of a fenced-in dog park.

**New Project- Facilities Assessment**- \$250,000 allocated in FY 22/23. This assessment will review the condition of all recreation facilities to determine future needs and help inform the prioritization process.



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**New Project- Grant Park Facility (Electrical, Hot Water, HVAC)**- \$600,000 allocated in FY 22/23 & \$400,000 allocated in FY 23/24. The scope of work is to upgrade electrical panels to increase load capability, provide HVAC to allow the facility to become a cooling center, and provide access to hot water.

**New Project- Shoup Park Playground**- \$207,000 allocated in FY 23/24 & \$828,000 allocated in FY 24/25. These are based upon the Park Master Plan Update, to replace the playground at Shoup Park as it is at the end of its expected lifespan. Pour-in-place rubber is recommended to reduce maintenance and increase safety and accessibility for children with disabilities.

**New Project- Marymeade Playground**- \$110,000 allocated in FY 24/25 & \$440,000 allocated in FY 25/26. These are based upon the Park Master Plan Update, to replace the playground at Shoup Park as it is at the end of its expected lifespan. Pour-in-place rubber is recommended to reduce maintenance and increase safety and accessibility for children with disabilities.

**New Project- McKenzie Playground**-\$145,000 allocated in FY 24/25 & \$580,000 allocated in FY 25/26. These are based upon the Park Master Plan Update, to replace the playground at Shoup Park as it is at the end of its expected lifespan. Pour-in-place rubber is recommended to reduce maintenance and increase safety and accessibility for children with disabilities.

**New Project- Hillview Fitness Equipment**-\$ 27,000 allocated in FY 25/26 based upon the Park Master Plan Update, replace adult fitness equipment at Hillview Park as it is at the end of its expected lifespan.

The projects listed below were originally in the General Fund under “Annual Facilities Improvements” and are now moved to the Park in Lieu as they are related to parks.

**Moved Project - Garden house Upgrades**- \$125,000 allocated in FY 23/24 to upgrade painting, flooring, kitchen, and fixtures to modernize and enhance the space to improve community experience and increase rentability.

**Moved Project - San Antonio Club Upgrades**- \$125,000 allocated in FY 23/24 to explore the feasibility of expanding classroom and teacher space, new windows, and doors as well as improvements to outdoor space.

**Moved Project - Rebuild Grant Park Basketball Court**-\$150,000 allocated in FY 22/23. The Court is in bad shape and requires a complete rebuild.



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**Public Art Fund Projects**

**CD-01003 Annual Public Art Projects**– added cost in FY 22/23 based on Public Arts commission’s unanimous recommendations, \$80,000/- was added to the prior budgeted amount of \$50,000, which will be sufficient to cover the commission’s plans after accounting for prior appropriated balances, which are listed below.

- \$30,000 for maintenance of existing artwork
- \$27,000 for the purchase of two existing artworks (T2 and Midnight Stomp Series)
- \$15,000 for a Call for Art
- \$7,000 for community engagement events and projects
- \$75,000 for a new, commissioned gateway piece

**Infrastructure Technology Fund Projects**

**New – Financial system Project**– added cost in FY 22/23 based on quotes received for new financial system implementation, \$350,000/-

**Other Funds CIP Projects**

No changes have been recommended to other CIP projects funded by the other funding sources.



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Table 2 Outlines funding needs for the proposed FY 23 budget it is noteworthy to see that most of these listed are restoring items that were dropped without a plan when the original budget was adopted.

<b>TABLE 2</b>	
<b>Funding Needs (in millions)</b>	
<b>Fund Name</b>	<b>FY 22</b>
General Liability	0.60
Workers Compensation	0.86
Dental Fund	0.02
Equipment Replacement	0.30
Operating Reserve to 20%	0.89
Operating Budget Adjustments	0.51
CIP 23 Funding Required	0.10
<b>Total Funding Needs</b>	<b>3.28</b>
<b>Available</b>	<b>2.63</b>
<b>Proposed uses</b>	
CALPERS UAL Prepayments	1.00
Contingency Reserve	0.25
Unassigned Fund Balance	1.38
<b>Total Proposed uses</b>	<b>2.63</b>

Staff worked with the Subcommittee of the Financial Commission to review a list of unfunded expenses in the original budget and the following was proposed, these proposals were reviewed by the Financial Commission on May 16<sup>th</sup>, 2022 and they voted unanimously to recommend that the Council approve the changes as presented.



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The **General Liability Fund** General Liability coverage has increased exponentially for most cities in the bay area with premiums jumping over 40-60% over the last 3 years, the original budgets for FY22 & 23 provided funding of \$0.50 & \$0.81 million respectively, however, the General liability costs incurred in FY 21 have exceeded \$1 million and are expected to increase further in FY 23. To address this major cost escalation, staff has looked at claim history and decided to raise the Self-insurance Retention (SIR) from \$100K to \$250K. Staff is proposing that \$0.6 million, \$150K, and \$50K be transferred from the General Fund, Sewer Fund, and Solid waste fund respectively.

The **Worker’s Compensation Fund** was not fully funded in the original budget the latest actuary report from Bickmore Actuarial projects a need of \$.86M from the General Fund.

The **Dental Fund** received a transfer of \$100,000 in FY 22 to cover the negative fund balance, staff has reviewed based on current staff levels that at minimum another \$20K will be needed in additional budget for the fund to meet its commitments for the year.

The **Equipment Replacement Fund** is projected to have a negative fund balance of \$4,873 by the end of FY 23, recently at the staff annual retreat one of the biggest concerns by city staff was the poor equipment, tools, and furniture such as chairs and tables that are in service today being outdated or dangerous. Staff currently recommends moving \$300K from the General Fund to the Equipment replacement fund to cover these immediate, replacement needs. City staff will have to create and implement a Fleet and Equipment Replacement plan to address the remaining unfunded needs.

The Financial policies for the City recommend a 20% **Operating Reserve** for the General Fund, based on the current level of expenditure the amount needed to bring the reserve to 20% would be \$0.89 million (based on FY 23 expenses). The operating reserve currently stands at 17.9%. The subcommittee discussed this in detail and based on their prior feedback recommended that we build the reserve back up to 20% with the available funding staff is currently recommending a transfer of \$0.89 million from the General Fund unreserved fund balances be moved to the Operating reserve.

**Operating Budget.** The details are listed in the expenses section the total increase to the operating budget after all adjustments is \$0.51M.





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The Subcommittee also reviewed the **Capital projects** list for FY 23 and agreed to the recommendation to transfer the required shortfall to the CIP fund as shown in table 3 below.

Details of the CIP changes have already been presented separately in this report.

<b>Table 3</b>	
<b>CIP General Fund Summary (In Millions)</b>	
<b>Project Summary</b>	<b>Budget Amounts</b>
Estimated Prior Appropriated	6.13
Projected FY 2022 Expenditure	5.75
Projected FY 2023 Expenditure	4.03
<b>Total Allocated</b>	<b>15.91</b>
<b>Funding Available</b>	
CIP Reserves FY 22	12.16
CIP Cancelled projects	0.73
FY 22 Mid Year approved Transfers	2.92
<b>Total Funding Available</b>	<b>15.81</b>
<b>Projected Excess/ (Shortfall) for FY 23</b>	<b>(0.10)</b>



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The Subcommittee and the Financial Commission also accepted the staff’s proposed uses of the balance of \$2.52 million of available resources as listed below.

Setting up **Annual discretionary payments (ADP)** to CALPERS to reduce the unfunded liability, the committee & Commission felt that the \$1 million ask was reasonable.

Setting up a **Contingency Reserve** Staff has scrubbed the operating budgets of all departments as well as denied requests for budget increases, we also stopped the practice of departments holding on to operating budget contingencies for “What if” scenarios. The primary reason we were able to do that was to convince leadership that a centralized **City Manager Contingency Reserve** would be proposed. Staff recommends that we create this reserve and fund it at \$250K

The **unassigned fund balance** is projected to be \$1.38 million, given the economic uncertainty and uptick in COVID cases in recent weeks, while also considering that we have increased our projections on Transient Occupancy Tax (TOT) we propose that the \$1.38 million remain unassigned at this time. We will review this amount at the FY 23 mid-year to identify if any adjustments need to be made. In any case, this unassigned balance can be allocated to the FY 24 CIP when we close the FY 23 books.

**Changes to Other Major Funds (Attachment 2)**

Attachment 2 provides a listing of all other funds in the City; no major changes have been made to these except for the below. Changes in fund balances due to CIP allocations are covered with the CIP detail.

**Park in Lieu Fund** – The eligible costs of servicing the annual Debt for the Rosita Park (\$171.8K) and the community Center (\$622K) have been programmed to this fund.

**Sewer Fund** – The Sewer Fund staff are anticipating increased professional services costs and have requested a \$221,400 increase in the budget.

Staff has also in line with what was done if the final reconciliation for FY 22 applied the Consumer Price index (CPI) factor to the administrative fees charged to the Sewer Fund increasing the contribution to \$227,045.

Staff has noticed that the general liability contributions from the Sewer Fund were not made in the original budget therefore we propose a transfer of \$150,000 from the Sewer fund to the General Liability Fund.



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For the Sewer Fund, the total of the required additional appropriations for FY 23 is \$598,445; however additional budget appropriations are not currently required because when the original budget was adopted \$801,803 of the Solid Waste Fund budget was also appropriated to the Sewer Fund in error.

**Solid Waste Fund** – The Solid Waste Fund staff have seen increased professional services costs and have requested a \$62,620 increase in the budget, staff determined that other eligible solid waste costs related to trash receptacles of \$130,176 could be paid from the Solid Waste Fund.

Staff has in line with what was done in the final reconciliation for FY 22 applied the Consumer Price Index (CPI) factor to the administrative fees charged to the Sewer fund increasing the contribution to \$25,120 and factored the undercharged amount of 36,500.

Staff has noticed that the general liability contributions from the solid fund were not made in the original budget therefore we propose a transfer of \$50,000 from the Solid Waste Fund to the General Liability fund.

On the Personnel side, the Solid Waste Fund supported one sustainability coordinator who has since left the city, part of the feedback gathered was that the work involved was too much for a single person, looking forward at the plans the city has developed this seems to be a true statement, therefore, we are proposing the addition of another position at the sustainability specialist level.

For the Solid Waste Fund, the total of the required additional appropriations for FY 23 is \$372,796.

**GANN Limit**

**Attachment 5** shows the GANN limit calculation for the city, The GANN Limit is a limit on the amount of tax money that state and local governments, including school districts, can legally spend. In November 1979, California voters approved the late Paul Gann's Proposition 4, which is called the Gann Limit.

Staff reviewed the calculations for the current year, the Gann limit builds on the prior year’s data each year, and staff was unable to verify data beyond FY 2016. The current Gann limit for the city shows that we are at 97% of the limit which in effect means we will be unable to raise more taxes via a bond measure and if tax revenues come in excess of \$1.5M, we would be forced to return the



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funds to the taxpayers. Furthermore, since the limit is based on per capita income and population a decrease in both factors could further shrink our limit.

We are unsure of the methods used to calculate the limit each year in the past and the 97% current limit seems unlikely to be correct, we are recommending that a consultant be hired to review and compile the data from inception, most cities have Gann limits in the 50 -70% range.

**GFY 2022/23 Fee Schedule**

**Attachment 6** shows the revised Fee Schedule. Annually, the city adopts its Fee Schedule setting fees that are collected for City services and activities. These fees are intended to recover costs for services provided by the city. As the Fee Schedule was last adopted on October 26, 2021, it is recommended that a Consumer Price Index (CPI) increase be applied to the FY 2022/23 Fee Schedule. The CPI in the San Francisco area for April 2022 was 5.0%. If approved, the updated Fee Schedule will go into effect 60 days after adoption.

**Conclusion**

As of the revised FY 23 update, revenue projections, including general revenue and department fees and charges, are trending higher than the original budget projections as adopted in June 2021, notwithstanding the proposed changes above. Overall, expenses have been adjusted as shown on this report. It is expected that the FY23 operating budget will continue to be balanced, largely due to the stimulus funding received via the American Rescue Plan. This funding has proved to be vital in helping the city navigate the FY 22 & 23 budget years by providing the much need bridge revenue as the economy opens and impacted revenues begin to recover. As mentioned at mid-year we see significant foreseeable challenges such as high inflation and an uptick in COVID cases these factors could impede our revenues and could cause unforeseen cost escalations across the board, some of these are already apparent with construction bids coming up 20 -30% over-engineer estimates as well as the rising consensus in recent weeks on the potential of a recession looming.

We, therefore, restate the need to retain the balance of available funds as unassigned to meet these future uncertainties. At this time staff recommends that the City Council approve the final cleanup changes requested to the FY 22 budget as presented in this report.

# CIP Fund Listing Revised Budget FY23

Project #	Project Name	Estimated Prior Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01012	Annual Storm Drain Improvements	\$ 12,492		\$ 950,000					\$ 962,492
CD-01017	First Street Streetscape Design -- Phase II	261,243	88,758						350,000
CD-01018	Downtown Lighting Cabinet Replacement	-			200,000				200,000
CD-01019	Public Works Electronic Document Management	105,949							105,949
CD-01020	Climate Action Plan Implementation Program	59,330					50,000		109,330
CF-01002	Los Altos Community Center Redevelopment	970,509							970,509
CF-01003	Annual Civic Facilities Improvement	-		1,000,000	1,100,000				2,100,000
New*	999 Fremont				10,000				10,000
CF-01010	Annual ADA Improvements (Facilities)	316,883	(316,883)	75,000					75,000
CF-01011	City Hall Emergency Backup Power Generator	-				150,000			150,000
CF-01013	MSC Fuel-Dispensing Station Overhead Canopy	-							-
CF-01016	Waterline Backflow Preventers	80,435							80,435
CF-01018	MSC Parking Lot Resurfacing	-				15,000	1,285,000		1,300,000
New*	Emergency Storm Drain Outfall Repair (Montclair Way)				65,000				65,000
New*	Emergency Retaining Wall Repair - Path to Access the Windimer Ditch				132,000				132,000
TS-01001	Annual Street Resurfacing	142,448		1,050,000	1,050,000	1,050,000	1,050,000	1,050,000	5,392,448
TS-01003	Annual Street Striping	-		100,000	100,000	100,000	100,000	100,000	500,000
TS-01004	Annual Street Slurry Seal	-		250,000	800,000	800,000	800,000	800,000	3,450,000
TS-01005	Annual Concrete Repair	118,074		200,000	200,000	200,000	200,000	200,000	1,118,074
TS-01006	Annual Traffic Sign Replacement	94,821		200,000					294,821
TS-01008	Annual ADA Improvements (Streets and Roadways)	136,697		75,000			75,000	75,000	361,697
TS-01013	Annual Transportation Enhancements	216,313		75,000			75,000	75,000	441,313
New*	Carmel Terrace Sidewalk Gap Closure					350,000			350,000
TS-01051	University Ave/Milverton Rd Sidewalk Gap Closure Project	55,000			20,000	500,000			575,000
TS-01052	Annual Bicycle/Pedestrian Access Improvements	313,712		350,000		1,318,000	4,111,000	350,000	6,442,712
TS-01055	Fremont Ave Pedestrian Bridge Rehabilitation	155,118		260,000	100,000				515,118
TS-01056	Fremont Avenue Pavement Rehabilitation	1,750,000							1,750,000
TS-01057	In-Road Light System Maintenance			300,000					300,000
TS-01059	Diamond Court Reconstruction	100,000							100,000
TS-01061	Foothill Expressway Widening from Homestead Rd to I-280	-			250,000				250,000
CF-01021	Emergency Operations Center	1,200,000	(500,000)	300,000					1,000,000
CD-01023	Housing Element Update	42,139		565,000					607,139
CD01024	General Plan	-				2,000,000			2,000,000
<b>TOTAL</b>	<b>Fund Balance</b>	<b>\$ 6,131,162</b>	<b>\$ (728,126)</b>	<b>\$ 5,750,000</b>	<b>\$ 4,027,000</b>	<b>\$ 6,483,000</b>	<b>\$ 7,746,000</b>	<b>\$ 2,650,000</b>	<b>\$ 32,059,037</b>
	<b>Original 5 year CIP Amounts by year</b>	<b>\$ 6,131,162</b>	<b>\$ -</b>	<b>\$ 5,750,000</b>	<b>\$ 6,050,000</b>	<b>\$ 6,350,000</b>	<b>\$ 3,980,000</b>	<b>\$ 3,925,000</b>	<b>\$ 32,186,162</b>
	<b>Increase / (Decrease) over original amounts</b>	<b>0</b>	<b>(728,126)</b>	<b>0</b>	<b>(2,023,000)</b>	<b>133,000</b>	<b>3,766,000</b>	<b>(1,275,000)</b>	<b>(127,125)</b>

## CDBG

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
									\$ -
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

## Equipment Replacement Fund

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
00923	Police Records Management & Dispatch System	\$ 560,332							\$ 560,332
	Parks Division Utility Truck			45,000					45,000
	Parks Division Van			40,000					40,000
	Patrol Vehicle Automated License Plate Reader Replacement			25,000					25,000
	Police Radio/Phone Recording Equipment			60,000					60,000
	Patrol Vehicles (2)			122,000					122,000
	Unmarked Police Vehicle			42,500					42,500
	Traffic Division RIPA Collection Devices			23,000					23,000
	Passenger Car (EV)				37,000				37,000
	Patrol Vehicles (3)				187,500				187,500
	Unmarked Police Vehicles (2)				87,000				87,000
	Streets Division Bucket Truck				65,000				65,000
<b>TOTAL</b>		\$ 560,332	\$ -	\$ 357,500	\$ 376,500	\$ -	\$ -	\$ -	\$ 1,294,332

## Gas Tax

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing			\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,750,000
TS-01003	Annual Street Striping			100,000	100,000	100,000	100,000	100,000	500,000
TS-01004	Annual Street Slurry Seal			800,000	250,000	250,000	250,000	250,000	1,800,000
TS-01009	Annual City Alley Resurfacing			100,000	100,000	100,000	100,000	100,000	500,000
<b>TOTAL</b>		\$ -	\$ -	\$ 1,350,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 4,550,000

## In-Lieu Park Fund

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CF-01009	Annual Pathway Rehabilitation	\$ -		\$ 50,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,050,000
CF-01017	Annual Park Improvement Project	334,396	(1,000,000)	750,000					84,396
New*	Designated Picnic Areas				80,000				80,000
New*	Natures cape				35,000				35,000
New*	Drainage and Drinking Fountains				180,000				180,000
New*	Park Shade				120,000				120,000
New*	Hillview Dog Park				50,000	500,000			550,000
New*	McKenzie Dog Park					50,000	500,000		550,000
New*	Facilities Assessment				250,000				250,000
New*	Grant Park Facility (Electrical, Hot Water, HVAC)				600,000	400,000			1,000,000
New*	Shoup Park Playground					207,000	828,000		1,035,000
New*	Marymeade Playground						110,000	440,000	550,000
New*	McKenzie Playground						145,000	580,000	725,000
New*	Hillview Fitness Equipment							27,000	27,000
GF before	Garden house Upgrades					125,000			125,000
GF before	San Antonio Club Upgrades					125,000			125,000
GF before	Rebuild Grant Park Basketball Court				150,000				150,000
CF-01019	Veterans Community Plaza Shade Structure	45,476	(45,476)						(0)
CF-1004	Halsey House rehabilitation			290,480		50,000	50,000	50,000	440,480
CF-01025	Dog Park Fencing Project			100,000					100,000
CF-01023	Grant Park Master Plan								-
CF-01024	City-wide Parks and Recreation Master Plan						300,000		300,000
<b>TOTAL</b>		<b>\$ 379,872</b>	<b>\$ (1,045,476)</b>	<b>\$ 1,190,480</b>	<b>\$ 1,715,000</b>	<b>\$ 1,707,000</b>	<b>\$ 2,183,000</b>	<b>\$ 1,347,000</b>	<b>\$ 7,476,876</b>
	<b>Original 5 year CIP Amounts by year</b>	<b>\$ 379,872</b>	<b>\$ -</b>	<b>\$ 800,000</b>	<b>\$ 1,050,000</b>	<b>\$ 1,150,000</b>	<b>\$ 1,530,000</b>	<b>\$ 1,450,000</b>	<b>\$ 6,359,872</b>
	<b>Increase / (Decrease) over original amounts</b>	<b>(0)</b>	<b>(1,045,476)</b>	<b>390,480</b>	<b>665,000</b>	<b>557,000</b>	<b>653,000</b>	<b>(103,000)</b>	<b>1,117,004</b>

## Measure B

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing			\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,750,000
<b>TOTAL</b>		\$ -	\$ -	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,750,000

## OBAG

Project #	Project Name	Estimated Appropriated Per Actual	Council Allocations post Budget	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01056	Fremont Avenue Pavement Rehabilitation	\$ 336,000							\$ 336,000
<b>TOTAL</b>		\$ 336,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 336,000

## PEG Fees

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01021	Community Chamber AV Equipment	\$ 671,219		\$ 100,000					\$ 771,219
<b>TOTAL</b>		\$ 671,219	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 771,219

## Public Art Fund

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01009	Walter Singer Bust Relocation			\$ 10,000					\$ 10,000
CD-01003	Annual Public Arts Projects	\$ 8,000		60,000	130,000	10,000	10,000	10,000	228,000
<b>TOTAL</b>		\$ 8,000	\$ -	\$ 70,000	\$ 130,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 238,000



## REAP Grant

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01023	Housing Element Update	\$ -		\$ 35,000					\$ 35,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 35,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 35,000</b>

## Resident Contribution

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01059	Diamond Court Reconstruction	\$ 100,000							\$ 100,000
<b>TOTAL</b>		<b>\$ 100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 100,000</b>

## Road Maint and Acct Act

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01001	Annual Street Resurfacing			\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 500,000</b>	<b>\$ 500,000</b>	<b>\$ 500,000</b>	<b>\$ 500,000</b>	<b>\$ 2,500,000</b>

## Sewer Fund

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
WW-01001	Annual Sewer System Repair Program	\$ 859,418		\$ 630,000	\$ 640,000	\$ 650,000	\$ 660,000	\$ 670,000	\$ 4,109,418
WW-01002	Annual Structural Reach Replacement	1,117,369		800,000	800,000	800,000	800,000	800,000	5,117,369
WW-01005	Annual CIPP Corrosion Rehabilitation	473,925		465,000	480,000	500,000	520,000	535,000	2,973,925
WW-01006	Annual Fats, Oils, Grease Program (FOG)	66,566		66,000	68,000	70,000	72,000	74,000	416,566
WW-01008	Annual GIS Updates	319,911		66,000	68,000	70,000	72,000	74,000	669,911
WW-01009	Sewer System Management Plan Update	50,000		25,000				75,000	150,000
WW-01011	Sanitary Sewer Video Inspection	467,997		430,000		440,000			1,337,997
WW-01012	Adobe Creek Sewer Main Replacement	692,298		-	2,000,000	-	2,000,000		4,692,298
WW-01003	Annual Root Foaming			200,000	200,000	200,000	200,000	200,000	1,000,000
<b>TOTAL</b>		<b>\$ 4,047,484</b>	<b>\$ -</b>	<b>\$ 2,682,000</b>	<b>\$ 4,256,000</b>	<b>\$ 2,730,000</b>	<b>\$ 4,324,000</b>	<b>\$ 2,428,000</b>	<b>\$ 20,467,484</b>

## VTA 80%

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01007	Annual Neighborhood Traffic Management			\$ 50,000					\$ 50,000
TS-01022	Annual Collector Street Traffic Calming			100,000					100,000
TS-01052	Annual Bicycle/Pedestrian Access Improvements			100,000					100,000
TS-01060	SR2S Improvement Projects			300,000					300,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 550,000</b>

## TDA Article III

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01052	Annual Bicycle/Pedestrian Access Improvements	-		50,000	50,000	50,000	50,000	50,000	250,000
<b>TOTAL</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 250,000</b>

## Technology Fund

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
CD-01008/	IT Initiatives	\$ 214,160		\$ 180,000	\$ 350,000				\$ 744,160
	Nw Financial System	-			350,000				350,000
CF-01022	City Hall and Maintenance Services Building Security Systems	-		70,000					70,000
<b>TOTAL</b>		<b>\$ 214,160</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ 700,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,164,160</b>

## Traffic Impact Fees

Project #	Project Name	Estimated Appropriated	Projects Reduced / Increased	2021/22 Budget	2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	Total
TS-01007	Annual Neighborhood Traffic Management	\$ 23,288			\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 223,288
TS-01013	Annual Transportation Enhancements								-
TS-01022	Annual Collector Street Traffic Calming	24,700			100,000	100,000	100,000	100,000	424,700
TS-01052	Annual Bicycle/Pedestrian Access Improvements				100,000	100,000	100,000	100,000	400,000
TS-01060	SR2S Improvement Projects	-			200,000				200,000
<b>TOTAL</b>		<b>\$ 47,988</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 450,000</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>	<b>\$ 1,247,988</b>

<b>TOTAL</b>		<b>\$ 12,496,216</b>	<b>(1,773,602)</b>	<b>\$ 13,434,980</b>	<b>\$ 13,554,500</b>	<b>\$ 13,080,000</b>	<b>\$ 16,413,000</b>	<b>\$ 8,585,000</b>	<b>\$ 75,790,095</b>
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**Projected Fund Balances - All other Funds - Revised Budget FY 23**

<b>Fund Name</b>	<b>Projected Fund Bal 6/21</b>	<b>FY 23 Revenue Projection</b>	<b>Transfers IN/ (Out)</b>	<b>Prior</b>	<b>FY 23 Operating Expenses</b>	<b>FY 23 CIP Expenses</b>	<b>Ending Fund Balances</b>
<b>Internal Service Funds</b>							
Equipment Replacement Fund	1,289,459		300,000	917,832		376,500	295,127
Technology Fund	1,458,582			464,160		700,000	294,422
PERS & OPEB Stabilization Fund	292,614		1,058,700		1,058,700		292,614
Dental/ Vision Fund	4,889	277,695	20,000		297,695		4,889
Unemployment Fund	81,698				15,000		66,698
Workers Compensation Fund	1,644,308		857,000		809,582		1,691,726
General Liability Fund	232,864	809,582	800,000		1,200,000		642,446
<b>Sub Total</b>	<b>5,004,414</b>	<b>1,087,277</b>	<b>3,035,700</b>	<b>1,381,992</b>	<b>3,380,977</b>	<b>1,076,500</b>	<b>3,287,922</b>
<b>Special Revenue Funds</b>							
Road Maint and Acct Act	882,639	615,000		500,000		500,000	497,639
CDBG	0						0
Grants ARPA Fund	0						0
Downtown Parking Fund	889,174	40,000	(40,000)				889,174
Estate Donations Fund	0						0
Gas Tax	2,820,522	840,057		1,350,000		800,000	1,510,579
Measure B	960,236	550,000		550,000		550,000	410,236
Supplemental Law Enforcement	46,007	100,000	(100,000)				46,007
TDA Article III	0	50,000				50,000	0
Traffic Impact Fees	52,440	812,055		47,988		450,000	366,508
Vehicle Registration Fund (VTA)	1,108,401	195,000		550,000			753,401
OBAG (Outside Funding)	0	0		0			0
In-Lieu Park Fund	9,929,916	927,200	(793,965)	1,190,480		1,715,000	7,157,671
PEG Fees	675,037	100,000	(70,000)	671,219		0	33,819
Public Art Fund	461,588			78,000		130,000	253,588
REAP Grant	0	35,000		35,000		0	0

Projected Fund Balances - All other Funds - Revised Budget FY 23

Fund Name	Projected Fund Bal 6/21	FY 23 Revenue Projection	Transfers IN/ (Out)	Prior	FY 23 Operating Expenses	FY 23 CIP Expenses	Ending Fund Balances
Vehicle Impound Fund	0	20,000	(20,000)				0
Resident Contribution	100,000			100,000			0
<b>Sub Total</b>	<b>17,925,961</b>	<b>4,284,312</b>	<b>(1,023,965)</b>	<b>5,072,686</b>	<b>-</b>	<b>4,195,000</b>	<b>11,918,621</b>
<b>Enterprise Funds</b>							
Sewer Fund	12,560,140	8,570,000	(201,000)	6,729,484	6,638,182	4,256,000	3,305,474
Solid Waste	5,562,072	914,828	(57,700)		1,174,599		5,244,601
Storm Drain	0						
<b>Sub Total</b>	<b>18,122,212</b>	<b>9,484,828</b>	<b>(258,700)</b>	<b>6,729,484</b>	<b>7,812,781</b>	<b>4,256,000</b>	<b>8,550,075</b>
<b>Debt Service</b>							
General Debt Service	364,179		793,965		793,965		364,179
<b>Sub Total</b>	<b>364,179</b>	<b>-</b>	<b>793,965</b>	<b>-</b>	<b>793,965</b>	<b>-</b>	<b>364,179</b>
<b>Grand Total</b>	<b>41,416,766</b>	<b>14,856,417</b>	<b>2,547,000</b>	<b>13,184,162</b>	<b>11,987,723</b>	<b>9,527,500</b>	<b>24,120,797</b>

**General Fund Revenue Summary**

Revenues	FY 21 Actual	FY 22 Final Budget	FY 23 Original Budget	FY 23 Mid Term Budget	Mid Term Budget Change
Business License Tax	539,589	520,000	488,988	520,000	31,012
Community Development Fees	3,846,830	3,791,300	3,802,300	4,202,300	400,000
Documentary Transfer Tax	931,856	730,000	580,000	600,000	20,000
Franchise Fees	2,214,947	2,317,500	2,340,225	2,340,225	-
Motor Vehicle Tax	22,646	-	-	-	-
Other Revenue	100,000	-	-	-	-
Property Tax	28,464,194	30,309,225	29,568,955	32,000,000	2,431,045
Sales Tax	2,996,325	3,451,879	3,114,060	3,500,000	385,940
Transient Occupancy Tax	662,132	1,000,000	1,310,000	1,610,000	300,000
Utility Users Tax	2,917,251	2,729,500	2,811,385	2,811,385	-
Administrative Fees*	918,500		918,500	-	(918,500)
Construction Tax	150,170	110,000	110,000	110,000	-
Interest Income	136,671	335,000	332,300	382,300	50,000
Miscellaneous Revenue	4,145,425	99,000	99,000	99,000	-
One Time Revenue	-	3,598,964	3,598,964	3,598,964	-
Police Fees	182,482	253,200	283,200	283,200	-
Recreation	271,410	698,000	1,352,000	1,352,000	-
Rental Income	8,228	24,000	24,000	24,000	-
<b>Grand Total</b>	<b>48,508,656</b>	<b>49,967,568</b>	<b>50,733,877</b>	<b>53,433,374</b>	<b>2,699,497</b>

\* Administrative fees revenue moved to offset expenses in non-departmental (under Finance)

\*Actual Change **3,617,997**

**General Fund Expenses Summary**

<b>Expenditure</b>	<b>FY 21 Actual</b>	<b>FY 22 Final Budget</b>	<b>FY 23 Original Budget</b>	<b>FY 23 Mid Term Budget</b>	<b>FY 23 Mid Term Budget Change</b>
Executive	5,606,507	7,823,329	6,726,421	6,617,469	(108,952)
Legislative	332,040	473,572	369,875	394,875	25,000
Finance*	1,551,611	1,710,301	1,444,182	1,707,699	263,517
Non Departmental	232,854	(1,687,680)	309,000	(898,165)	(1,207,165)
Community Dev	3,557,649	4,278,005	4,298,163	4,218,019	(80,144)
Engineering	3,165,378	3,847,984	3,981,301	4,097,312	116,011
Maintenance	5,250,899	6,034,458	5,926,799	6,296,811	370,012
Public Safety	19,389,800	21,682,657	22,918,053	23,039,670	121,617
Recreation	1,782,020	2,471,738	2,691,761	2,784,446	92,685
City Wide Salary Savings		(250,000)			-
<b>Grand Total</b>	<b>40,868,759</b>	<b>46,384,364</b>	<b>48,665,555</b>	<b>48,258,136</b>	<b>(407,419)</b>
* Administrative fees revenue moved to offset expenses in non-departmental (under Finance)				*Actual Change	<b>511,081</b>

**Details Of Transfers**

**Transfers out**

Transfers Out	FY 21 Actual	FY 22 Final Budget	FY 23 Original Budget	FY 23 Mid Term Budget	Mid Term Budget Change
Transfer to Debt Service - COP 2004	167,400		171,875	-	(171,875)
Transfer to Debt Service - Community Center	700,000		622,090	-	(622,090)
Transfer to ARPA Fund			1,504,357	-	(1,504,357)
Transfer To CIP Fund	6,781,172			103,068	103,068
Transfer to Taymundo Debt Service	7,754				0
Transfer for CAPERS UAL		5,000,000		1,000,000	1,000,000
Transfer for OPEB		1,500,000			0
Transfer to Technology Fund		1,458,582			0
Transfer to Dental Fund		100,000		20,000	20,000
Transfer to Workers Compensation Fund	1,037,108	126,000		857,000	857,000
Transfer to General Liability Fund		158,000		600,000	600,000
Transfer to Equipment Replacement fund		900,000		300,000	300,000
Transfer to Storm Drain Fund		23,939			0
<b>Totals</b>	<b>8,693,434</b>	<b>9,266,521</b>	<b>2,298,322</b>	<b>2,880,068</b>	<b>581,746</b>

**Transfers In**

Transfers IN	FY 22 Final Budget	FY 23 Original Budget	FY 23 Mid Term Budget	Mid Term Budget Change
Transfer from Downtown Parking Fund	40,000	40,000	40,000	-
Transfer from Supplemental Law enforcement Fund	100,000	100,000	100,000	-
Transfer from Vehicle Impound Fund	20,000	20,000	20,000	-
Transfer from Peg Fund	70,000	70,000	70,000	-
<b>Totals</b>	<b>230,000</b>	<b>230,000</b>	<b>230,000</b>	<b>-</b>



		Corrected2 022 Original Budget	2022 Mid Year Adjusted Budget	2023 Mid Term Adjusted Budget	2023 Beginning FTE
Department	Position				
<b>Legislative</b>	City Council Member	5.00			5.00
Subtotal		<b>5.00</b>	-	-	<b>5.00</b>
<b>Executive</b>	City Manager	1.00			1.00
	Deputy City Manager	1.00	(1.00)		-
	Assistant City Manager		1.00		1.00
	Public Information Coordinator		1.00		1.00
	Public Information Officer	1.00			1.00
	Economic Development Coordinator	-	1.00		1.00
	City Clerk	1.00			1.00
	Deputy City Clerk	1.00		(1.00)	-
	Assistant City Clerk			1.00	1.00
	Executive Assistant	1.00	(1.00)		-
	Human Resources Manager	1.00			1.00
	Human Resources Technician		1.00		1.00
	Human Resources Analyst	1.00	1.00		2.00
	Information Technology Technician			1.00	1.00
	Information Technology Analyst	1.00			1.00
	Information Technology Manager	1.00			1.00
	Network Systems Administrator	1.00			1.00
Subtotal		<b>11.00</b>	3.00	1.00	<b>15.00</b>
<b>Finance</b>	Finance Director	1.00			1.00
	Financial Services Manager	1.00			1.00
	Senior Accountant	1.00			1.00
	Accounting Technician I/II	3.00			3.00
Subtotal		<b>6.00</b>	-	-	<b>6.00</b>

		Corrected2	2022 Mid	2023 Mid	2023
		022	Year	Term	Beginning
Department	Position	Original	Adjusted	Adjusted	FTE
		Budget	Budget	Budget	
CDD	Development Services Director	1.00			1.00
	Development Services Manager				-
	Planning Manager	1.00			1.00
	Senior Planner	1.00	1.00		2.00
	Assistant Planner	2.00	(2.00)		-
	Associate Planner	1.00	2.00		3.00
	Economic Development Coordinator	1.00	(1.00)		-
	Sustainability Coordinator	1.00		(1.00)	-
	Executive Assistant	2.00	(1.00)		1.00
	Building Official	1.00			1.00
	Building Inspector	3.00			3.00
	Sr. Building Inspector	1.00			1.00
	Building /Permit Technician	1.00	1.00		2.00
Subtotal		<b>16.00</b>	-	(1.00)	<b>15.00</b>

		Corrected2	2022 Mid	2023 Mid	2023
		022	Year	Term	Beginning
Department	Position	Original	Adjusted	Adjusted	FTE
		Budget	Budget	Budget	
<b>Engineering</b>					-
	Engineering Services Director	1.00			1.00
	Special Projects Manager	1.00	(1.00)	1.00	1.00
	Projects Manager	1.00	(1.00)		-
	Executive Assistant	1.00			1.00
	Civil Engineer		1.00	(1.00)	-
	Assoc Civil Engineer	1.00	1.00		2.00
	Junior Engineer		1.00		1.00
	Sustainability Coordinator			1.00	1.00
	Sustainability Specialist			1.00	1.00
	Asst Civil Engineer	3.00			3.00
	Construction Inspector	1.00			1.00
	GIS Technician	1.00			1.00
	Engineering Services Manager	1.00	1.00		2.00
	Senior Engineer	2.00	(1.00)		1.00
	Transportation Services Manager	1.00			1.00
<b>Subtotal</b>		<b>14.00</b>	<b>1.00</b>	<b>2.00</b>	<b>17.00</b>

		Corrected2 022 Original Budget	2022 Mid Year Adjusted Budget	2023 Mid Term Adjusted Budget	2023 Beginning FTE
Department	Position				
<b>Maintenance Services</b>	Maintenance Services Director	1.00			1.00
	Executive Assistant	1.00			1.00
	Maintenance Supervisor	4.00			4.00
	Equipment Mechanic	1.00			1.00
	Maintenance Lead Worker	6.00			6.00
	Maintenance Worker I	7.00	(2.00)	2.00	7.00
	Maintenance Worker II	12.00			12.00
	<b>Senior Maintenance Technician</b>			1.00	1.00
	Maintenance Technician	2.00	(1.00)		1.00
Subtotal		<b>34.00</b>	(2.00)	2.00	<b>34.00</b>
<b>Public Safety</b>	Police Chief	1.00			1.00
	Police Captain	2.00			2.00
	Police Services Manager	1.00			1.00
	Executive Assistant	1.00			1.00
	Police Sergeant	6.00	1.00		7.00
	Police Agent	6.00			6.00
	Police Officer	17.00	(1.00)		16.00
	Community Services Officer	3.00			3.00
	Lead Communications Officer	1.00			1.00
	Communications Officer	5.00			5.00
	Lead Records Specialist/ Police Records Sup	1.00			1.00
	Records Specialist	3.00	(1.00)		2.00
Subtotal		<b>47.00</b>	(1.00)	-	<b>46.00</b>

		Corrected2 022 Original Budget	2022 Mid Year Adjusted Budget	2023 Mid Term Adjusted Budget	2023 Beginning FTE
Department	Position				
Recreation & Community	Recreation Director	1.00			1.00
	Recreation Manager	1.00			1.00
	Recreation Supervisor	2.00			2.00
	Office Assistant II	1.00			1.00
	Recreation Coordinator	3.00	2.00		5.00
Subtotal		8.00	2.00	-	10.00
<b>SUBTOTAL FTE</b>		<b>141.00</b>	<b>3.00</b>	<b>4.00</b>	<b>148.00</b>
<b>Limited Term</b>					
City Manager	Management Fellow	2.00	(2.00)		-
Finance	Accounting Technician I/II			1.00	1.00
<b>Subtotal Limited Term</b>		<b>2.00</b>	<b>(2.00)</b>	<b>1.00</b>	<b>1.00</b>
<b>TOTAL</b>		<b>143.00</b>	<b>1.00</b>	<b>5.00</b>	<b>149.00</b>

**RESOLUTION NO. 2022-xx****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ESTABLISHING THE FY 2022-23 APPROPRIATIONS LIMIT**

**WHEREAS**, California Constitutional Article 13B limits the total annual appropriations of cities; and

**WHEREAS**, it is the desire of this Council to establish its appropriations limit pursuant to Article 13B.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby determines that said City's appropriations limit, pursuant to Article 13B of the California Constitution using the annual percent change in population for Santa Clara County and the percent change in California for per capita personal income, is as follows:

FY 2022/23	<b>\$42,872,818</b>
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**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 the \_\_\_\_ day of \_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK

**GANN LIMIT CALCULATION - FY2022-23**

	DESCRIPTION	AMOUNT	TAXES	"NON-TAXES"
<b>GENERAL FUND</b>				
<b>TAXES</b>				
	Property Tax	32,000,000	32,000,000	0
	Sales Tax	3,500,000	3,500,000	0
	Off Hwy Veh Fees	0	0	0
	Utility Users Tax	2,811,385	2,811,385	0
	Business License Tax	520,000	520,000	0
	Documentary Trans.	600,000	600,000	0
	Building Dev. Tax	110,000	110,000	0
	Transient Occ. Tax	1,610,000	1,610,000	0
<b>FEES</b>				
	Recreation Fees	1,352,000		1,352,000
	Community Development Fees	4,202,300		4,202,300
	Franchise Fees	2,340,225		2,340,225
	Administrative Fees	918,500		918,500
	Police Fees	283,200		283,200
<b>USE OF MONEY/PROPERTY</b>				
	Rental Income	24,000		24,000
	Auction	0		0
<b>ENTERPRISE/CAPITAL ADMIN</b>				
	Sewer Admin.			0
	Solid Waste Admin.			0
<b>MISCELLANEOUS</b>				
	One-Time Revenue (ARPA)	3,598,964		3,598,964
	Misc./Other	99,000		99,000
<b>SUBTOTAL</b>		<b>53,969,574</b>	<b>41,151,385</b>	<b>12,818,189</b>
	Interest	382,300	291,501	90,799
<b>GENERAL FUND TOTAL</b>		<b>54,351,874</b>	<b>41,442,886</b>	<b>12,908,988</b>
<b>CAPITAL PROJECTS</b>				
	SLES Police Grants	100,000		100,000
	Other Capital Grants	0		0
	Vehicle Impound Fees	20,000		20,000
	In Lieu Park Land	927,200		927,200
	Transportation Development Act	50,000		50,000
	Downtown Parking Fund	40,000		40,000
	Traffic Impact Fee	812,055		812,055
	PEG Fees	100,000		100,000

**GANN LIMIT CALCULATION - FY2022-23**

DESCRIPTION	AMOUNT	TAXES	"NON-TAXES"
Measure B	550,000		550,000
<b>GAS TAX FUNDS</b>			0
Gas Tax	840,057		840,057
Road Maintenance (SB1)	615,000		615,000
<b>SUBTOTAL</b>	<b>4,054,312</b>	<b>0</b>	<b>4,054,312</b>

<b>GRAND TOTAL</b>	<b>58,406,186</b>	<b>41,442,886</b>	<b>16,963,300</b>
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Total City Governmental Revenue			58,406,186
Less: Non Proceeds of taxes			(16,963,300)
Proceeds of Taxes			41,442,886
Exclusions: Debt Service before Prop 4			0
Add: Excess User Fees			0
Appropriations Subject to Limitation			41,442,886
<b>2022-23 Appropriations Limit</b>			<b>42,872,818</b>
Dollars under limit			1,429,932
Percent under limit			<b>3.34%</b>

**Appropriations Limit Calculation**

2021-22 Appropriations Limit	<b>40,019,225</b>
Change in Calif. per capita income	1.0755
Change in population in County	0.9961
Change Factor	1.0713
	<b>42,872,818</b>



**RESOLUTION NO. 2022-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
SETTING CERTAIN FEES AND CHARGES TO BE COLLECTED IN FY 2022/23**

**WHEREAS**, the Los Altos Municipal Code specifies that certain fees and charges shall be set by Resolution of the City Council; and

**WHEREAS**, these fees and charges should be in amounts sufficient to recover the costs incurred by the City with respect to the functions to be performed by the City.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopts the fees and charges set forth in the attached FY 2022/23 Fee Schedule for the City and these fees shall become effective ~~immediately following final passage and adoption of this Resolution~~July 1, 2022 and shall remain in effect until a new Resolution amending the same is adopted by the City Council.

**BE IT FURTHER RESOLVED** that all other fees previously established by other City Council Resolution or Ordinance remain in effect.

**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 the 14<sup>th</sup> day of June, 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK

## City of Los Altos Fee Schedule FY 2022/23

Development Building	Services	Adopted Fee for Service 21/22	Proposed Fee for Service 22/23
Building Permit		Building Permit	Building Permit
Valuation based on price per square foot of construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.		Valuation based on price per square foot of construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.	Valuation based on price per square foot of construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.
Total Valuation			
\$1.00 - \$3,000.00		\$109.50	\$115.00
\$3,001.00 - \$25,000.00		\$109.50 for the first \$3,000.00 plus \$22.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$115.00 for the first \$3,000.00 plus \$23.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 - \$50,000.00		\$600.00 for the first \$25,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$621.00 for the first \$25,000.00 plus \$17.25 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 - \$100,000.00		\$1,000.00 for the first \$50,000.00 plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$1,052.25 for the first \$50,000.00 plus \$11.55 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 - \$500,000.00		\$1,560.00 for the first \$100,000.00 plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.	\$1,629.75 for the first \$100,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 - \$1,000,000.00		\$5,135.00 for the first \$500,000.00 plus \$8.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.	\$5,629.75 for the first \$500,000.00 plus \$8.65 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.

\$1,000,001.00 and up	\$11,699.00 for the first \$1,000,000.00 plus \$7.75 for each additional \$1,000.00 or fraction thereof.	\$11,699.00 for the first \$1,000,000.00 plus \$8.15 for each additional \$1,000.00 or fraction thereof.
Electrical, Fire Department Inspection, Mechanical or Plumbing Permit Total Valuation \$1.00 - \$3,000.00	\$109.50	\$115.00
\$3,001.00 - \$25,000.00	\$109.50 for the first \$3,000.00 plus \$30.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$115.00 for the first \$3,000.00 plus \$32.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 - \$50,000.00	\$775.00 for the first \$25,000.00 plus \$22.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$820.00 for the first \$25,000.00 plus \$23.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 - \$100,000.00	\$1,329.00 for the first \$50,000.00 plus \$15.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$1,395.00 for the first \$50,000.00 plus \$16.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	1.60% of the valuation	1.60% of the valuation
Solar/Photovoltaic Permit (Residential/Commercial)	\$450.00* *(Per California Government Code Section 66015 which allows for fees of \$450.00 plus \$15.00 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7.00 per kilowatt for each kilowatt between 51kW and 250kW plus \$5.00 for every kilowatt above 250kW, for commercial rooftop solar energy systems)	\$450.00* *(Per California Government Code Section 66015 which allows for fees of \$450.00 plus \$15.00 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7.00 per kilowatt for each kilowatt between 51kW and 250kW plus \$5.00 for every kilowatt above 250kW, for commercial rooftop solar energy systems)
Building Plan Check	65% of Building Permit Fee	65% of Building Permit Fee
Fire Department Plan Check	20% of Total Building Permit Fee (if applicable)	20% of Total Building Permit Fee (if applicable)
Energy Plan Check (Title 24)	25% of Total Building Permit Fee	25% of Total Building Permit Fee
Blueprint for a Clean Bay	\$10.25	\$10.75
Building Code Compliance Review	\$526.00	\$550.00
Building Moving Permit	\$665.00	\$700.00
California Green Building Fund	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation

Construction Tax*		
Residential	\$0.41 per Square Foot	\$0.41 per Square Foot
Commercial	\$0.68 per Square Foot	\$0.68 per Square Foot
* Established per LAMC Chapter 3.24		
Demolition Permit		
Single Family	\$470.25	\$493.75
Commercial/Multiple-Family	\$773.00	\$811.65
Duplicate Permit Request	\$86.50	\$90.00
Property Research		
Residential	\$27.00 per Property	\$28.25 per Property
Commercial	\$55.00 (minimum) per Property	\$57.75 (minimum) per Property
Re-Inspection Request	\$133.75	\$140.45
Street Address Change	\$522.50	\$548.50
Strong Motion and Seismic Hazard Mapping		
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP (1-3 Story Residential)	Valuation Amount x 0.00013 (Minimum Fee \$0.50)	Valuation Amount x 0.00013 (Minimum Fee \$0.50)
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP (Over 3 story residential & all commercial)	Valuation Amount x 0.00028 (Minimum Fee \$0.50)	Valuation Amount x 0.00028 (Minimum Fee \$0.50)
Technology Surcharge – Permit System Maintenance, Document Archiving Maintenance, Document Backfile Conversion	8% of Building/Electrical/Mechanical/Plumbing Permits	8% of Building/Electrical/Mechanical/Plumbing Permits
Temporary Certificate of Occupancy	\$503.25	\$528.40
Inspections outside of normal business hours (minimum charge – 2 hours)	\$385.75	\$405.00
Stop Work Penalties	2-4x all plan review and permit fees	2-4x all plan review and permit fees
In House Review	\$117.50 per hour	\$123.35 per hour
Consultant Review	Consultant Cost	Consultant Cost
Expired Permit Fees	Based on original permit fees	Based on original permit fees
Project Plan Duplication Requests	\$369.75	\$388.25
Certificate of Occupancy	\$147.25	\$154.60
Alternative Means and Methods Request	\$365.75	\$384.00

Development Services Planning	Adopted Fee for Service 21/22	Proposed Fee for Service 22/23
Annexation	\$522.50	\$548.50
Appeal Within Notification Boundary Outside Notification Boundary	\$627.00 \$1,201.75	\$658.35 \$1,261.85
Application Extension Single-Family Commercial/Multiple-Family	\$334.25 \$627.00	\$351.00 \$658.35
Application Modification Single-Family Commercial/Multiple-Family	\$627.00 \$1,881.00	\$658.35 \$1,975.00
Certificate of Compliance	\$1,785.00 + Time/Material	\$1,875.25 + Time/Material
Conditional Use Permit Business Use Only Planning Commission Business Use Only Planning Commission/City Council New Construction (>500 sq. ft.) PC & CC Wireless Facility (Renewal/Mod) Staff Level Modification	\$2,612.50 \$4,180.00 \$5,225.00 \$1,139.00 \$1,483.75	\$2,743.15 \$4,389.00 \$5,486.25 \$1,195.95 \$1,557.95
Design Review Single-Family Administrative (≤100 sq. ft.) Administrative (≤500 sq. ft.) Administrative (>500 Sq. Ft.) Design Review Commission Commercial/Multiple-Family Administrative (≤500 Sq. Ft.) PC & CC (>500 Sq. Ft.) PC Only	\$79.00 \$295.00 \$1,045.00 \$2,090.00 \$1,384.50 \$9,922.25 \$5,350.00	\$82.95 \$309.75 \$1,097.25 \$2,194.50 \$1,526.45 \$10,418.35 \$5,617.50
Accessory Dwelling Unit Review Over-the counter (<500 sq. ft.) Administrative (>500 sq. ft.)	\$156.75 \$522.50	\$164.50 \$548.60
Architectural Peer Review	\$3,657.50	\$3,840.35
Development Agreement Fee	\$5,225.00	\$5,486.25
Environmental Initial Study	\$5,225.00	\$5,486.25
Environmental Impact Report	\$10,450.00	\$10,972.50
Electric Vehicle Charging	\$.33 Per kWh	\$.33 Per kWh
General Plan/Map Amendment	\$5,747.50	\$6,034.85
Lot-Line Adjustment	\$1,785.00 + Time/Material	\$1,874.25 + Time/Material
Maps and Documents Zoning Map Zoning Ordinance General Plan Specific Plans	\$5.00 \$15.00 \$15.00 \$5.00	\$5.25 \$15.75 \$15.75 \$5.25

Park In-Lieu Fee*		
Single-Family Residential Unit	\$77,500.00	\$77,500.00
Multiple-Family Residential Unit	\$48,800.00	\$48,800.00
* Established per LAMC Chapter 13.24		
Planned Unit Development	\$7,837.50	\$8,229.35
Planning Commission Study Session	\$1,567.50	\$1,645.85
Preliminary Project Review	\$1,149.50	\$1,207.00
Planning Records Research Fees		
Single-Family Residential	\$27.00	\$28.35
Commercial and all other zones	\$55.00	\$57.75
Public Notification – Single-Family	\$52.25	\$54.85
Public Notification – All Other	\$1.00 per mailed post card	\$1.05 per mailed post card
Public Sidewalk Display Permit		
Dining tables/chairs	\$209.00	\$219.45
A-frames/non-dining objects	\$26.00	\$27.30
Reversion to Acreage	\$1,785.00 + Time/Material	\$1,874.25 + Time/Material
Sign Review		
Modification of Existing Sign	\$104.50	\$109.75
Sign Per a Sign Program	\$104.50	\$109.75
New Sign (no Sign Program)	\$209.00	\$219.45
Sign Program	\$836.00	\$877.80
Single-Story Overlay Rezoning		
Neighborhood Approval and Election	\$2,821.50	\$2,962.50
Zoning Map Amendment	\$3,344.00	\$3,511.20
Tentative Subdivision Map Review	\$5,225.00	\$5,486.25
Tentative Subdivision Map Extension/Modification		
Administrative	\$1,785.00	\$1,874.25
PC/CC	\$2,873.75	\$3,017.45
Traffic Impact Fee*		
Single-Family Residential Unit	\$6,774.20 per new unit	\$6,774.20 per new unit
Multiple-Family Residential Unit	\$4,159.00 per new unit	\$4,159.00 per new unit
Senior Residential Unit	\$1,744.20 per new unit	\$1,744.20 per new unit
Commercial	\$12,408.73 per 1,000 sq. ft.	\$12,408.73 per 1,000 sq. ft.
Office	\$9,993.93 per 1,000 sq. ft.	\$9,993.93 per 1,000 sq. ft.
* Established per LAMC Chapter 3.48		
Tree Removal	\$78.25	\$82.15
Vacating Easement/Right-of-way	\$5,225.00	\$5,486.25
Variance Review		
Single-Family - Accessory Struct.	\$1,567.50	\$1,645.85
Single-Family - Main Structure	\$2,090.00	\$2,194.50
Commercial/Multiple-Family	\$2,926.00	\$3,072.30
PC Only		
Commercial/Multiple-Family	\$4,180.00	\$4,389.00
PC & CC		
Zoning Ordinance/Map Amendment	\$5,747.50	\$6,034.85
Zoning Use Compliance	\$73.00	\$76.65
Zoning Verification Letter	\$522.50	\$548.60

<b>Police</b>	<b>Adopted Fee for Service 21/22</b>	<b>Proposed Fee for Service 22/23</b>
Alarm Permit Renewal Late Renewal/Unpermitted Alarm response	\$38.00 Per Permit \$38.00 Per Permit \$79.00	\$39.90 Per Permit \$39.90 Per Permit \$82.95
False Alarm Response First Two Responses in a Permit Year Third and Subsequent Responses	No Charge \$227.00 Per Response	No Charge \$238.35 Per Response
Alcohol Permit	\$104.50 Per Application	\$109.75 Per Application
DUI Accident Response Police Response Fire Response Fatal accident	\$1,201.75 \$1,463.00 Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident	\$1,261.85 \$1,536.15 Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident
Jail Booking Fees	Actual County Cost	Actual County Cost
Massage Establishment Permit New Annual Renewal	\$283.00 \$78.25	\$297.15 \$82.15
Massage Therapist Permit New Annual Renewal	\$242.00 \$67.00	\$254.10 \$70.35
Massage Appeal Hearing	\$2,030.00 per appeal Includes One Hour of City Attorney Time	\$2,131.50 per appeal Includes One Hour of City Attorney Time
Miscellaneous Police Permit	\$156.75 Per Application	\$164.50 Per Application
Parking Permit Quarterly Annual	\$40.00 \$100.00	\$42.00 \$105.00
Second Response Call-Back Standard Response Juvenile Alcohol Party Response	\$193.25 Per Response After an Initial Warning \$836.00	\$202.90 Per Response After an Initial Warning \$877.80
Secondhand Dealer/Pawn Shop Permit New Annual Renewal	\$271.50 \$156.75	\$285.00 \$164.60
Solicitor Permit	\$156.75 Per Application	\$164.50 Per Application
Special Event Permit Application New On-going	\$1,567.50 \$1,045.00	\$1,645.85 \$1,097.25
Special Event Police Service	Actual Cost	Actual Cost
Vehicle Impound Release	\$313.50 per vehicle	\$329.15 per vehicle
Vehicle Repossession	\$15.50 per vehicle	\$16.25 per vehicle
Verification/Clearance Letter	\$41.75 per letter	\$43.80 per letter
Subpoena	\$275.00	\$288.75

Subpoena Duces Tecum	\$15.00	\$15.00
Police Report Copies	\$0.20 per page and no charge for victims of crimes	\$0.20 per page and no charge for victims of crimes



<b>Public Works/Environmental Services and Utilities</b>	<b>Adopted Fee for Service 21/22</b>	<b>Proposed Fee for Service 22/23</b>
County Sewer Plan Check	\$627.00 Per Plan	\$658.35 Per Plan
Encroachment Permit Parking Stall	\$103.50 Plus \$31.00 Per Stall Per Day	\$108.65 Plus \$32.55 Per Stall Per Day
Special	\$444.00	\$466.20
Miscellaneous	\$261.24 Per Permit	\$274.30 Per Permit
Final Subdivision Map Check	\$1,222.50 Per Map Plus Actual outside Costs	\$1,283.60 Per Map Plus Actual outside Costs
Flood Hazard Letter	\$73.00 Per Letter	\$76.65 Per Letter
Heavy Haul Permit	\$637.25 Per Permit	\$669.10 Per Permit
Public Works Inspection	6% of the Estimated Cost of Construction	6% of the Estimated Cost of Construction
Lot-Line Adjustment	\$574.75 Plus Actual outside Costs	\$603.50 Plus Actual outside Costs
Sewer Dye Test	\$151.50 Per Test	\$159.00 Per Test
Stormwater Management Plan Check	\$418.00 Per Application	\$438.90 Per Application
Temporary Lane Closure Permit	\$548.50 Per Permit Plus \$62.00 Per Day After First Day	\$575.95 Per Permit Plus \$65.10 Per Day After First Day
Utility Street Cut Permit	2% of Construction Cost (\$200.00 Minimum)	2% of Construction Cost (\$200.00 Minimum)
Additional Inspection Visit (for existing permit)	\$167.00	\$175.35
Sewer Permit (City)	\$125.25	\$131.50
Sewer Permit (County)	\$235.00	\$246.75
Sewer Tap-in	\$52.25	\$54.85
Transportation Permit	\$26.00	\$27.30

Parks and Recreation	Adopted Fee for Service 21/22	Proposed Fee for Service 22/23
Banner Hanging San Antonio/ECR Downtown Fremont/Grant Lincoln Park 9-foot 18-foot 30-foot	\$406.00 Per Two Weeks \$406.00 Per Two Weeks \$336.00 Per Two Weeks  \$168.00 Per Week \$336.00 Per Week \$406.00 Per Week	\$426.30 Per Two Weeks \$426.30 Per Two Weeks \$352.80 Per Two Weeks  \$176.40 Per Week \$352.80 Per Week \$426.30 Per Week
Community Room (Grand Oak) (per hour) Resident Non-Resident Non-Profit Commercial	\$250.00 \$300.00 \$125.00 \$375.00	\$262.50 \$315.00 \$131.25 \$393.75
Los Altos Community Center Meeting Room (Sequoia) (per hour) Resident Non-Resident Non-Profit Commercial	\$100.00 \$125.00 \$50.00 \$150.00	\$105.00 \$131.25 \$52.50 \$157.50
Los Altos Community Center Multi-Purpose Rooms (Apricot, Manzanita, Birch, Sycamore, Maple, Courtyard only) (per hour) Resident Non-Resident Non-Profit Commercial	\$80.00 \$100.00 \$40.00 \$120.00	\$84.00 \$105.00 \$42.00 \$126.00
Los Altos Community Center Kitchen (per hour) Resident Non-Resident Non-Profit Commercial	\$50.00 \$75.00 \$25.00 \$100.00	\$52.50 \$78.75 \$26.25 \$105.00
Los Altos Community Center Lobby (per hour) Resident Non-Resident Non-Profit Commercial	\$100.00 \$125.00 \$50.00 \$150.00	\$105.00 \$131.25 \$52.50 \$157.50
Los Altos Community Center Courtyard (per hour) Resident Non-Resident Non-Profit Commercial	\$50.00 \$60.00 \$25.00 \$100.00	\$52.50 \$63.00 \$26.25 \$105.00

Los Altos Community Center Package (Sequoia/Manzanita/Lobby) (per hour)		
Resident	\$210.00	\$220.50
Non-Resident	\$255.00	\$267.75
Non-Profit	\$105.00	\$110.25
Commercial	\$420.00	\$441.00
Los Altos Community Center Package (Sequoia/Manzanita/Apricot) (per hour)		
Resident		
Non-Resident	\$200.00	\$210.00
Non-Profit	\$240.00	\$252.00
Commercial	\$100.00	\$105.00
	\$400.00	\$420.00
Los Altos Community Center Package (Sequoia/Manzanita/Buckeye/Madrone) (per hour)		
Resident	\$160.00	\$168.00
Non-Resident	\$195.00	\$204.75
Non-Profit	\$80.00	\$84.00
Commercial	\$320.00	\$336.00
Multi-Purpose Rooms (per hour)		
Resident	\$120.00	\$126.00
Non-Resident	\$150.00	\$157.50
Non-Profit Resident	\$60.00	\$63.00
Commercial	\$240.00	\$252.00
Classrooms (per hour)		
Resident	\$50.00	\$52.50
Non-Resident	\$60.00	\$63.00
Non-Profit Resident	\$40.00	\$42.00
Commercial	\$100.00	\$105.00
San Antonio Club (per hour)		
Resident	\$120.00	\$126.00
Non-Resident	\$150.00	\$157.50
Non-Profit Resident	\$60.00	\$63.00
Commercial	\$240.00	\$252.00
Tennis & Bocce Ball Courts (per hour)		
Resident	\$9.00	\$9.50
Non-Resident	N/A	N/A
Non-Profit Resident	\$7.00	\$7.25
Commercial	N/A	N/A
Athletic Fields (per hour)		
Resident	\$50.00	\$52.50
Non-Resident	\$60.00	\$63.00
Non-Profit Resident	\$25.00	\$26.25
Commercial	N/A	N/A
Gymnasiums Half (per hour)		
Resident	\$85.00	\$89.25
Non-Resident	\$110.00	\$115.50
Non-Profit Resident	\$45.00	\$47.25
Commercial	\$160.00	\$168.00

Gymnasiums Full (per hour)		
Resident	\$140.00	\$147.00
Non-Resident	\$180.00	\$189.00
Non-Profit Resident	\$80.00	\$84.00
Commercial	\$280.00	\$294.00
Community Plaza Half Day		
Resident	\$145.00	\$152.25
Non-Resident	\$180.00	\$189.00
Non-Profit Resident	\$55.00	\$57.75
Commercial	N/A	N/A
Community Plaza Full Day		
Resident	\$220.00	\$231.00
Non-Resident	\$275.00	\$288.75
Non-Profit Resident	\$90.00	\$94.50
Commercial	N/A	N/A
Patriot Corner Picnic Area Half Day		
Resident	\$150.00	\$157.50
Non-Resident	\$190.00	\$199.50
Non-Profit Resident	N/A	N/A
Commercial	\$300.00	\$315.00
Patriot Corner Picnic Area Full Day		
Resident	\$220.00	\$231.00
Non-Resident	\$275.00	\$288.75
Non-Profit Resident	N/A	N/A
Commercial	\$440.00	\$462.00
Grant Picnic Area Half Day		
Resident	\$90.00	\$94.50
Non-Resident	\$110.00	\$115.50
Non-Profit Resident	N/A	N/A
Commercial	\$180.00	\$189.00
Grant Picnic Area Full Day		
Resident	\$120.00	\$126.00
Non-Resident	\$145.00	\$152.25
Non-Profit Resident	N/A	N/A
Commercial	\$240.00	\$252.00
Classroom Deposit	\$250.00	\$262.50
Multi-Purpose Room Deposit	\$500.00	\$525.00
LACC Full Facility Deposit	\$1,000.00	\$1,050.00
Key Replacement	\$100.00	\$105.00
Facility Rentals		
Additional Facility Attendant	\$22.00 Per Hour	\$23.10 Per Hour
Linen Rental	\$25.00 Per Linen	\$26.25 Per Linen
Senior Lunch Program		
Weekly Lunch	Donation Only	Donation Only
Holiday Lunch		

Miscellaneous	Adopted Fee for Service 21/22	Proposed Fee for Service 22/23
Business License Listing	\$41.65 Per Request	\$43.75 Per Request
Business License Duplicate	\$10.25 Per Request	\$10.75 Per Request
City Initiative Filing	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition
Damage to City Property	Time/Material	Time/Material
Document Certification	\$25.00 Per Certification	\$25.00 Per Certification
Document Reproduction	\$0.25 Per Page	\$0.25 Per Page
Fair Political Practices Commission Related	\$0.10 Per Page	\$0.10 Per Page
DVD Copy	\$2.00 Per Disk	\$2.00 Per Disk
Non-Sufficient Funds Check Processing	\$40.00 Per NSF Check	\$40.00 Per NSF Check
Notary Fee	\$10.00	\$10.00
Tobacco Retailer License		
Initial	\$250.00	\$262.50
Annual	\$150.00	\$157.50

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING THE FISCAL YEAR 2022/23 PAY SCHEDULE TO COMPLY WITH  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)  
STATUTORY AND REGULATORY REQUIREMENTS FOR COMPENSATION  
EARNABLE AND PUBLICLY AVAILABLE PAY SCHEDULES**

**WHEREAS**, all employers must comply with the compensation earnable and publicly available pay schedules provisions contained within California Government Code (GC) section 20636(d) and California Code of Regulations (CCR) 570.5; and

**WHEREAS**, it is necessary for the City Council to review and duly approve and adopt in accordance with requirements of applicable public meetings laws a publicly available pay schedule; and

**WHEREAS**, attached to this resolution and incorporated by reference is the City's comprehensive pay schedule which will be made publicly available on the City's external website and provided upon request; and

**WHEREAS**, the City annually reviews and may revise employee compensation and pay schedule ranges; and

**WHEREAS**, the City benefits from a highly qualified, municipal workforce; and

**WHEREAS**, to assist in retaining such a workforce, it is critical that the City's compensation levels are competitive in the marketplace; and

**WHEREAS**, the City should adjust pay rates to reflect changes in the region's cost of living; and

**WHEREAS**, the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose region increase by 5.0% for the twelve-month period through April 2022; and

**WHEREAS**, represented classifications are covered by current contracts which specify the amount of the pay rate adjustments in the new fiscal year; and

**WHEREAS**, the pay rate changes are scheduled to take effect the beginning of the pay period that includes July 1, 2022

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby:

1. Approves the contractually required pay adjustments for the Los Altos Municipal Employee Association by 3.5% effective the beginning of the pay period that includes July 1, 2022; and
2. Approves the contractually required pay adjustments for the Los Altos Peace Officer's Association by 3.5% effective the beginning of the pay period that includes July 1, 2022; and
3. Approves pay adjustments for all regular full-time, non-represented, management and confidential positions by 5.0% effective the beginning of the pay period that includes July 1, 2022, except for the following classifications that received market adjustments based on comparable peer cities:
  - a. Public Information Officer – 3% pay adjustment,
  - b. City Clerk – 6.82% pay adjustment; and
4. Adjusts the following regular full-time individual unrepresented department head classification pay ranges based on comparable market peers effective the beginning of the pay period that includes July 1, 2022:
  - a. Police Chief – 5.41% range adjustment,
  - b. Assistant City Manager – 3.53% range adjustment,
  - c. Recreation, & Community Services Director – (1.56%) range adjustment,
  - d. Community Development Director – (3.13%) range adjustment; and
5. Adopts the Fiscal Year 2022/23 Pay Schedule in Exhibit A reflecting these adjustments.

**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 the \_\_\_ day of \_\_\_\_, 2022 by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
 Angel Rodriguez, INTERIM CITY CLERK

**Unrepresented Department Heads:** Market Range Adjustment to Individual Classifications effective 06/26/22  
**Unrepresented Management:** 5% increase or Market Adjustment effective 06/26/22  
**Unrepresented Confidential:** 5% increase effective 06/26/22

**POA (Sworn):** 3.5% increase effective 06/26/22  
**POA (Non-Sworn):** 3.5% increase effective 06/26/22

**LAMEA:** 3.5% increase effective 06/26/22  
**Teamsters:** No increase

\*New Classification for FY 22/23  
 ^Market Adjustment  
 + Market Range Adjustment

**City of Los Altos - Full Time Salary Schedule FY 22/23**  
**Resolution 2022-XX**

<i>Unrep. Department Head Classifications</i>	<i>FLSA Status</i>	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
City Manager	Exempt					\$9,426.73					\$20,424.58					\$245,095.00
Police Chief+	Exempt	\$7,371.71		Open Range		\$8,960.31	\$15,972.03		Open Range		\$19,414.00	\$191,664.34		Open Range		\$232,967.96
Assistant City Manager+	Exempt	\$7,239.90		Open Range		\$8,800.09	\$15,686.45		Open Range		\$19,066.87	\$188,237.36		Open Range		\$228,802.46
Public Works Director/City Engineer	Exempt	\$6,741.58		Open Range		\$8,500.33	\$14,606.75		Open Range		\$18,417.38	\$175,280.96		Open Range		\$221,008.58
Utilities and Environmental Director*	Exempt	\$6,741.58		Open Range		\$8,500.33	\$14,606.75		Open Range		\$18,417.38	\$175,280.96		Open Range		\$221,008.58
Finance Director	Exempt	\$6,690.14		Open Range		\$8,500.33	\$14,495.30		Open Range		\$18,417.38	\$173,943.65		Open Range		\$221,008.58
Parks, Recreation, & Community Services Director*	Exempt	\$6,465.34		Open Range		\$8,500.33	\$14,008.23		Open Range		\$18,417.38	\$168,098.73		Open Range		\$221,008.58
Community Development Director+	Exempt	\$6,774.39		Open Range		\$8,500.33	\$14,677.85		Open Range		\$18,417.38	\$176,134.15		Open Range		\$221,008.58
Human Resources Director*	Exempt	\$6,310.38		Open Range		\$7,670.27	\$13,672.49		Open Range		\$16,618.91	\$164,069.88		Open Range		\$199,426.94

<i>Unrep. Management Classifications</i>	<i>FLSA Status</i>	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Police Captain	Exempt	\$6,652.31	\$6,984.93	\$7,334.17	\$7,700.88	\$8,085.92	\$14,413.34	\$15,134.01	\$15,890.71	\$16,685.24	\$17,519.50	\$172,960.07	\$181,608.08	\$190,688.48	\$200,222.90	\$210,234.05
Deputy City Manager	Exempt	\$6,026.66	\$6,328.00	\$6,644.40	\$6,976.62	\$7,325.45	\$13,057.77	\$13,710.66	\$14,396.20	\$15,116.01	\$15,871.81	\$156,693.29	\$164,527.95	\$172,754.35	\$181,392.07	\$190,461.67
Engineering Services Manager	Exempt	\$6,026.66	\$6,328.00	\$6,644.40	\$6,976.62	\$7,325.45	\$13,057.77	\$13,710.66	\$14,396.20	\$15,116.01	\$15,871.81	\$156,693.29	\$164,527.95	\$172,754.35	\$181,392.07	\$190,461.67
Financial Services Manager	Exempt	\$6,026.66	\$6,328.00	\$6,644.40	\$6,976.62	\$7,325.45	\$13,057.77	\$13,710.66	\$14,396.20	\$15,116.01	\$15,871.81	\$156,693.29	\$164,527.95	\$172,754.35	\$181,392.07	\$190,461.67
Information Technology Manager	Exempt	\$6,026.66	\$6,328.00	\$6,644.40	\$6,976.62	\$7,325.45	\$13,057.77	\$13,710.66	\$14,396.20	\$15,116.01	\$15,871.81	\$156,693.29	\$164,527.95	\$172,754.35	\$181,392.07	\$190,461.67
Human Resources Manager	Exempt	\$6,026.66	\$6,328.00	\$6,644.40	\$6,976.62	\$7,325.45	\$13,057.77	\$13,710.66	\$14,396.20	\$15,116.01	\$15,871.81	\$156,693.29	\$164,527.95	\$172,754.35	\$181,392.07	\$190,461.67
Building Official	Exempt	\$5,596.36	\$5,876.18	\$6,169.98	\$6,478.48	\$6,802.41	\$12,125.44	\$12,731.71	\$13,368.30	\$14,036.71	\$14,738.55	\$145,505.30	\$152,780.56	\$160,419.59	\$168,440.57	\$176,862.60
Development Services Manager*	Exempt	\$5,596.36	\$5,876.18	\$6,169.98	\$6,478.48	\$6,802.41	\$12,125.44	\$12,731.71	\$13,368.30	\$14,036.71	\$14,738.55	\$145,505.30	\$152,780.56	\$160,419.59	\$168,440.57	\$176,862.60
Planning Services Manager	Exempt	\$5,596.36	\$5,876.18	\$6,169.98	\$6,478.48	\$6,802.41	\$12,125.44	\$12,731.71	\$13,368.30	\$14,036.71	\$14,738.55	\$145,505.30	\$152,780.56	\$160,419.59	\$168,440.57	\$176,862.60
Police Services Manager	Exempt	\$5,596.36	\$5,876.18	\$6,169.98	\$6,478.48	\$6,802.41	\$12,125.44	\$12,731.71	\$13,368.30	\$14,036.71	\$14,738.55	\$145,505.30	\$152,780.56	\$160,419.59	\$168,440.57	\$176,862.60
Transportation Services Manager	Exempt	\$5,596.36	\$5,876.18	\$6,169.98	\$6,478.48	\$6,802.41	\$12,125.44	\$12,731.71	\$13,368.30	\$14,036.71	\$14,738.55	\$145,505.30	\$152,780.56	\$160,419.59	\$168,440.57	\$176,862.60
Economic Development Manager	Exempt	\$5,459.86	\$5,732.85	\$6,019.50	\$6,320.47	\$6,636.50	\$11,829.70	\$12,421.18	\$13,042.24	\$13,694.36	\$14,379.07	\$141,956.39	\$149,054.21	\$156,506.92	\$164,332.26	\$172,548.88
City Clerk^	Exempt	\$5,158.02	\$5,415.93	\$5,686.72	\$5,971.06	\$6,269.61	\$11,175.72	\$11,734.50	\$12,321.23	\$12,937.29	\$13,584.16	\$134,108.62	\$140,814.05	\$147,854.75	\$155,247.49	\$163,009.87
Special Projects Manager	Exempt	\$5,196.77	\$5,456.61	\$5,729.44	\$6,015.92	\$6,316.71	\$11,259.68	\$11,822.66	\$12,413.79	\$13,034.48	\$13,686.21	\$135,116.13	\$141,871.94	\$148,965.54	\$156,413.81	\$164,234.50
Project Manager	Exempt	\$5,196.77	\$5,456.61	\$5,729.44	\$6,015.92	\$6,316.71	\$11,259.68	\$11,822.66	\$12,413.79	\$13,034.48	\$13,686.21	\$135,116.13	\$141,871.94	\$148,965.54	\$156,413.81	\$164,234.50
Public Information Officer^	Exempt	\$4,828.91	\$5,070.36	\$5,323.88	\$5,590.07	\$5,869.57	\$10,462.65	\$10,985.78	\$11,535.07	\$12,111.82	\$12,717.41	\$125,551.75	\$131,829.34	\$138,420.81	\$145,341.85	\$152,608.94
Assistant to the City Manager	Exempt	\$4,946.36	\$5,193.68	\$5,453.37	\$5,726.04	\$6,012.34	\$10,717.12	\$11,252.98	\$11,815.63	\$12,406.41	\$13,026.73	\$128,605.48	\$135,035.75	\$141,787.54	\$148,876.92	\$156,320.76
Recreation Manager	Exempt	\$4,481.16	\$4,705.22	\$4,940.48	\$5,187.51	\$5,446.88	\$9,709.18	\$10,194.64	\$10,704.38	\$11,239.60	\$11,801.57	\$116,510.22	\$122,335.73	\$128,452.51	\$134,875.14	\$141,618.90

<i>Unrep. Confidential Classifications</i>	<i>FLSA Status</i>	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Accountant	Exempt	\$4,282.03	\$4,496.13	\$4,720.93	\$4,956.98	\$5,204.83	\$9,277.73	\$9,741.61	\$10,228.69	\$10,740.13	\$11,277.13	\$111,332.70	\$116,899.34	\$122,744.30	\$128,881.52	\$135,325.59
Senior Human Resources Analyst*	Exempt	\$4,282.03	\$4,496.13	\$4,720.93	\$4,956.98	\$5,204.83	\$9,277.73	\$9,741.61	\$10,228.69	\$10,740.13	\$11,277.13	\$111,332.70	\$116,899.34	\$122,744.30	\$128,881.52	\$135,325.59
Management Analyst II	Exempt	\$4,177.59	\$4,386.47	\$4,605.79	\$4,836.08	\$5,077.88	\$9,051.44	\$9,504.01	\$9,979.21	\$10,478.17	\$11,002.08	\$108,617.27	\$114,048.13	\$119,750.54	\$125,738.07	\$132,024.97
Human Resources Analyst	Exempt	\$3,976.29	\$4,175.10	\$4,383.86	\$4,603.05	\$4,833.20	\$8,615.29	\$9,046.05	\$9,498.36	\$9,973.28	\$10,471.94	\$103,383.48	\$108,552.65	\$113,980.29	\$119,679.30	\$125,663.27
Management Analyst I	Exempt	\$3,784.69	\$3,973.92	\$4,172.62	\$4,381.25	\$4,600.31	\$8,200.16	\$8,610.16	\$9,040.67	\$9,492.71	\$9,967.34	\$98,401.89	\$103,321.98	\$108,488.08	\$113,912.48	\$119,608.11
Assistant City Clerk*	Exempt	\$3,784.69	\$3,973.92	\$4,172.62	\$4,381.25	\$4,600.31	\$8,200.16	\$8,610.16	\$9,040.67	\$9,492.71	\$9,967.34	\$98,401.89	\$103,321.98	\$108,488.08	\$113,912.48	\$119,608.11
Executive Assistant to the City Manager	Non-Exempt	\$3,428.74	\$3,600.18	\$3,780.19	\$3,969.20	\$4,167.66	\$7,428.94	\$7,800.38	\$8,190.40	\$8,599.92	\$9,029.92	\$89,147.25	\$93,604.61	\$98,284.84	\$103,199.09	\$108,359.04
Human Resources Technician	Non-Exempt	\$3,263.52	\$3,426.70	\$3,598.04	\$3,777.94	\$3,966.83	\$7,070.97	\$7,424.52	\$7,795.74	\$8,185.53	\$8,594.81	\$84,851.64	\$89,094.22	\$93,548.93	\$98,226.38	\$103,137.70
Deputy City Clerk	Exempt	\$3,106.27	\$3,261.58	\$3,424.66	\$3,595.90	\$3,775.69	\$6,730.25	\$7,066.76	\$7,420.10	\$7,791.11	\$8,180.66	\$80,763.01	\$84,801.16	\$89,041.22	\$93,493.28	\$98,167.94



City of Los Altos - Full Time Salary Schedule FY 22/23  
**Resolution 2022-XX**

LAMEA Classifications	FLSA Status	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Engineer	Exempt	\$5,136.39	\$5,393.21	\$5,662.87	\$5,946.02	\$6,243.32	\$11,128.85	\$11,685.29	\$12,269.56	\$12,883.04	\$13,527.19	\$133,546.21	\$140,223.52	\$147,234.70	\$154,596.43	\$162,326.25
Senior Planner	Exempt	\$5,017.65	\$5,268.53	\$5,531.96	\$5,808.56	\$6,098.99	\$10,871.58	\$11,415.16	\$11,985.92	\$12,585.21	\$13,214.47	\$130,458.95	\$136,981.89	\$143,830.99	\$151,022.54	\$158,573.66
Network Systems Administrator	Non-Exempt	\$4,583.40	\$4,812.57	\$5,053.20	\$5,305.86	\$5,571.15	\$9,930.70	\$10,427.23	\$10,948.59	\$11,496.02	\$12,070.83	\$119,168.38	\$125,126.80	\$131,383.14	\$137,952.30	\$144,849.91
Associate Civil Engineer	Non-Exempt	\$4,482.75	\$4,706.89	\$4,942.23	\$5,189.35	\$5,448.81	\$9,712.63	\$10,198.26	\$10,708.17	\$11,243.58	\$11,805.76	\$116,551.56	\$122,379.13	\$128,498.09	\$134,923.00	\$141,669.15
Information Technology Analyst	Exempt	\$4,365.14	\$4,583.40	\$4,812.57	\$5,053.20	\$5,305.86	\$9,457.81	\$9,930.70	\$10,427.23	\$10,948.59	\$11,496.02	\$113,493.70	\$119,168.38	\$125,126.80	\$131,383.14	\$137,952.30
Associate Planner	Non-Exempt	\$4,233.96	\$4,445.66	\$4,667.94	\$4,901.34	\$5,146.41	\$9,173.58	\$9,632.26	\$10,113.88	\$10,619.57	\$11,150.55	\$110,083.00	\$115,587.15	\$121,366.51	\$127,434.84	\$133,806.58
Senior Building Inspector	Exempt	\$4,176.29	\$4,385.10	\$4,604.36	\$4,834.57	\$5,076.30	\$9,048.62	\$9,501.05	\$9,976.11	\$10,474.91	\$10,998.66	\$108,583.48	\$114,012.65	\$119,713.28	\$125,698.95	\$131,983.89
Assistant Civil Engineer	Non-Exempt	\$3,962.55	\$4,160.68	\$4,368.72	\$4,587.15	\$4,816.51	\$8,585.53	\$9,014.81	\$9,465.55	\$9,938.83	\$10,435.77	\$103,026.40	\$108,177.72	\$113,586.61	\$119,265.94	\$125,229.23
Accountant*	Non-Exempt	\$3,924.27	\$4,120.48	\$4,326.51	\$4,542.83	\$4,769.97	\$8,502.59	\$8,927.71	\$9,374.10	\$9,842.80	\$10,334.95	\$102,031.02	\$107,132.57	\$112,489.20	\$118,113.66	\$124,019.34
Senior Recreation Supervisor	Non-Exempt	\$3,919.58	\$4,115.56	\$4,321.34	\$4,537.40	\$4,764.28	\$8,492.43	\$8,917.05	\$9,362.90	\$9,831.04	\$10,322.60	\$101,909.11	\$107,004.56	\$112,354.79	\$117,972.53	\$123,871.16
Maintenance Supervisor	Non-Exempt	\$3,843.81	\$4,036.00	\$4,237.80	\$4,449.69	\$4,672.18	\$8,328.26	\$8,744.67	\$9,181.91	\$9,641.00	\$10,123.05	\$99,939.14	\$104,936.09	\$110,182.90	\$115,692.04	\$121,476.65
Economic Development Coordinator	Non-Exempt	\$3,842.68	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$8,325.81	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$99,909.74	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91
Sustainability Coordinator	Non-Exempt	\$3,842.68	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$8,325.81	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$99,909.74	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91
Public Information Coordinator	Non-Exempt	\$3,842.68	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$8,325.81	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$99,909.74	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91
Assistant Planner	Non-Exempt	\$3,832.50	\$4,024.13	\$4,225.34	\$4,436.60	\$4,658.43	\$8,303.76	\$8,718.95	\$9,154.89	\$9,612.64	\$10,093.27	\$99,645.11	\$104,627.37	\$109,858.74	\$115,351.67	\$121,119.26
Building Inspector	Non-Exempt	\$3,778.22	\$3,967.13	\$4,165.49	\$4,373.77	\$4,592.45	\$8,186.15	\$8,595.46	\$9,025.23	\$9,476.49	\$9,950.32	\$98,233.79	\$103,145.48	\$108,302.76	\$113,717.89	\$119,403.79
Recreation Supervisor	Non-Exempt	\$3,728.46	\$3,914.89	\$4,110.63	\$4,316.16	\$4,531.97	\$8,078.34	\$8,482.26	\$8,906.37	\$9,351.69	\$9,819.27	\$96,940.08	\$101,787.09	\$106,876.44	\$112,220.26	\$117,831.27
GIS Technician	Non-Exempt	\$3,601.81	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$7,803.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$93,647.00	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51
Junior Engineer	Non-Exempt	\$3,601.81	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$7,803.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$93,647.00	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51
Police Records Supervisor	Non-Exempt	\$3,601.81	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$7,803.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$93,647.00	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51
Construction Inspector	Non-Exempt	\$3,429.92	\$3,601.41	\$3,781.48	\$3,970.56	\$4,169.08	\$7,431.48	\$7,803.06	\$8,193.21	\$8,602.87	\$9,033.02	\$89,177.82	\$93,636.71	\$98,318.54	\$103,234.47	\$108,396.20
Engineering Technician	Non-Exempt	\$3,429.92	\$3,601.41	\$3,781.48	\$3,970.56	\$4,169.08	\$7,431.48	\$7,803.06	\$8,193.21	\$8,602.87	\$9,033.02	\$89,177.82	\$93,636.71	\$98,318.54	\$103,234.47	\$108,396.20
Information Technology Technician	Non-Exempt	\$3,314.57	\$3,480.30	\$3,654.31	\$3,837.03	\$4,028.88	\$7,181.56	\$7,540.64	\$7,917.67	\$8,313.56	\$8,729.24	\$86,178.76	\$90,487.70	\$95,012.09	\$99,762.69	\$104,750.82
Accounting Technician II	Non-Exempt	\$3,118.93	\$3,274.87	\$3,438.62	\$3,610.55	\$3,791.08	\$6,757.68	\$7,095.56	\$7,450.34	\$7,822.86	\$8,214.00	\$81,092.13	\$85,146.73	\$89,404.07	\$93,874.27	\$98,567.99
Permit Technician	Non-Exempt	\$3,035.24	\$3,187.01	\$3,346.36	\$3,513.67	\$3,689.36	\$6,576.36	\$6,905.18	\$7,250.44	\$7,612.96	\$7,993.61	\$78,916.34	\$82,862.16	\$87,005.27	\$91,355.53	\$95,923.31
Executive Assistant	Non-Exempt	\$2,943.64	\$3,090.83	\$3,245.37	\$3,407.64	\$3,578.02	\$6,377.89	\$6,696.79	\$7,031.63	\$7,383.21	\$7,752.37	\$76,534.74	\$80,361.48	\$84,379.55	\$88,598.53	\$93,028.45
Recreation Coordinator	Non-Exempt	\$2,831.69	\$2,973.27	\$3,121.94	\$3,278.03	\$3,441.93	\$6,135.32	\$6,442.09	\$6,764.19	\$7,102.40	\$7,457.52	\$73,623.89	\$77,305.08	\$81,170.34	\$85,228.86	\$89,490.30
Facilities Coordinator	Non-Exempt	\$2,831.69	\$2,973.27	\$3,121.94	\$3,278.03	\$3,441.93	\$6,135.32	\$6,442.09	\$6,764.19	\$7,102.40	\$7,457.52	\$73,623.89	\$77,305.08	\$81,170.34	\$85,228.86	\$89,490.30
Lead Records Specialist	Non-Exempt	\$2,748.00	\$2,885.40	\$3,029.67	\$3,181.16	\$3,340.22	\$5,954.01	\$6,251.71	\$6,564.29	\$6,892.51	\$7,237.13	\$71,448.10	\$75,020.51	\$78,771.53	\$82,710.11	\$86,845.62
Accounting Technician I	Non-Exempt	\$2,708.42	\$2,843.84	\$2,986.04	\$3,135.34	\$3,292.11	\$5,868.25	\$6,161.66	\$6,469.75	\$6,793.23	\$7,132.90	\$70,419.02	\$73,939.97	\$77,636.96	\$81,518.81	\$85,594.75
Records Specialist	Non-Exempt	\$2,495.82	\$2,620.61	\$2,751.64	\$2,889.22	\$3,033.69	\$5,407.61	\$5,677.99	\$5,961.89	\$6,259.99	\$6,572.99	\$64,891.34	\$68,135.91	\$71,542.71	\$75,119.84	\$78,875.83
Accounting Office Assistant I	Non-Exempt	\$2,381.60	\$2,500.68	\$2,625.72	\$2,757.00	\$2,894.85	\$5,160.14	\$5,418.15	\$5,689.06	\$5,973.51	\$6,272.18	\$61,921.69	\$65,017.77	\$68,268.66	\$71,682.10	\$75,266.20
Office Assistant II	Non-Exempt	\$2,372.56	\$2,491.18	\$2,615.74	\$2,746.53	\$2,883.86	\$5,140.54	\$5,397.57	\$5,667.44	\$5,950.82	\$6,248.36	\$61,686.47	\$64,770.79	\$68,009.33	\$71,409.80	\$74,980.29
Office Assistant I	Non-Exempt	\$2,130.55	\$2,237.08	\$2,348.93	\$2,466.38	\$2,589.70	\$4,616.19	\$4,847.00	\$5,089.35	\$5,343.82	\$5,611.01	\$55,394.33	\$58,164.05	\$61,072.25	\$64,125.86	\$67,332.16

City of Los Altos - Full Time Salary Schedule FY 22/23  
*Resolution 2022-XX*

<i>POA Classifications</i>	<i>FLSA Status</i>	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Police Sergeant	Non-Exempt	\$5,113.44	\$5,369.11	\$5,637.57	\$5,919.45	\$6,215.42	\$11,079.12	\$11,633.08	\$12,214.73	\$12,825.47	\$13,466.74	\$132,949.47	\$139,596.95	\$146,576.80	\$153,905.63	\$161,600.92
Police Agent	Non-Exempt	\$4,549.22	\$4,776.68	\$5,015.52	\$5,266.29	\$5,529.61	\$9,856.65	\$10,349.48	\$10,866.96	\$11,410.30	\$11,980.82	\$118,279.78	\$124,193.77	\$130,403.46	\$136,923.63	\$143,769.82
Police Officer	Non-Exempt	\$4,333.07	\$4,549.72	\$4,777.21	\$5,016.07	\$5,266.87	\$9,388.31	\$9,857.73	\$10,350.62	\$10,868.15	\$11,411.55	\$112,659.76	\$118,292.75	\$124,207.39	\$130,417.76	\$136,938.65
Lead Communications Officer	Non-Exempt	\$4,235.33	\$4,447.10	\$4,669.45	\$4,902.93	\$5,148.07	\$9,176.55	\$9,635.38	\$10,117.15	\$10,623.00	\$11,154.15	\$110,118.61	\$115,624.54	\$121,405.77	\$127,476.06	\$133,849.86
Police Officer Trainee	Non-Exempt	\$4,125.78	\$4,332.07	\$4,548.67	\$4,776.11	\$5,014.91	\$8,939.19	\$9,386.15	\$9,855.46	\$10,348.23	\$10,865.64	\$107,270.31	\$112,633.83	\$118,265.52	\$124,178.79	\$130,387.73
Communications Officer	Non-Exempt	\$3,848.51	\$4,040.93	\$4,242.98	\$4,455.13	\$4,677.89	\$8,338.43	\$8,755.36	\$9,193.12	\$9,652.78	\$10,135.42	\$100,061.21	\$105,064.27	\$110,317.48	\$115,833.35	\$121,625.02
Community Service Officer	Non-Exempt	\$3,088.01	\$3,242.41	\$3,404.53	\$3,574.76	\$3,753.50	\$6,690.69	\$7,025.23	\$7,376.49	\$7,745.31	\$8,132.58	\$80,288.29	\$84,302.71	\$88,517.84	\$92,943.73	\$97,590.92

City of Los Altos - Full Time Salary Schedule FY 22/23  
 Resolution 2022-XX

Teamsters Classifications	FLSA Status	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Maintenance Technician	Non-Exempt	\$3,254.03	\$3,416.73	\$3,587.56	\$3,766.94	\$3,955.29	\$7,050.39	\$7,402.91	\$7,773.05	\$8,161.71	\$8,569.79	\$84,604.67	\$88,834.91	\$93,276.65	\$97,940.48	\$102,837.51
Equipment Mechanic	Non-Exempt	\$2,958.21	\$3,106.12	\$3,261.42	\$3,424.49	\$3,595.72	\$6,409.44	\$6,729.92	\$7,066.41	\$7,419.73	\$7,790.72	\$76,913.34	\$80,759.01	\$84,796.96	\$89,036.80	\$93,488.64
Maintenance Leadworker	Non-Exempt	\$2,958.21	\$3,106.12	\$3,261.42	\$3,424.49	\$3,595.72	\$6,409.44	\$6,729.92	\$7,066.41	\$7,419.73	\$7,790.72	\$76,913.34	\$80,759.01	\$84,796.96	\$89,036.80	\$93,488.64
Maintenance Technician	Non-Exempt	\$2,958.21	\$3,106.12	\$3,261.42	\$3,424.49	\$3,595.72	\$6,409.44	\$6,729.92	\$7,066.41	\$7,419.73	\$7,790.72	\$76,913.34	\$80,759.01	\$84,796.96	\$89,036.80	\$93,488.64
Maintenance Worker II	Non-Exempt	\$2,683.92	\$2,818.12	\$2,959.02	\$3,106.97	\$3,262.32	\$5,815.16	\$6,105.92	\$6,411.21	\$6,731.77	\$7,068.36	\$69,781.91	\$73,271.01	\$76,934.56	\$80,781.28	\$84,820.35
Maintenance Worker I	Non-Exempt	\$2,373.36	\$2,492.03	\$2,616.63	\$2,747.47	\$2,884.84	\$5,142.29	\$5,399.40	\$5,669.37	\$5,952.84	\$6,250.49	\$61,707.48	\$64,792.86	\$68,032.50	\$71,434.12	\$75,005.83

City of Los Altos - Part-Time Hourly Rate Schedule FY 22/23

*Resolution 2022-XX*

<i>Part-Time Classifications Title</i>	<i>FLSA Status</i>	<i>Employment Status</i>	<i>Rate Type</i>	<i>Min</i>	<i>Max</i>
Network Engineer	Non-Exempt	Part-Time	Hourly	\$50.00	\$75.00
Public Safety Specialist - Dispatch	Non-Exempt	Part-Time	Hourly	\$51.00	\$68.34
Project Manager	Non-Exempt	Part-Time	Hourly	\$42.50	\$66.30
Property & Evidence CSO	Non-Exempt	Part-Time	Hourly	\$43.12	\$52.41
Emergency Preparedness Coordinator	Non-Exempt	Part-Time	Hourly	\$35.70	\$51.00
Police Officer (Reserve) - Level I	Non-Exempt	Part-Time	Hourly	\$49.00	\$49.00
Department Support Specialist	Non-Exempt	Part-Time	Hourly	\$35.70	\$45.90
IT Technician	Non-Exempt	Part-Time	Hourly	\$32.64	\$45.90
Parking Enforcement Officer	Non-Exempt	Part-Time	Hourly	\$35.70	\$42.84
Public Safety Specialist - Records	Non-Exempt	Part-Time	Hourly	\$26.52	\$42.84
Project Coordinator	Non-Exempt	Part-Time	Hourly	\$30.60	\$40.80
Preschool Teacher III	Non-Exempt	Part-Time	Hourly	\$25.00	\$31.67
Recreation Specialist	Non-Exempt	Part-Time	Hourly	\$25.00	\$30.00
Clerical Assistant II	Non-Exempt	Part-Time	Hourly	\$23.75	\$29.16
Maintenance Worker I	Non-Exempt	Part-Time	Hourly	\$22.44	\$27.54
Preschool Teacher II	Non-Exempt	Temporary	Hourly	\$20.50	\$24.75
Clerical Assistant I	Non-Exempt	Part-Time	Hourly	\$17.75	\$22.75
Recreation Leader III	Non-Exempt	Seasonal	Hourly	\$18.75	\$21.75
Facility Attendant	Non-Exempt	Part-Time	Hourly	\$16.40	\$20.60
Intern	Non-Exempt	Temporary	Hourly	\$16.40	\$20.40
Preschool Teacher I	Non-Exempt	Temporary	Hourly	\$16.40	\$19.75
Recreation Leader II	Non-Exempt	Seasonal	Hourly	\$16.75	\$18.75
Recreation Leader I	Non-Exempt	Seasonal	Hourly	\$16.40	\$16.75
Council Member	Non-Exempt	Part-Time	Stipend	Stipend \$300.00 / Month	
Police Officer (Reserve) - Level II	Non-Exempt	Per-Diem	Stipend	Stipend \$200.00 / Day	

# FY23 Mid Term Budget Update

City of Los Altos  
City Council

June 14, 2022



# Background



- Original Budget Adopted June 2021
- Mid Term Review under new Management
- Finance and City Manager review all General Revenues
- Department Requests evaluated
- Financial Commission Subcommittee - May 10<sup>th</sup>
- Financial Commission - May 16<sup>th</sup>



# General Fund Revenue increases

FY 2022-2023 General Fund Revenue <i>(change only)</i>	
	(in Millions)
General Revenue	
Sales Tax	\$0.40
Property Tax	2.42
Other Taxes	0.05
Transient Occupancy Tax (TOT)	0.30
Interest Income	0.05
Departmental Revenues – Development Services	0.40
<b>TOTAL*</b>	<b>\$3.62</b>

## General Revenue

- ▶ Sales Tax
  - +\$0.4M, per HDL
- ▶ Property Tax
  - +\$2.4M, per HDL Forecasts

## Other Taxes

- ▶ Documentary Transfer Tax
  - +\$20K
- ▶ Business License Tax
  - +\$31K
- ▶ TOT
  - +\$300K



# General Fund Revenue





# General Fund Expense

Expenditure	FY 21 Actuals	FY 22 Final	FY 23 Original	FY 23 Mid Term	Change
City Wide Salary Savings	-	(0.25)	-	-	-
Community Dev	3.56	4.28	4.30	4.22	(0.08)
Engineering	3.17	3.85	3.98	4.10	0.12
Executive	5.61	7.82	6.73	6.62	(0.11)
Finance	1.55	1.71	1.44	1.71	0.26
Legislative	0.33	0.47	0.37	0.39	0.03
Maintenance	5.25	6.03	5.93	6.30	0.37
Non-Departmental	0.23	(1.69)	0.31	0.02	(0.29)
Public Safety	19.39	21.68	22.92	23.04	0.12
Recreation	1.78	2.47	2.69	2.78	0.09
<b>Grand Total</b>	<b>40.87</b>	<b>46.38</b>	<b>48.67</b>	<b>49.18</b>	<b>0.51</b>



# Non-Profit Support

## Funded In Budget

- Counseling & Mental Health Services (CHAC)- \$49K
- History House - \$65K
- WomenSV- \$25K
- Chamber of Commerce - \$60K

## Requ

CHAC has a JPA with the City – funding increased by \$5K this budget

Agency-

History House is owned by

Women's SV is regularly funded by Police Budget

**Chamber of Commerce** received funding from ARPA funds last year and have requested continued support.



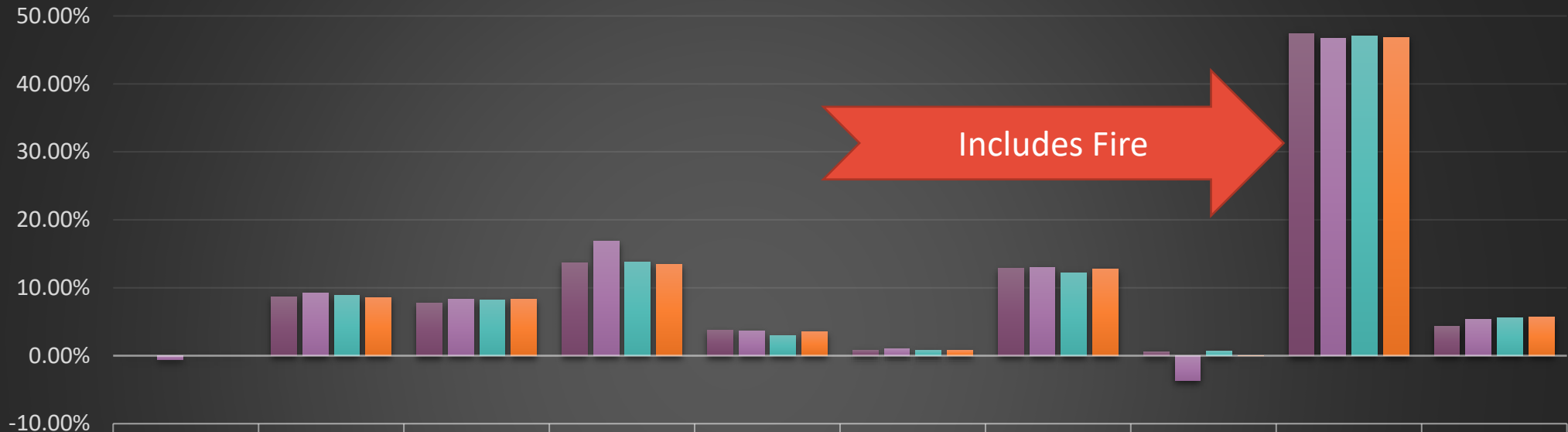
# Prior Budget Errors

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- Finance Manager & Professional Services - \$240K
- Permit Technician - \$ 150K
- Part Time IT Technician - \$ 90K
- UAL removal on 6 Frozen positions - \$ 140K
- Corrections of almost \$ 2M unbudgeted ongoing costs



# General Fund Expenses by Department



	City Wide Salary Savings	Community Dev	Engineering	Executive	Finance*	Legislative	Maintenance	Non Departmental	Public Safety	Recreation
FY 21 Actuals	0.00%	8.71%	7.75%	13.72%	3.80%	0.81%	12.85%	0.57%	47.44%	4.36%
FY 22 Final	-0.54%	9.22%	8.30%	16.87%	3.69%	1.02%	13.01%	-3.64%	46.75%	5.33%
FY 23 Original	0.00%	8.83%	8.18%	13.82%	2.97%	0.76%	12.18%	0.63%	47.09%	5.53%
FY 23 Mid Term	0.00%	8.58%	8.33%	13.46%	3.47%	0.80%	12.80%	0.04%	46.85%	5.66%



# General Fund Summary

General Fund Summary (in Millions)					
	FY 21 Actuals	FY 22 Final Budget	FY 23 Original	FY 23 Mid Term	Estimated change
Total Revenue	\$48.51	\$49.97	\$49.82	\$53.43	\$3.62
Total Expense	(40.87)	(46.38)	(47.75)	(48.26)	(0.51)
Net Change	7.64	3.58	2.07	5.18	3.11
Net of Transfers In/ (Out)	(8.54)	(9.03)	(2.07)	(2.65)	(0.58)
Planned use of Reserves	2.11	6.50			
Net Available (Deficit)	1.21	1.05	(0.00)	2.53	2.53

## Proposed uses

- Operating Reserve top up \$894K
- Contingency Reserve \$250K
- Covid Stabilization Reserve \$1.38M



# General Fund Proposed Transfers

Transfers Out	
All amounts in Millions	Amounts
CALPERS UAL	1.00
Dental Fund	0.02
Workers Compensation Fund	0.86
General Liability Fund	0.60
Equipment Replacement Fund	0.30
CIP Fund	0.10
<b>Total Transfers Out</b>	<b>\$2.88</b>

Transfers In	
All amounts in Millions	Amounts
From Downtown Parking	0.04
From PEG	0.07
From Vehicle Impound	0.02
From Supplemental Law	0.10
<b>Total Transfers In</b>	<b>\$0.23</b>



# City Wide Full-time Equivalent (FTE) Changes

Department	FY 22 Original Budget	FY 22 Mid Year Budget	FY 23 Mid Term	Net Change
Development Services	16	16	15	-1
Engineering	14	15	17	3
Executive	11	14	15	4
Finance	6	6	6	0
Legislative	5	5	5	0
Limited Term	2	0	1	-1
Maintenance Services	34	32	34	0
Public Safety	47	46	46	-1
Recreation	8	10	10	2
<b>Grand Total</b>	<b>143</b>	<b>144</b>	<b>149</b>	<b>6</b>




Changes made to reflect organizational needs

Some additions made by eliminating hourly FTEs

Changes in Classifications



# General Fund – Operating Reserve Balance

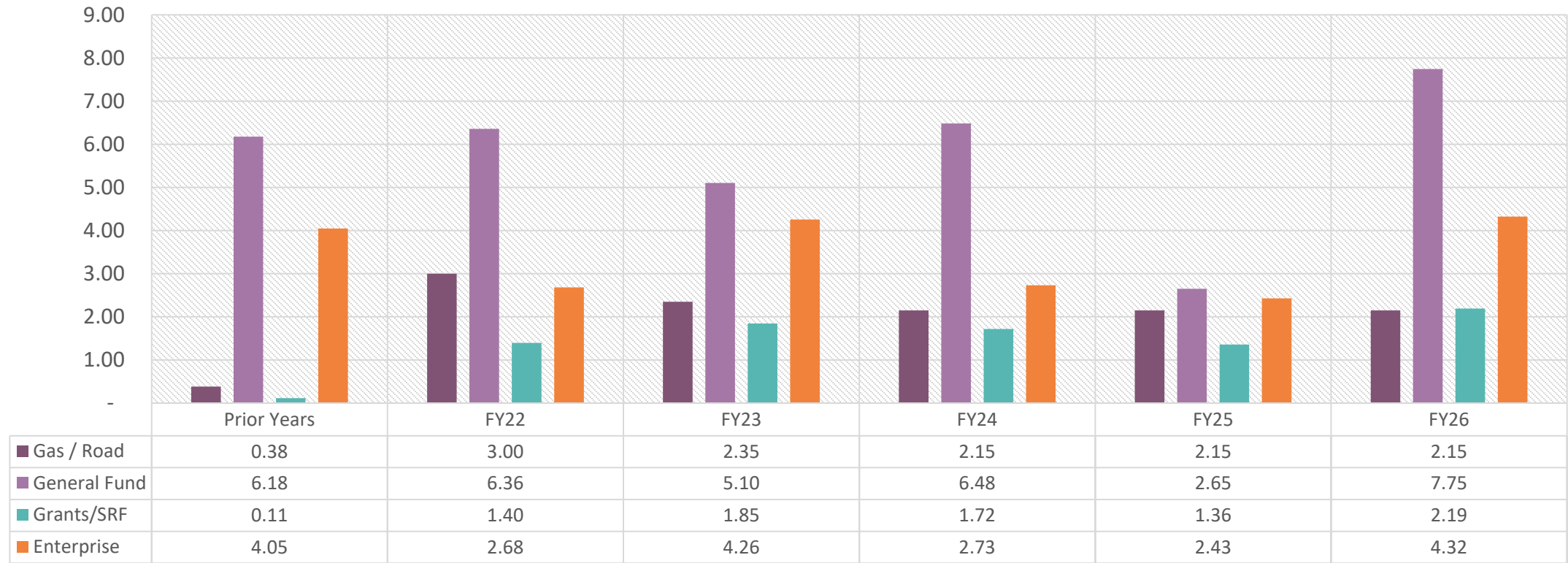
Detail	\$ Millions	Reserve Balance	
		% Before	% After
Operating Reserve Projected	8,757,349		
Planned Contribution FY 23	894,278		
Operating Reserve Balance	9,651,627		
Expenditure Projection 2023	48,258,136	18.1%	20.0%



# CAPITAL PROJECTS (5-year CIP)- Total

**\$75.79M**

CIP Funding Sources



# Capital Projects Fund- General Fund

General Fund Portion of CIP Funding <u>FY 23 and before</u>	
All amounts in Millions	Amounts
Currently Obligated	\$15.08
Transfer from General Fund	0.10
<b>Available resources</b>	<b>\$15.18</b>
Prior Appropriations	(11.88)
FY 2023 CIP Project expenses (Original Budget)	(6.05)
Projects Canceled / Reduced /Moved	2.75
<b>Projected Expenses</b>	<b>\$(15.18)</b>
<b>Balance in CIP Reserve</b>	<b>\$0.00</b>



# Capital Project Fund Adjustments

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- Annual ADA Improvements (Facilities) - **\$316K** Reduced
- Emergency Operations Center - **\$500K** Reduced
- First Street Streetscape Design -- Phase II - **\$88K** Added
- Other reductions are shown in Staff report



# Enterprise Funds – Sewer Fund

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- Over 40% of costs are driven by Palo Alto and rising
- Professional Services increased \$221K
- Contributions to General Liability restored - \$ 150K
- CPI Factor applied - \$ 227 K
- Capital Projects funding at \$11 M
- Ending FY 23 Fund Balances projected at \$3.3 M on a cash basis



# Enterprise Funds – Solid Waste Fund

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- Professional Services increased \$62K
- Eligible costs of Trash receptacles charged - \$130K
- Contributions to General Liability restored - \$ 50K
- CPI Factor applied - \$ 25 K
- Ending FY 23 Fund Balances projected at \$5.2 M on a cash basis
- FY 23 Additional Appropriations - \$372,796



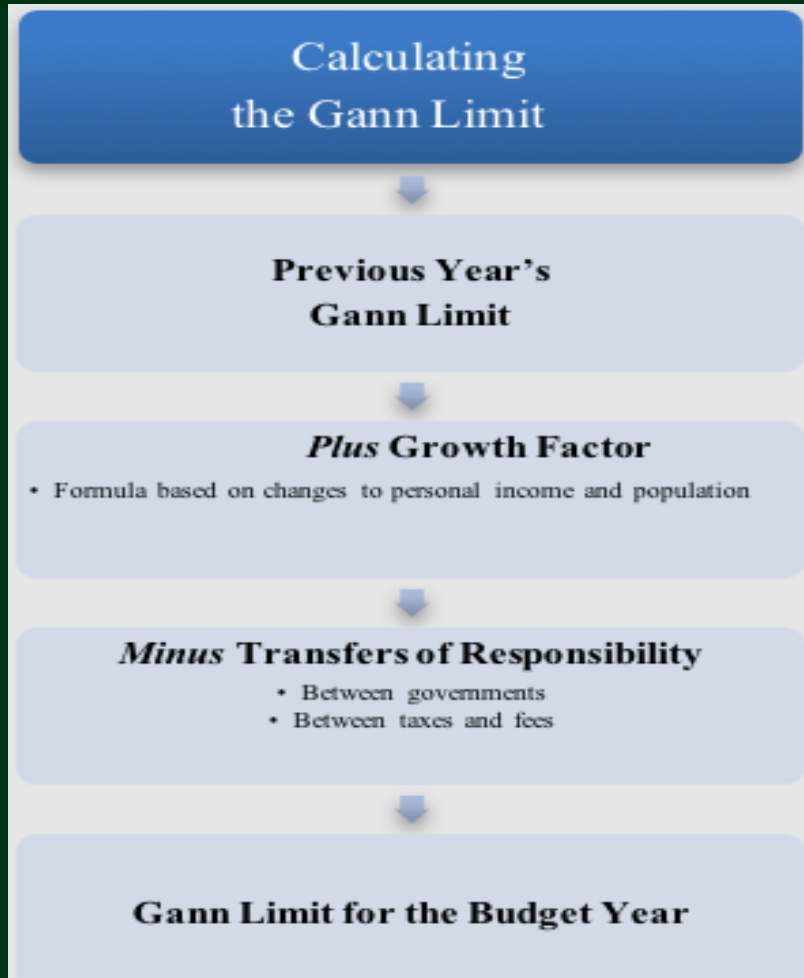
# Other Funds changes

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- **Public Arts Fund**
  - Recommendations of Public Arts Commission
    - Needs for \$154,000 (CIP)
- **Park in Lieu**
- Projected Fund balances of \$7.2 M at the end of FY 23
  - Eligible Debt service for the Rosita park and Community center moved from the General Fund to the Park in Lieu fund (\$0.17M & \$0.62M)
  - Eliminated Annual Park improvement project
  - Considered council direction of Grant park and Retreat feedback
  - For better Transparency individual projects listed



# GANN Limit



- Currently Los Altos at 97%
- Staff not confident on past Calculations
- Can impact ability to raise taxes
- Renewed population decline and lower Per Capita income could trigger a refund.



# Conclusion & Recommendation

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## Recommended Actions

- ✓ Provide Feedback
- ✓ Approve and Adopt Mid Term Budget for FY23
- ✓ Approve the Fees Schedule
- ✓ Approve the updated Pay Schedule





# Questions





**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject** Wireless Telecommunications Facilities Ordinance and Design Guidelines

**Prepared by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. Resolution 2022-\_\_, Wireless Telecommunications Facilities CEQA Resolution
- 2. Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards, as presented on May 10, 2022
- 3. Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards, as recommended
- 4. Resolution 2022-\_\_, Wireless Telecommunications Facilities Design Guidelines

**Initiated by:**  
City Council

**Fiscal Impact:**  
None

**Environmental Review:**

*Negative Declaration.* An Initial Study/Proposed Negative Declaration was distributed for a 30-day public review on January 26, 2022. No comments specifically directed to the initial study were received by the City during the public review period; however, comments asserting that radio frequency emissions are an environmental effect to be addressed in CEQA documents were received subsequent to the public review period and Planning Commission public hearing. Proposed Resolution No. 2022-\_\_, approving a Negative Declaration, has been revised to specify the findings discussed during the City Council’s May 10, 2022 public hearing that support the Initial Study’s conclusion that the proposed Ordinance and Design Guidelines would not have a significant effect on the environment.

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**Reviewed By:**

City Manager

City Attorney

GE

JH



**Subject:** Wireless Telecommunications Facilities Ordinance and Design Guidelines

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**Summary Background:**

- The technology for wireless telecommunications facilities is moving away from large, powerful towers that are very visually intrusive to smaller, less powerful facilities that are less visually intrusive. As a result, a greater number of wireless telecommunications facilities are needed to provide coverage.
- The attached CEQA resolution, locational standards, and design guidelines have been revised based on City Council members’ consideration and discussion at the April 12, 2022 and May 10, 2022 public hearings. In addition, the Planning Commission held hearings on March 3, 2022 and March 17, 2022, resulting in the recommendations presented to the City Council on April 12, 2022.
- The proposed Ordinance and Design Guidelines regulate wireless facilities on the basis of aesthetics, traffic safety, noise, and other criteria. However, due to federal preemption, the proposed Ordinance and Design Guidelines do not regulate the placement of wireless facilities based on the environmental effects of radio frequency (“RF”) emissions that comply with FCC regulations. Neither do the proposed Ordinance and Design Guidelines require or prohibit any specific type of technology, also consistent with the limitations imposed on the City based on federal preemption.

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to modify the City’s current locational, design, and development standards for wireless telecommunications facilities to:
  - Set new locational criteria for where small wireless telecommunications facilities may be permitted?
  - Set additional regulations as to the visual and physical effects of wireless telecommunications facilities through appropriate location, siting, design, and visual screening of facilities?
  - Expand the City’s existing design guidelines to ensure wireless telecommunications installations have aesthetic design and placement in line with community expectations?
- Does the City Council wish to identify non-residential Zoning Districts as preferred locations for wireless telecommunications facilities and residential Zoning Districts as less preferred locations subject to specific additional preferences and design and development standards?



**Subject:** Wireless Telecommunications Facilities Ordinance and Design Guidelines

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**Staff Recommendation:**

1. Approve Resolution 2022-\_\_, Wireless Telecommunications Facilities Adopting a Negative Declaration in compliance with CEQA.
2. Approve Ordinance 2022-\_\_, Wireless Telecommunications Facilities Locational Standards, as recommended by the Planning Commission with additional modifications per City Council discussion on April 12 and May 10, 2022 as reflected in Attachment 3.
3. Approve Resolution 2022-\_\_, Wireless Telecommunications Facilities Design Guidelines, as recommended by the Planning Commission with additional modifications per City Council discussion on April 12 and May 10, 2022 as reflected in Attachment 4.

**Purpose**

The overarching intent of the proposed Ordinance and Design Guidelines is to balance the need to provide for a reasonable range of potential sites for the location of wireless telecommunications throughout the City while preserving its essential wooded, small community character and its inherent aesthetic quality. The proposed Ordinance and Design Guidelines achieve this by minimizing the visual and physical effects of wireless telecommunications facilities through appropriate location, siting, design, and visual screening of facilities; encouraging the installation of wireless telecommunications facilities at locations where other such facilities already exist; and providing for the installation of wireless facilities so as to minimize potential adverse impacts to Los Altos.

Proposed locational standards and design guidelines are intended to better reflect the community’s land use and address advancements in wireless telecommunications technology that is trending away from large, powerful, and very visually intrusive towers and “macro” facilities to smaller, less powerful, and less visually intrusive small wireless facilities.

**Background**

Current regulation of wireless telecommunications facilities within the City of Los Altos is provided in two documents:

- City of Los Altos Resolution No. 2019-35, *Design and Siting Guidelines and Standards for Wireless Facilities*, which provides design guidelines and locational standards for the installation of wireless facilities within the City.



**Subject:** Wireless Telecommunications Facilities Ordinance and Design Guidelines

- City of Los Altos Municipal Code Chapter 11.12, *Wireless Facilities*, which addresses wireless telecommunications facility permit requirements and sets forth standard conditions of approval for such facilities.

The City adopted Resolution No. 2019-35 and Municipal Code Chapter 11.12 in August 2019 following a City Council study session and several public hearings, at which stakeholders discussed wireless and other infrastructure deployment issues; reviewed potential local regulatory responses to the recent changes in federal law in the FCC orders; and expressed their design and locational preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a unique community.

**Discussion/Analysis**

Starting with the Planning Commission’s recommendations, the City Council undertook detailed review of wireless facilities locational standards and design guidelines on April 12, and May 20, 2022. Based on these reviews, staff is proposing revisions to the proposed CEQA Resolution (Attachment 1), Ordinance 2022-\_\_ (locational standards), and Resolution 2022-\_\_ (design guidelines). The City Attorney and the City’s outside counsel, Meyers Nave, have undertaken a legal review of the proposed CEQA Resolution, Ordinance 2022-\_\_, and Resolution 2022-\_\_, and recommend their adoption.

Attachment 1 presents a revised CEQA Resolution for adoption of a Negative Declaration based on the discussion of environmental impacts and findings that occurred on May 10, 2022. The revised CEQA Resolution adds a more definitive conclusion regarding the Initial Study’s findings regarding the CEQA implications of federal preemption of local regulations addressing the environmental effects of RF emissions on the environment.

Attachment 2 reflects Ordinance 2022-\_\_, which was presented to the City Council on May 10, 2022 and reflects City Council discussion and direction given at prior Council hearings.

Attachment 3 reflects the City Council’s May 10, 2022 discussion, at which time Council members identified certain revisions to the proposed ordinance and design guidelines, requested that staff review legal issues and bring back recommended revisions to the ordinance, and directed staff not to make certain other revisions to ordinance’s findings and standard conditions of approval. Following the May 10, 2022 public hearing, City staff and its consultant team prepared revisions to the proposed Ordinance in keeping with the direction given by the Council as a whole and conducted a review of associated legal issues. Staff is recommending approval of the Ordinance with proposed revisions to the document reviewed by the City Council on May 10,



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2022 identified in underline / ~~strikeout~~ text. Notes found in the margins of the Ordinance and Design Guidelines summarize staff’s reasons for its recommendations.

*Recommended Revisions to Proposed Ordinance No. 2022-\_\_*

Based on the City Council’s May 10, 2022 discussion and staff’s legal review, the following revisions to proposed Ordinance No. 2022-\_\_ are recommended:

1. *Minor modifications to Findings B, C, K, and O.*

These recommended modifications clarify certain findings and address grammatical issues.

2. *Identify colocation of new wireless facilities with existing facilities as the City’s first preference (Section 14.82.030 A).*

Explicitly identifying colocation with existing wireless telecommunications facilities as the City’s first preference for the location of new wireless facilities, which is consistent with the intent of the proposed ordinance as it was originally drafted.

3. *Reorganizing locational standards to reflect the preferences discussed by City Councilmembers on May 10, 2022.*

The organization of the proposed ordinance providing a complete set of locational standards for facilities within public rights-of-way and public utilities easements along with a complete set of locational standards for facilities on properties outside of these areas was best achieved by a reorganization of the ordinance. Consistent with the City Council’s May 10, 2022 discussion, the following organization is recommended to reflect the order of preference:

- Colocation with existing wireless facilities (Section 14.82.030 A).
- Preferred locations (Section 14.82.030 B).
  - Outside of public rights-of-way and public utilities easements (e.g., building- or roof-mounted) (Section 14.82.030 B1).
  - Within public rights-of-way and public utilities easements (Section 14.82.030 B2).
- Less preferred locations (Section 14.82.030 C).



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- Outside of public rights-of-way and public utilities easements (e.g., building- or roof-mounted on non-residential structures) (Section 14.82.030 1).
- Within public rights-of-way and public utilities easements (Section 14.82.030 C2).

Staff therefore recommends that the presentation of location standards in the ordinance reflect the locational preferences identified above. By doing so, Ordinance 2022-\_\_ as it is recommended provides a clearer statement of the City’s locational preferences than did previous versions. Note that underline / ~~strikeout~~ in the proposed ordinance reflects only proposed revisions to the text of the ordinance reviewed by the City Council on May 20. Text revisions related to this recommended reorganization add headings where needed and provide for consistent presentation of locational preferences. Moving text from one location to another in the proposed ordinance with no change to the wording is not shown in underline / ~~strikeout~~ text.

4. *Specify “small” wireless facility for ordinance provisions addressing only small facilities.*

The proposed Ordinance and design guidelines address both small wireless facilities as well as larger telecommunications towers. Because cellular technology is moving toward use of small wireless facilities rather than the larger towers, public discussion tends to focus on small facilities. To clarify the ordinance’s provisions, which restrict facilities within public rights-of-way and utility easements to small facilities, provision that apply only to small facilities are recommended to be so noted throughout the document.

5. *Revise guidelines for separation of new wireless facilities from residential dwelling units (see Sections 14.82.030 B2 a and b).*

To better describe preferences for separation of permitted small wireless facilities within residential zones from dwelling units, staff recommends:

- Revising the preferred distance for separation of a small wireless telecommunications facility from a residential dwelling unit to be based on the required setback of the zoning district within which the dwelling unit is located; and
- Preventing a small wireless facility from being placed within a public utility easement that runs across a required front, side, or rear yard residential setback.



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6. *Adding aesthetic-based criteria addressing small wireless facilities within public rights-of-way and public utility easements within and adjacent to parks (see Sections 14.82.030 C1a and C2d).*

Based on comments made by some members of the City Council, City staff undertook a review of the potential aesthetic effects of wireless facilities in relation to schools and parks and potential restrictions on placement in these areas. This review, which focused on aesthetic effects since the City is precluded from regulating on the basis of RF emissions, reached the following conclusions:

- Installation of a wireless facility on a new pole would have substantially greater aesthetic impacts than would installation of a small wireless facility on an existing facility within a public right-of-way or utility easement adjacent to a park or school.
- Installation of a small wireless facility on an existing pole within a public right-of-way or utility easement adjacent to a park or school would have similar aesthetic impacts as, for example, installation of a small facility on an existing utility pole across the street from a park or school.
- Installation of a wireless facility on a school or park property outside of a public right-of-way or utility easement could adversely affect school or park use due to required maintenance of wireless facilities.

Staff thus concluded that wireless facilities should not be permitted within a school or park facility outside of a public right-of-way or utility easement, with small wireless facilities permitted as less preferred locations within adjacent public rights-of-way and utility easements.

7. *Modifying the standard requiring upgrading of wireless facilities to incorporate new technology where feasible, to apply only when a modification of an existing facility is proposed or when a new permit is sought to replace an expiring permit for an existing facility (see Section 11.12.065).*

The City’s existing Municipal Code Section requires that approvals of wireless telecommunications facilities include the following condition of approval:

“Where feasible, as new technology becomes available, the permittee shall:





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- a. Place above-ground wireless telecommunications facilities below ground, including, but not limited to, accessory equipment that has been mounted to a telecommunications tower or mounted on the ground; and
  - b. Replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to the Los Altos Municipal Code.”

Based on the City Council’s May 10, 2022 discussion, staff recommends replacing this existing Code provision with a new Section 11.12.065 that would apply only when an existing permit is proposed to be modified and when a new permit is sought for an existing wireless facility. The new condition of approval would, in addition to the current condition of approval, above, require that approval of a permit modification or a new permit for an existing facility require that the permittee “bring the facility into compliance with the most current FCC, PUC, and City of Los Altos requirements and guidelines.

Attachment 4 is Resolution 2022-\_\_, which includes design guidelines for wireless telecommunications facilities. Following its detailed review of the proposed ordinance on May 10, 2022 the City Council reviewed the proposed design guidelines and found that only minor revisions were needed to the findings for Resolution 2022-\_\_ to reflect proposed revisions to the findings for Ordinance 2022-\_\_.

At its May 10, 2022 meeting, the City Council discussed having staff study and report with recommendations as to what modifications, if any, may be needed to the proposed wireless telecommunications facilities ordinance or to the City’s insurance and permit requirements addressing fire safety, structural design, and insurance requirements. Following the May 10, 2022 City Council meeting, staff confirmed that the City’s review process provides the City with the ability to require the information necessary to address insurance, fire, and related safety issues.

In relation to structural design, staff also confirmed that the standard recently requested by various commenters during and subsequent to the May 10, 2022 public hearing is already incorporated into design requirements for emergency communication networks. Thus, any wireless components within the area’s 911 network already adheres to the requested standard. The most recent requests ask that the City require that the rest of the wireless network also comply with the (APCO ANS 2.106.1) standard. Staff believes that the structural safety of future wireless telecommunications facilities can be successfully achieved through the City’s existing review process reviewing the structural design of proposed facilities on a case-by-case basis.



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Such a review process would also maintain any liability for the structural integrity of wireless facilities with carriers and the owners of poles upon which new wireless facilities are proposed (primarily PG&E), rather than imposing liability on the City.

Staff believes that existing insurance requirements for facilities placed within public rights-of-way and public utility easements are adequate and do not need to be increased at this time. In large part, this is due to the fact that insurance requirements requested by various commenters would be for wireless telecommunications facilities, while the owners of utility poles, such as PG&E who are responsible for the structural integrity and safety of the poles. Insurance requirements for wireless facilities would mirror the requirements placed on other facilities within public rights-of-way and would be in addition to insurance carried by owners of utility poles.

Staff is therefore not recommending that the City Council direct staff to study and report back with recommendations as to what modifications, if any, may be needed to proposed wireless facilities regulations or the City’s insurance and permit requirements addressing fire safety, structural integrity, and insurance requirements.

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# Attachment 1.

## RESOLUTION NO. 2022-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS ADOPTING A NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, the City of Los Altos is proposing revisions to its existing standards for development of wireless telecommunications facilities, including a new wireless ordinance to regulate the permissible location of wireless facilities along with revisions to Municipal Code Chapter 11.12 modifying permit requirements; and

**WHEREAS**, the City also proposes to expand existing development standards and design guidelines and preferences for wireless telecommunications facilities; and

**WHEREAS**, the City prepared an Initial Study in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) and the CEQA Guidelines (14 California Code of Regulations, Title 14 Chapter 3, Section 15000 *et seq.*); and

**WHEREAS**, the Initial Study determined that no significant environmental impacts would result from adoption of the proposed wireless telecommunications ordinance and design guidelines (“Project”); and

**WHEREAS**, the City issued a Notice of Intent to Adopt a Notice of Declaration (Notice of Intent) on January 26, 2022; and

**WHEREAS**, the Initial Study/Negative Declaration was made available for a 30- day public review period beginning on January 26 and ending on February 24, 2022; and

**WHEREAS**, written comments were received during the 30-day public review period and are set forth in Attachment B; and

**WHEREAS**, none of the information contained in the written comments received during the 30-day public review period presented substantial evidence that the proposed wireless telecommunications ordinance and design guidelines would have a significant effect upon the environment; and

**WHEREAS**, on March 3 and March 17, 2022, the Planning Commission conducted public hearings on the proposed wireless telecommunications ordinance, design guidelines, and

Negative Declaration, at which time interested persons and organizations had an opportunity to testify and provide comments; and

**WHEREAS**, the Planning Commission reviewed and considered the proposed Negative Declaration as required by CEQA Guidelines Section 15074(a); and

**WHEREAS**, on March 17, 2022 following the conclusion of its public hearings, the Planning Commission recommended that the City Council approve the Negative Declaration provided as Attachment A to this Resolution; and

**WHEREAS**, on April 12, May 10, and June 14, 2022, the City Council conducted public hearings on the proposed wireless telecommunications ordinance, design guidelines, and Negative Declaration, at which time interested persons and organizations had an opportunity to testify and provide comments; and

**WHEREAS**, the City Council reviewed and considered the proposed Negative Declaration as required by CEQA Guidelines Section 15074(a); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Los Altos that the above recitals are true and correct and are incorporated herein by reference as if set forth in full;

**BE IT FURTHER RESOLVED** that, based upon the information contained in the Initial Study and provide at Planning Commission and City Council hearings, the City Council of the City of Los Altos hereby adopts the following findings for the Project in compliance with CEQA, the CEQA Guidelines, and the City’s procedures for implementing CEQA. The City finds, on the basis of the whole record, that there is no substantial evidence that the Project will have a significant effect on the environment:

**Aesthetics.**

Wireless telecommunications facilities permitted by the proposed locational standards would be mounted on existing buildings or on poles (either existing, replacement, or new) subject to detailed design guidelines that minimize the visual intrusiveness of these facilities. Building-mounted wireless telecommunications facilities would not be permitted to add to the height of bulk of buildings. Pole-mounted wireless telecommunications facilities could, when mounted on an existing or replacement pole, increase the overall height of the pole and, although underground installation of equipment is the preferred design solution, proposed design guidelines permit equipment to be placed in an above-ground enclosure or pole mounted when underground installation is not feasible. However, pole-mounted facilities would not have the bulk to significantly impact long-distance views and while they may be visible, would be required to have the least visually intrusive design feasible. Thus, potential adverse aesthetic effects within the City would be less than significant.

**Agriculture and Forestry Resources.**

There are no lands within the City shown as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Lands within the City are identified as “Urban and Built-up Land” on the California Department of Conservation’s Santa Clara County Important Farmlands Map 2016. There are no Williamson Act parcels or forest or commercial agricultural land within the City. Thus, there would be no impact to Agricultural and Forestry Resources.

**Air Quality.**

Wireless telecommunications facilities permitted by proposed development standards and design guidelines would be consistent with the Bay Area’s 2017 Clean Air Plan. The proposed development standards and design guidelines do not involve the construction of any homes, businesses, or other uses that would result in population growth or long-term increase in mobile or stationary source air pollutant emissions. Installation of wireless telecommunications facilities would occur intermittently, at various different locations, and would typically involve installation of a new pole, replacement of an existing utility pole, addition of wireless telecommunications equipment to an existing pole, or mounting of equipment on a building or rooftop. Such installation activities would be small in scale and not involve major grading or construction activities. No net increase in long-term air pollutant emissions would result and there would be no cumulatively considerable contribution to any cumulative air quality impact during construction or ongoing operations. Thus, potential adverse air quality effects within the City would be less than significant.

**Biological Resources.**

Wireless telecommunications facilities associated with the proposed development standards and design guidelines would occur within roadway rights-of-way or within existing development sites (roof- and building mounted facilities). No riparian habitat areas or other sensitive natural communities would be disturbed and no modification of habitat supporting any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service would result. Thus, there would be no impact to Biological Resources.

**Cultural Resources.**

Wireless telecommunications facilities associated with the proposed development standards and design guidelines would occur within roadway rights-of-way or within existing development sites (roof- and building mounted facilities).

Proposed design guidelines require that any roof- or building mounted facility retain the architectural character of the structure. Thus, a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5 would not occur. While it is unlikely that installation of a wireless telecommunications facility would necessitate disturbance of soils below those that were previously disturbed by construction of existing roadways, utilities, and buildings, in the event of an unanticipated discovery during installation of a wireless telecommunications facility, the proposed Ordinance requires ground-disturbing activities to 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 unique archaeological resource, the City and the consulting archaeologist would determine the appropriate measures to be taken. All archaeological resources recovered would be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Thus, potential adverse cultural resource effects within the City would be less than significant.

**Energy Resources.**

Installation of wireless telecommunications facilities would use construction equipment and techniques that are typical for utility facilities installations (pole-mounted) and building construction (building- and roof-mounted) throughout the state. Nighttime construction activities requiring lighting would be avoided unless needed to address safety or traffic movement concerns on a temporary basis. Operation of wireless telecommunications facilities would consume energy at rates typical of such facilities throughout the state. No wasteful, inefficient, or unnecessary consumption of energy resources would therefore result. Thus, potential adverse energy resource effects within the City would be less than significant.

**Geology and Soils.**

No active faults traverse the city and there is therefore no potential for the primary hazard of ground rupture. Installations of wireless telecommunications facilities would be required to meet the most current California Building Code standards required at the time of construction to reduce the potential for substantial adverse effects related to geologic, groundshaking, and soils conditions. In addition, erosion control measures required under Provision C.3 of the applicable Municipal Regional Stormwater Permit would be required to be implemented to reduce potential construction-related erosion impacts. It is unlikely that installation of a wireless telecommunications facility would necessitate ground disturbance of soils below that were which was previously disturbed by construction of existing roadways and buildings. However, in the event of an unanticipated discovery during project construction, ground-disturbing activities would 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. Thus, potential adverse geology and soil effects within the City would be less than significant.

**Greenhouse Gas Emissions.**

Installation of wireless telecommunications facilities would result in emissions of greenhouse gases (GHGs) from the operation of construction equipment, as well as transport of materials and construction workers to and from sites. The installation period for a wireless telecommunication facility ranges in time from a few hours for minor upgrades (e.g., replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities. Installation activities would be subject to applicable BAAQMD best management practices. Operation of wireless telecommunications facilities would not add to the existing inventory of residential, business, or other uses that would generate ongoing greenhouse gas emissions within Los Altos. Once completed, a facility would require very few trips per month for maintenance and monitoring of facility operations. Thus, potential adverse greenhouse gas emissions effects within the City would be less than significant.

**Hazards and Hazardous Materials.**

Installation of wireless telecommunications facilities would include routine use of hazardous materials in the form of paints, solvents, and other common materials containing potentially toxic substances. With the exception of a few facilities that might have backup generators, wireless telecommunications facilities are not associated with the use, transport, storage, or disposal of hazardous materials during ongoing operations. All potentially hazardous materials would be contained, stored, and used in accordance with manufacturers’ instructions and transported and handled in compliance with applicable standards and regulations.

Radiofrequency (RF) radiation emanates from antennas on wireless telecommunications facilities and is generated by the movement of electrical charges in the antenna. The energy levels it generates are not great enough to ionize, or break down, atoms and molecules, and is thus known as “non-ionizing” radiation.

The Federal Communications Commission (FCC) is the government agency responsible for the authorization and licensing of facilities such as wireless telecommunications facilities that generate RF radiation. For guidance in health and safety issues related to RF radiation, the FCC relies on other agencies and organizations for guidance, including the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and OSHA, which have all been involved in monitoring and investigating issues related to RF exposure.

The FCC has developed and adopted guidelines for human exposure to RF radiation using the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), with the support of the EPA, FDA, OSHA and NIOSH. According to the FCC, both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate appropriate safety margins.

Section 704 of the Telecommunication Act of 1996 preempts local governments from regulating wireless facilities on the basis of RF safety or health effects when such facilities comply with FCC RF emissions standards, and specifically states that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” Accordingly, compliance with FCC RF emissions standards constitutes substantial evidence of a less than significant environmental impact. (See 47 U.S.C. § 332(c) (7)(B)(iv).) Because all facilities that might be approved pursuant to the proposed wireless telecommunications facilities development standards and design guidelines are required to operate under federally mandated limits on RF radiation and are exclusively regulated by the FCC in this respect, the City of Los Altos is preempted from regulating the placement or construction of facilities based on RF emissions and must therefore rely on the FCC’s regulations to address the environmental effects of RF emissions.

While it is possible that an application could be submitted to the City requesting installation of a wireless telecommunications facility on a site that is included on a list of hazardous materials sites, the large majority of such sites within Los Altos have been remediated and installation of a wireless telecommunication facility would not create a significant hazard to the public or the environment. As a standard condition of approval for sites included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 that have yet to be investigated or remediated, the City would require that such investigation be completed along with any required remediation before approving a permit for installation of a wireless telecommunication facility.

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area and Local Responsibility Area maps. The city is largely developed and only portions of the area west of the Foothill Expressway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for



wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

Accordingly, potential adverse hazards and hazardous waste effects within the City would be less than significant.

**Hydrology and Water Quality.**

Wireless telecommunications facilities do not require the use of water during ongoing operations. Installation activities could require minimal watering for ground disturbance required for a new or replacement pole. Such activities would have a very small footprint and limited duration and would thus not adversely affect groundwater supplies or recharge. BMPs would be implemented during installation to minimize erosion. Due to their small footprint and dispersion from each other, the minor increase in impervious surface area (generally less than 6.25 square feet) that might result from installation of a new or replacement pole for a wireless telecommunication facility would not be great enough to alter existing drainage patterns or cause off-site flooding.

**Land Use and Planning.**

Proposed development standards and design guidelines specifically prohibit wireless telecommunications facilities from interfering with vehicular, bicycle, and pedestrian movement. As a result, there is no potential for these development standards and design guidelines to result in dividing an established community. No significant impacts were determined to result from the proposed development standards and design guidelines for wireless telecommunications facilities, including impacts associated with inconsistencies with adopted planning policies.

**Mineral Resources.**

Wireless telecommunications facilities would be located within existing public rights-of-way and utility easements or on existing buildings within developed sites. There would, therefore, be no direct or indirect effects on the availability of any mineral resources by restricting access to a resource recovery site or substantially depleting the reserves of any known resources in the region.

**Noise.**

Noise from wireless telecommunications facilities would be limited to installation of facilities (ranging in time from a few hours for minor upgrades (e.g., replacement of antennas) to a few weeks for erection of new or replacement poles for pole-mounted facilities) and occasional use of cooling equipment or an emergency generator at discreet locations. Installation of wireless telecommunications facilities will be required to comply with City noise standards, which specify:

- Permitted construction hours;
- Interior and exterior noise standards by zoning district for daytime and nighttime hours; and
- Prohibited acts relative to noise, including maximum noise levels at affected properties and hours during which construction is permitted. The noise ordinance allows for increases in noise related to construction activities during permitted construction hours.

While installation of wireless telecommunications facilities may generate temporary groundborne vibration and groundborne noise from the operation of construction equipment, the type of equipment typically used during installations only generates localized groundborne vibration and groundborne noise that could be perceptible only in the immediate vicinity of the project site and would not be sufficient to cause damage to adjacent structures.

**Population and Housing.**

Proposed development standards and design guidelines for wireless telecommunications facilities would not involve the construction of any homes, businesses, or other uses that would directly result in population growth, nor would such standards and guidelines remove a barrier to growth or induce additional unplanned development.

**Public Services.**

Proposed development standards and design guidelines for wireless telecommunications facilities would not increase the level of needed public services and would not result in the need for new or physically altered facilities because wireless communication facilities do not normally require public services.

**Recreation.**

Proposed development standards and design guidelines for wireless telecommunications facilities would not generate an increase in demand for parks or require construction or expansion of new park facilities since no residential uses are proposed and no increase in population would result.

**Transportation.**

Proposed wireless communication facilities would temporarily generate vehicle traffic at installation sites, which would last no more than a few weeks for a new or replacement pole or as little as a few hours for antenna replacement. Following installation, traffic would return to pre- installation levels with the exception of one to two site maintenance visits per month for each facility. Because no new population would be generated, proposed development standards and design guidelines would not

generate any increase in transit, bicycle, or pedestrian travel.

**Tribal Cultural Resources.**

Pursuant to the requirements of AB 52, the City of Los Altos informed the Tamien Nation regarding the wireless telecommunications ordinance and design guidelines on January 20, 2022 and provided the Nation with the opportunity for consultation regarding potential impacts on Tribal Cultural resources. No request for such consultation was made by the Tamien Nation.

**Utilities and Service Systems.**

Proposed development standards and design guidelines for wireless telecommunications facilities would not generate an increase in population due to increased residential or business uses and would consume water or generate wastewater or solid waste on an ongoing basis. Only minor amounts of water would be used on a temporary basis during installation of individual wireless telecommunications facilities. While wireless telecommunications facilities require electrical power, they do not draw sufficient power so as to require new or improved energy facilities. Where wireless telecommunications facilities are proposed on existing electrical poles, addition of wireless equipment or replacement of a pole may be required.

**Wildfire.**

Los Altos has an adopted Emergency Preparedness Plan identifying potential risks, facilities and resources relied upon in the event of a catastrophe, and persons responsible for implementation. Wireless telecommunications facilities would be located within existing public rights-of-way and utility easements, as well as on existing buildings within previously developed sites, and would not, therefore, impair implementation of or physically interfere with the City’s Emergency Preparedness Plan. In the event future construction activities require work to be performed in a roadway, appropriate traffic control plans would be prepared in conjunction with an encroachment permit.

The City of Los Altos is not located within a Very High Fire Hazard Severity Zone as delineated on California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area and Local Responsibility Area maps. The city is largely developed and only portions of the area west of the Foothill Expressway are located near wildland areas that would be susceptible to fire. Such areas are not identified in proposed development standards and design guidelines as a permitted location for wireless telecommunications facilities. All wireless facilities installations would be required to comply with applicable code requirements to ensure fire safety.

**BE IT FURTHER RESOLVED** that the City Council of the City of Los Altos adopts the Negative Declaration contained below based on these findings.

## NEGATIVE DECLARATION

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Negative Declaration pursuant to the California Environmental Quality Act:

- 1. Project Title:** Wireless Telecommunications Facilities Ordinance and Design Guidelines
- 2. Lead Agency:** City of Los Altos
- 3. Contact Person:** Gabriel Engeland, City Manager  
City of Los Altos  
One North San Antonio Road  
Los Altos, CA 94022  
  
(650) 947-2632
- 4. Project Location:** Citywide
- 5. Project Description:**

The proposed project involves revisions to the City of Los Altos' existing standards for development of wireless telecommunications facilities, including an ordinance to regulate permissible locations and preferences for the location of wireless facilities. These locational standards, which would replace the locational standards now provided in City of Los Altos Resolution No. 2019-35, would be adopted by ordinance into Chapter 14.82 of the Los Altos Municipal Code. Associated revisions are proposed to the application review procedures contained in Chapter 11.12 of the Municipal Code.

In addition, the City proposes to expand and supplement existing development standards and design guidelines and preferences for wireless telecommunications facilities contained in Resolution No. 2019-35 by (1) adding a set of basic design principles that would apply to all wireless telecommunications facilities and (2) identifying configuration preferences along with design guidelines for specific types of wireless facilities.

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**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING LOS ALTOS MUNICIPAL CODE CHAPTER 11.12 AND ADDING CHAPTER 14.82 RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND UTILITY INFRASTRUCTURE SETTING NEW LOCATIONAL REQUIREMENTS AND REVISING DEVELOPMENT STANDARDS**

**THE LOS ALTOS CITY COUNCIL HEREBY FINDS AND ORDAINS:**

**SECTION 1. FINDINGS**

A. Pursuant to the California Constitution, Article XI, section 7; California Government Code § 37100 and other applicable law, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws.

B. Los Altos’ public rights-of-way are a uniquely valuable public resource, closely associated with the City’s rural character and natural beauty. Los Altos has a population of 30,000 and is a suburban community within Silicon Valley. The City has a small town, semi-rural atmosphere, wooded and quiet with low-density, single-family homes. The regulation of wireless communication facilities both within the public right-of-way and other locations within the City, is necessary to protect and preserve the aesthetics of the community. The City’s General Plan also provides for the undergrounding of new telephone and utility lines, “maintaining the low density, low profile residential character of the community through zoning regulations and design guidelines,” and “ensuring compatibility between residential and non-residential development through zoning regulations and design review.” The City’s concerns for preserving the residential character of the community extend to public safety, visual quality, and aesthetics, and relate to imposing various development standards for the location, camouflaging, height, size and spacing of wireless telecommunications facilities. Providing separation between wireless telecommunications facilities and the front of homes along permitted rights-of-way within residential zones serves to reduce the intrusiveness of any new wireless telecommunications facilities.

C. Wireless telecommunication facilities provide vital communications services to Los Altos residents, businesses, and visitors. While they are a key element of ensuring essential communication, public safety, and economic vitality, wireless telecommunication facilities can also cause adverse visual and environmental effects within the community. The City is therefore mindful of the need to minimize the potential adverse impacts of wireless facilities on the community, including impacts on the City’s aesthetic well-being, while balancing these concerns against the need for sufficient cell coverage for emergency needs and compliance with both federal and state laws. The regulation as to wireless site visibility is particularly focused on minimizing visibility from residences, encouraging undergrounding of utilities, and limiting the height of such facilities to be consistent with the single-family residences that predominate the housing stock of Los Altos. In keeping with these goals, the City has revised the locational standards to encourage the location of wireless telecommunications facilities within and adjacent to non-residential uses and providing for separation of such facilities from residential dwelling

units. These sound land use locational provisions, in combination with design guidelines developed and being considered by the City concurrent with this Ordinance, will serve to ensure the preservation of the local residential areas while also being mindful of avoiding the over saturation of wireless telecommunication facilities in any single portion of the City or along any single roadway.

D. If not adequately regulated, installation of small cell and other wireless telecommunications facilities within the public right-of-way can pose a threat to the public health, safety and welfare, including disturbance to the right-of-way through the installation and maintenance of wireless telecommunication facilities; traffic and pedestrian safety hazards due to the unsafe location of wireless facilities; impacts to trees where proximity conflicts may require unnecessary trimming of branches or require removal of roots due to related undergrounding of equipment or connection lines; land use conflicts and incompatibilities including excessive height of poles and/or towers; creation of visual and aesthetic blights and potential safety concerns arising from excessive size, heights, noise, or lack of camouflaging of wireless telecommunications facilities including the associated pedestals, meters, equipment and power generators; and the creation of unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalizing on colocation opportunities, all of which has the potential to yield serious negative impacts on the unique quality and character of Los Altos. The reasonably regulated and orderly development of wireless telecommunication facilities in the public-right-of-way is desirable, and unregulated or disorderly development represents a threat to the health, welfare, and safety of the Los Altos community.

E. The City’s beauty is an important reason for businesses to locate in Los Altos and for residents to live here. Beautiful views enhance property values and increase the City’s tax base. The City’s economy, as well as the health and well-being of all who visit, work or live in the City, depends in part on maintaining the City’s beauty. The City has been moving towards the undergrounding of various utilities, including the First Street and Lincoln Park Undergrounding Utility projects, and needs to ensure that this effort is not hindered by the addition of numerous wireless telecommunications facilities, including cabinets, wires, cables, and bulky equipment that visually impede and clutter the City’s public rights of way. The City’s development and operational standards serve to encourage the reduction of all appurtenant equipment, screening of same, and efforts at undergrounding.

F. The City Council takes legislative notice of the various federal court decisions that have set applicable standards and metrics that the City must meet in the regulation of wireless telecommunications facilities. The City recognizes that there is a long-standing test in California that looks to whether and applicant has shown that there is a “significant gap” in service and an applicant has chosen the “least intrusive means of closing that gap.” *MetroPCS, Inc v. City & County of San Francisco*, 400 F.3d 715,733 (9<sup>th</sup> Cir. 2005) abrogated on other grounds in *T-Mobile S., LLC v. City of Roswell, Georgia*, 574 U.S. 293 (2015). More recently, the FCC adopted an Order in a proceeding focused on small wireless facilities and 5G, which found that local regulations are preempted if those regulations “materially inhibit” the provision of wireless services. The FCC Order goes on to state that local aesthetic requirements that are reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are permissible. *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33

F.C.C. Rcd. 9088 (2018), *aff'd in part, rev'd in part, City of Portland v United States*, 969 F.3d 1020, 1032 (9<sup>th</sup> Cir. 2020). That is, reasonable aesthetic requirements by definition do not “materially inhibit” service. The City is mindful of these various evolving legal decisions and FCC Orders in its provision of these revised siting and various development standards.

G. The City acknowledges that there have been significant changes in federal laws that affect local authority over wireless telecommunication facilities and other related infrastructure deployments. These changes in federal law have occurred concurrently with an ever-increasing demand for the placement of wireless telecommunication facilities within the public rights-of-way, in order to offer increased coverage in the way of numerous expanding technologies such as: cell phones, video streaming, and online access to work from home during the COVID -19 pandemic. In connection with the ever increasing demand for expanding technologies, the City is also mindful of the carriers’ desire to move forward with 5G and the recent published decision in *Environmental Health Trust v. Federal Communications Commission*, 9 Fed. 4th 893, 905 (D.C. Cir. 2021), wherein the United States Court of Appeals for the D.C. Circuit (“D.C. Circuit Court”) noted that the FCC had failed to provide a reasoned explanation for its determination that its existing radio frequency (“RF”) exposure regulations were adequate to ensure public safety in light of evidence presented to the FCC regarding the health impacts posed by various technological developments that have occurred since 1996, including the ubiquity of wireless devices and Wi-Fi, and the emergence of 5G technology. The D.C. Circuit Court therefore directed the FCC to provide a reasoned explanation to support its conclusion that RF standards need not be revised to protect public health from RF. The FCC’s RF regulations, promulgated in 1996, however, remain in effect. Despite the D.C. Circuit Court’s decision in *Environmental Health Trust*, localities remain preempted, under existing law, from regulating wireless facilities on the basis of any purported health effects of RF emissions provided such RF emissions comply with existing FCC standards.

H. The City takes legislative notice of the Federal Communications Commission ("FCC") adoption on August 2, 2018, of a Third Report & Order and Declaratory Ruling in the rulemaking proceeding titled Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 33 FCC Red. 7705 (rel. Aug. 3, 2018) (“the August 2018 Order”), that, among other things, contained a declaratory ruling prohibiting express and de facto moratoria for all personal wireless services, telecommunications services and their related facilities; and that the FCC adopted a Declaratory Ruling and Third Report and Order in September of 2018, --- FCC Red. ---, FCC 18-133 (rel. Sep. 27, 2018) (the "September 2018 Order"), which, among many other things, creates new shorter "shot clocks" for small wireless facilities (as defined in the September 2018 Order) and alters existing "shot clock" regulations to require local public agencies to do more in less time.

I. The City recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety, or welfare. The City does not intend that this Ordinance prohibit or have the effect of prohibiting telecommunications service, as those terms are used in the Federal Telecommunications Act; rather, the City includes appropriate regulations to ensure that the installation, augmentation, and relocation of wireless telecommunications facilities in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants

under the Federal Telecommunications Act and the California Public Utilities Code while, at the same time, protect to the full extent feasible against the safety and land use concerns described herein. Indeed, the City has engaged a land use expert to map the available sites that are permissible for the siting of wireless telecommunication facilities under these siting criteria, and he concludes that these current locations standards would permit small wireless telecommunications along more than 101,185 linear feet of roadway right-of-way within Los Altos.

J. The overarching intent of this Ordinance is to make wireless telecommunications reasonably available while preserving the essential rural character of Los Altos. This intent will be realized by minimizing the visual and physical effects of wireless telecommunications facilities through appropriate design, siting, screening techniques and location standards; encouraging the installation of wireless telecommunications facilities at locations where other such facilities already exist; and encouraging the installation of such facilities where and in a manner such that potential adverse impacts to Los Altos are minimized.

K. The City adopted an Ordinance regulating wireless telecommunication facilities in August of 2019. This occurred after the City held a study session and several public hearings, at which stakeholders discussed wireless and other infrastructure deployment issues, potential local regulatory responses to the recent changes in federal law in the FCC orders and expressed their design and location preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a uniquely small suburban community. The City's residents in the summer of 2019 called out the numerous concerns at play with aesthetics, and these concerns included numerous objections that were focused on visual blight such as:

- Small cell nodes previously proposed by carriers, AT&T and Verizon, to the City of Los Altos were visually intrusive and unsightly;
- The City should continue to be judicious about its distaste for visual blight;
- The need to consider and eliminate visual blight, to mitigate noise, heat, and exposure to EMF, and to protect our enjoyment of our property and its market value;
- Cell towers should be placed in commercial areas, in the medians of major streets, and similar locations. They should not be placed in residential neighborhoods;
- Wireless facilities should be installed in public/commercial areas instead of along residential streets close to people's homes. Los Altos neighborhood aesthetic guidelines and property value are among the main reasons people are willing to stay in this great City.
- Cell towers or small cells are unsightly, noisy and add to the visual blight from existing electric and telephone lines. Small cells should not be placed in a small residential neighborhood cul de sac street; it would be better to locate them on a major street or in the back of a commercial property;
- Cell towers are ugly and there is no need for extra eye sores;



- The mounting of "small" refrigerator-sized boxes on the side of an existing utility poles is unsightly and adds to visual blight; and
- The cell tower is an eye sore that emits an annoying fan-type noise that has a negative impact on the quality of life of the residents who live there or who walk within the community.

These same concerns as to visual blight, aesthetic impairment and noise remain at play today. The visual and aesthetic impacts of proposed wireless telecommunications facilities are much greater in a residential area versus in a non-residential area such as downtown Los Altos, or Loyola Corners.

L. On March 3 and March 17, 2022, the City Planning Commission held duly noticed public hearings to consider an Ordinance to add Chapter 14.82 and to amend Chapter 11.12 at which the Planning Commission received, reviewed, and considered the staff report, written and oral testimony from the public and other information in the record, and recommended to the City Council the adoption of this Ordinance regulating the placement of wireless telecommunication facilities.

M. The City recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety, or welfare. The City does not intend that this Ordinance prohibit or have the effect of prohibiting telecommunications service; rather, the City includes appropriate regulations to ensure that the installation, augmentation and relocation of wireless telecommunications facilities in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the Federal Telecommunications Act and the California Public Utilities Code while, at the same time, protecting to the full extent feasible against the safety and land use concerns described herein.

N. It is not the purpose or intent of this Ordinance, nor shall it be interpreted or applied to: (1) prohibit or to have the effect of prohibiting wireless telecommunications services; or (2) unreasonably discriminate among providers of functionally equivalent wireless communications services; or (3) regulate the placement, construction or modification of Wireless Telecommunication Facilities on the basis of the environmental effects of radio frequency ("RF") emissions where it is demonstrated that the Wireless Telecommunication Facilities does or will comply with the applicable FCC regulations; or (4) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management; or (5) prohibit or effectively prohibit colocations or modifications that the City must approve under state or federal law; or (6) otherwise authorize the City to preempt any applicable federal or state law.

O. The regulations of wireless installations are necessary to protect and preserve the aesthetic character of the community and to ensure that all wireless telecommunications facilities are installed using the least intrusive means possible. The City is also mindful of the fact that there are a number of different bands that can be utilized by carriers for wireless telecommunication facilities (including 700 megahertz (MHz), 800 MHz, 1900 MHz, and 2100

MHz), and that these additional available band options need to be reviewed and considered in the determination of the least intrusive alternatives. A number of alternative means are also available to provide coverage within Los Altos, including but not limited to the upgrading of existing telecommunications facilities, the placement of macro towers, the co-location of wireless telecommunications facilities, and the provision of micro towers.

**SECTION 2. LOCATIONAL CRITERIA**

A. Chapter 14.82 of the Los Altos Municipal Code is added to provide as follows:

**Chapter 14.82 STANDARDS FOR THE LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES**

**14.82.010 Purpose.**

**14.82.020 Definitions.**

**14.82.030 Wireless Telecommunications Facilities Locational Preferences.**

**14.82.040 Requirements for Approval of Less Preferred Locations.**

**14.82.050 Additional Locational Preferences.**

**14.82.060 Eligible Facilities Requested Per Municipal Code 12.12.100 and Applications Pursuant to Government Code § 65850.6.**

**14.82.010 Purpose.**

The purpose of the following siting criteria is to provide for the location of wireless telecommunications facilities within the City of Los Altos in a manner that minimizes the visual intrusiveness of wireless telecommunications facilities and provides for coverage throughout the City.

**14.82.020 Definitions.**

The definitions called out in Chapter 11.12 shall apply here unless a specific alternative definition is provided.

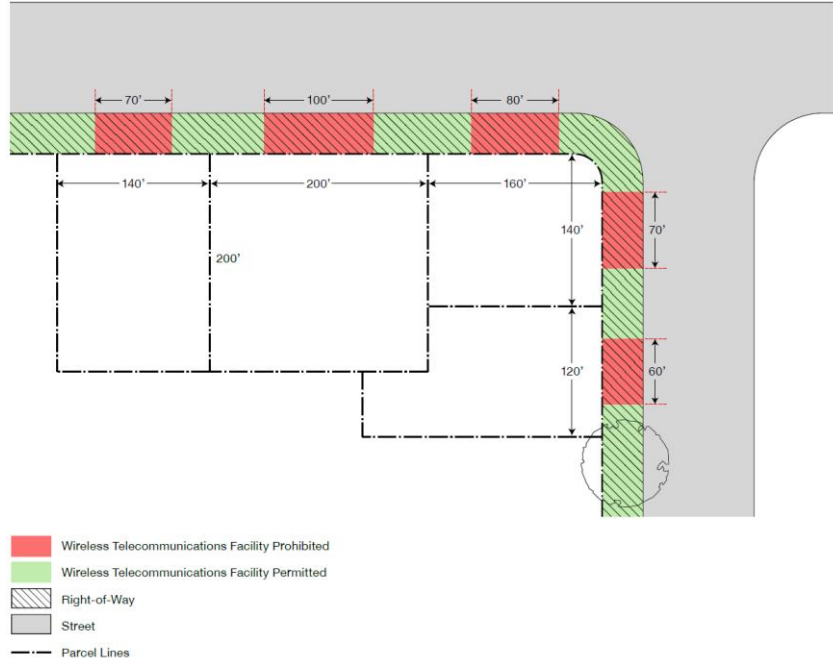
**14.82.030 Wireless Telecommunications Facilities Locational Preferences.**

**A. Wireless Telecommunications Facilities Located within Public Rights-of-Way and Utility Easements**

- 1. Only facilities qualifying for a Section 6409(a) approval and those meeting the definition of a “small wireless facility” shall be permitted within public rights-of-way and public utility easements.

- 2. The preferred location for a wireless telecommunications facility within a public right-of-way or public utility easement is fronting or within one of the Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010.
  - K. Office-Administrative District, OA (OA);
  - L. Office-Administrative District (OA-1 and OA-4.5);
  - N. Commercial Neighborhood District (CN);
  - O. Commercial Downtown District (CD);
  - P. Commercial Retail Sales District (CRS);
  - Q. Commercial Thoroughfare District (CT);
  - R. Commercial Retail Sales/Office District (CRS/OAD); and
  - V. Loyola Corners Specific Plan Overlay District (LCSPZ).
  
- 3. Less preferred locations for wireless telecommunications facilities within public rights-of-way and public utility easements are those fronting or within one of the Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010:
  - A. Single-Family District (R1-10);
  - B. Single-Family District (R1-H);
  - C. Single-Family District (R1-20);
  - D. Single-Family District (R1-40);
  - E. Single-Story Single-Family Overlay District (R1-S);
  - F. Multiple-Family District (R3-4.5);
  - G. Multiple-Family District (R3-5);
  - H. Multiple-Family District (R3-3);
  - I. Multiple-Family District (R3.1.8);
  - J. Multiple-Family District (R3-1);
  - M. Commercial Downtown/Multiple-Family District (CD/R3);
  - S. Public and Community Facilities District (PCF);
  - T. Public and Community Facilities/Single Family District (PCF/R1-10);

- U. Planned Community (PC); and
  - W. Planned Unit Development (PUD).
4. Permitted wireless telecommunications facilities within Residential Zoning Districts Municipal Code Sections 14.04.010 A-J, M, U, W are preferred to be located:
- a. Within a median where one is present;
  - b. Where no residential dwelling unit is present;
  - c. A minimum of 25 feet from the nearest residential dwelling unit. In no case, however, shall any portion of a wireless communications facility be permitted within 10 feet of a residential dwelling unit.
  - d. No wireless telecommunications facility within a roadway right-of-way adjacent to Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, U, W) shall be placed within the central fifty percent (50%) of an immediately adjacent parcel's street frontage unless:
    - (1) No feasible alternative exists within 500 feet of the proposed location.
    - (2) Landscaping and/or screening is provided to conceal the facility from view from adjacent dwelling units to the extent feasible.
    - (3) For corner lots, this standard shall apply to both roadway frontages.



- 5. No wireless telecommunications carrier shall be permitted to locate a small wireless telecommunications facility within 1,000 feet of another small wireless telecommunications facility it operates or within 200 feet of any small wireless telecommunications regardless of its ownership and maintenance.
- 6. Placement Criteria
  - a. No portion of any wireless communications facility within a public right-of-way or utility easement shall overhang a property line.
  - b. Wireless telecommunications facilities and any associated equipment or improvements shall not physically interfere with or impede access to any:
    - (1) Worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, or barricade reflectors;
    - (2) Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop;
    - (3) Worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency;

- (4) Fire hydrant or water valve;
  - (5) Access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or
  - (6) Access to any fire escape.
- c. Wireless telecommunication facilities within roadway rights-of-way adjacent to non-Residential Zoning Districts (Municipal Code Sections 14.04.010 K-L, N-T, V) should be located on poles that are as close as feasible to shared property lines between two adjacent lots and not directly in front of commercial and office buildings that have a setback of less than 20 feet from the roadway right-of-way.
  - d. Pole-mounted wireless telecommunication facilities placed on properties outside of roadway rights-of-way and public utility easements should be located as close as feasible to shared property lines between two adjacent lots and should not be located within 20 feet of an entrance to a building or an individual business.
  - e. All components of a wireless telecommunications facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, impair the public's use of the right-of-way, or create safety hazards to pedestrians and motorists.
  - f. Wireless telecommunications facilities shall not be located so as to interfere with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.
  - g. Facilities mounted to a telecommunications tower, above-ground accessory equipment, or walls, fences, landscaping or other screening methods shall be setback a minimum of 18 inches from the front of a curb.
  - h. Wireless telecommunication facilities shall be located on poles that are outside of driveways and shall not impair intersection sight lines.
  - i. Wireless telecommunications facilities should be sited at mid-block locations rather than at more visible corners and intersections unless:
    - (1) The wireless telecommunications facility is mounted on a traffic signal control pole or streetlight;

(2) The wireless telecommunications facility is designed as a preferred configuration with no visible exterior wires or equipment per the City’s Design Guidelines.

j. A new pole, if permitted, should be located:

(1) In alignment with existing trees, utility poles, and streetlights.

(2) At an equal distance between trees, when possible, with a minimum separation of 15 feet from the tree’s trunk or outside of the tree's drip line, whichever is greater, such that no disturbance occurs within the critical root zone of any tree.

(3) On a through street rather than along a cul-de-sac, where feasible.

**B. Wireless Telecommunications Facilities Located on Properties Outside of Public Rights-of-Way and Public Utility Easements**

1. The preferred locations for wireless telecommunications facilities include properties within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010.

K. Office-Administrative District (OA);

L. Office-Administrative District (OA-1 and OA-4.5);

N. Commercial Neighborhood District (CN);

O. Commercial Downtown District (CD);

P. Commercial Retail Sales District (CRS);

Q. Commercial Thoroughfare District (CT);

R. Commercial Retail Sales/Office District (CRS/OAD); and

V. Loyola Corners Specific Plan Overlay District (LCSPZ).

2. Less preferred locations for wireless telecommunications facilities include:

a. Properties within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010.

- S. Public and Community Facilities District (PCF); and
  - T. Public and Community Facilities/Single-Family District (PCF/R1-10).
- b. Properties with an existing non-residential use within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010.
- A. Single-Family District (R1-10);
  - B. Single-Family District (R1-H);
  - C. Single-Family District (R1-20);
  - D. Single-Family District (R1-40);
  - E. Single-Story Single-Family Overlay District (R1-S);
  - F. Multiple-Family District (R3-4.5);
  - G. Multiple-Family District (R3-5);
  - H. Multiple-Family District (R3-3);
  - I. Multiple-Family District (R3.1.8);
  - J. Multiple-Family District (R3-1);
  - M. Commercial Downtown/Multiple-Family District (CD/R3);
  - S. Public and Community Facilities District (PCF);
  - T. Public and Community Facilities/Single Family District (PCF/R1-10);
  - U. Planned Community (PC); and
  - W. Planned Unit Development (PUD).
- c. Under no circumstance may a wireless telecommunications facility be permitted on a property with an existing residential use.
3. Location of Wireless Telecommunications Facilities on Properties Outside of Public Rights-of-Way and Public Utility Easements.
- a. No portion of a wireless telecommunications facility may be permitted to encroach into any applicable setback for main structures for the zoning district within which it is located unless the facility is designed with a preferred configuration per the City’s Design Guidelines.



- b. Wireless telecommunications facilities and any associated equipment or improvements shall not physically interfere with or impede access to any:
  - (1) Worker access to above ground or underground infrastructure owned or operated by any public or private utility agency;
  - (2) Fire hydrant or water valve;
  - (3) Doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building; or
  - (4) Fire escape.
- c. No wireless telecommunications facility shall be located so as to replace or interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number that is required, nor shall any facility be located so as to interfere with required access to parking spaces.

**14.82.040 Requirements for Approval of Less Preferred Locations**

- A. Applications that involve a less-preferred location shall be accompanied by clear and convincing written evidence demonstrating that a preferred location per Section 14.82.030 A or 14.82.030 B is infeasible, and that approval of the proposed location rather than a preferred location is therefore needed.
- B. Applications that involve less-preferred locations may be approved only if the applicant demonstrates that:
  - (1) It does not own any property or facilities within 500 feet from the proposed site that could provide service in lieu of the proposed facility;
  - (2) No preferred location exists within 500 feet from the proposed site; or
  - (3) Any preferred location within 500 feet from the proposed site would be technically infeasible.
- C. The burden of proof for demonstrating compliance with these above noted conditions shall be on the applicant and must be satisfied with clear and convincing evidence.

- D. In reviewing a request for a less-preferred location, the City may hire an independent consultant at the applicant’s expense to evaluate the applicant’s demonstration of need for the proposed less-preferred location.

**14.82.050 Eligible Facilities Requested per Municipal Code Section 12.12.100 and Applications Pursuant to Government Code Section 65850.6**

- A. Eligible facilities requested per Municipal Code Section 12.12.100 and applications pursuant to California Government Code Section 65850.6 (see Municipal Code Section 11.12.110), are permitted within all Zoning Districts and within all public rights-of-way.

**SECTION 3. WIRELESS TELECOMMUNICATIONS FACILITIES; PERMIT PROVISIONS**

- A. Title 11.12 of the Municipal Code for the City shall be repeal and/or amended to make the following changes to the existing text of Chapter 11.12:

- 1. Section 11.12.040.A is repealed and replaced as follows:

Section 11.12.040A. Permit Required. No wireless telecommunications facility shall be located or modified within the City on any property, including the public right-of-way, without the issuance of a permit as required by this Chapter. Such permit must comply with the locational standards set forth in Chapter 14.82 of the City’s Municipal Code regulating zoning. In addition, such permit shall be subject to the conditions of Chapter 11.12, along with the City’s Design Guidelines calling forth various design and placement standards adopted by the City Council by resolution and shall be in addition to any other permit required pursuant to the Los Altos Municipal Code.

- 2. Section 11.12.050.A.9 is repealed and replaced as follows:
- 3. Section 11.12.050.A.9. Intentionally omitted
- 4. Section 11.12.050.B.1.c. is repealed and replaced as follows:

Section 11.12. 050.B.1.c. Analysis of an application that involves a less-preferred location as set forth in the locational standards of this Chapter, to determine if the applicant owns any property or facilities within 500 feet of the proposed site that could provide service in lieu of the proposed facility, and whether there is a preferred location within 500 feet and to determine whether any such preferred location is technically feasible.

- 5. Section 11.12.050.E.2 is repealed and replaced as follows:

Section 11.12.050.E.2 Submittal Appointment. All applications must be filed with the City at a pre-scheduled appointment. Applicants may generally submit one application per appointment

but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. Any application received without an appointment, whether delivered in person or through any other means, will not be considered duly filed until a submittal appointment is obtained.

6. Section 11.12.060 is repealed and replaced as follows:

**11.12.060 - Conditions of approval for all facilities.**

A. In addition to compliance with the requirements of this Chapter, upon approval all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the City:

1. 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.
2. The permittee must construct, install, and operate the wireless telecommunications facility in strict compliance with the approved plans. The permittee shall submit an as-built drawing within ninety (90) days after installation of the facility.
3. 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.
4. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features in a neat, clean, and safe condition in accordance with the approved permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism has occurred.
5. Where feasible, as new technology becomes available, the permittee shall:
  - a. Place above-ground wireless telecommunications facilities below ground, including, but not limited to, accessory equipment that has been mounted to a telecommunications tower or mounted on the ground; and

- b. Replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to the Los Altos Municipal Code.
- 6. 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 twenty-four (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.
  - c. Name, address, and telephone number of the property owner if different than the permittee.
- 7. 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 existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.
- 8. 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 or topsoil and site erosion and to reduce diesel particulate (PM<sub>10</sub>) and PM<sub>2.5</sub> 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.
  - (1) A written report that analyzes acoustic levels for the proposed wireless telecommunications facility and all associated equipment including, without limitation, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Los Altos Municipal Code, [Chapter 6.16](#), Noise Regulations, shall be submitted as part of applications for wireless telecommunications facilities.
  - (2) The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
  - (3) In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.

- f. 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.
  
- 9. 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. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
  
- 10. 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. 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 to perform testing to verify compliance with current regulatory and operational standards.
  
- 11. 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.
  
- 12. 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 (3) 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.
  
- 13. The permittee shall pay for and provide a performance bond, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and the Los Altos Municipal Code. The bond coverage shall include, but not be limited to,

removal of the facility, maintenance obligations and landscaping obligations. The amount of the performance bond shall be set by the City Manager in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.

- 14. 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.
- 15. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- 16. A condition setting forth the permit expiration date in accordance with Section 11.12.060 shall be included in the conditions of approval.

7. Section 11.12.080 A. is repealed and replaced as follows:

**11.12.080. Findings.**

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 14.82 and with all applicable building, electrical and fire safety codes.
- 2. The proposed facility complies with all applicable provisions of Chapter 14.82 and with the Wireless Telecommunications Facilities Design Guidelines adopted by the City.
- 3. The proposed facility complies 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.
- 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.
- 8. Section 11.12.090 Exceptions is repealed in its entirety.
- 9. Section 11.12.160.B is repealed and replaced as follows:

Section 11.12.160B. After the expiration of the wireless telecommunications permit provided for in Section A, above, a permittee shall apply for a new permit and comply with all the requirements of the City Code then in effect.

- 10. Sections 11.12.160.C and D are repealed in their entirety.
- 11. Section 11.12.180.A is repealed and replaced as follows:

A. Permittee’s Removal Obligation. Upon the expiration date of the permit, or upon earlier termination or revocation of the permit, or abandonment of the facility after a period of ninety (90) days, the permittee, owner, or operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the City. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property within 30 days, at no cost or expense to the City. If the facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration. Should the City be required to remove the facility or restore a site within the public right-of-way, the owner/operator of the facility shall reimburse the City for its actual costs.

- 12. Section 11.02.080.C is repealed and replaced as follows:

Section 11.02.080.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 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.

**SECTION 4. DESIGN STANDARDS**

The City Council hereby reviews the prior Design Standards called forth in Resolution No. 2019-35 adopted on August 5, 2019 and adopts new Design Guidelines in a separate resolution that repeals Resolution No. 2019-35 in its entirety to regulate the design standards for wireless



telecommunication facilities. The effective date of the new Design Guidelines and repeal of Resolution No. 2019-35 shall coincide with the effective date of this ordinance.

**SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Initial Study prepared for the proposed Wireless Telecommunications Facilities Development Standards and Design Guidelines indicates, for each environmental issue it analyzed, that environmental impacts would be less than significant or that no impact would occur. There is no substantial evidence, in light of the whole record before the lead agency (the City of Los Altos), that the project may have a significant effect on the environment.

**SECTION 6. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Los Altos City Council hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

**SECTION 7. AUTHORITY AND EFFECTIVE DATE.**

This Ordinance is enacted pursuant to the authority conferred upon the Los Altos City Council by Government Code Section 36934 and will be effective thirty (30) days after second reading.

\_\_\_\_\_  
Anita Enander  
Mayor, City of Los Altos

\_\_\_\_\_  
Attest: Andrea Chelemengos  
City Clerk

ORDINANCE NO. \_\_\_\_\_ of the City of Los Altos adopted on \_\_\_\_\_, 2022 by the following roll call vote of the City Council:

Vote:

Vice Mayor Sally Meadows: \_\_\_\_\_

Councilmember Lynette Lee Eng: \_\_\_\_\_

Councilmember Neysa Fligor: \_\_\_\_\_

Councilmember Jonathan D. Weinberg: \_\_\_\_\_

5096534.3

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING LOS ALTOS MUNICIPAL CODE CHAPTER 11.12 AND ADDING CHAPTER 14.82 RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND UTILITY INFRASTRUCTURE SETTING NEW LOCATIONAL REQUIREMENTS AND REVISING DEVELOPMENT STANDARDS**

**THE LOS ALTOS CITY COUNCIL HEREBY FINDS AND ORDAINS:**

**SECTION 3. FINDINGS**

A. Pursuant to the California Constitution, Article XI, section 7; California Government Code § 37100 and other applicable law, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws.

B. Los Altos’ public rights-of-way are a uniquely valuable public resource, closely associated with the City’s rural character and natural beauty. Los Altos has a population of approximately 30,000 and is a suburban community within Silicon Valley. The City has a small town, semi-rural atmosphere, wooded and quiet with low-density, single-family homes. The regulation of wireless communication facilities both within the public right-of-way and other locations within the City, is necessary to protect and preserve the aesthetics of the community. The City’s General Plan also provides for the undergrounding of new telephone and utility lines, “maintaining the low density, low profile residential character of the community through zoning regulations and design guidelines,” and “ensuring compatibility between residential and non-residential development through zoning regulations and design review.” The City’s concerns for preserving the residential character of the community extend to public safety, visual quality, and aesthetics, and relate to imposing various development standards for the location, camouflaging, height, size and spacing of wireless telecommunications facilities. Providing separation between wireless telecommunications facilities and the front of homes along permitted rights-of-way within residential zones serves to reduce the intrusiveness of any new wireless telecommunications facilities.

C. Wireless telecommunication facilities provide vital communications services to Los Altos residents, businesses, and visitors. While they are a key element of ensuring essential communication, public safety, and economic vitality, wireless telecommunication facilities can also cause adverse visual and environmental effects within the community. The City is therefore mindful of the need to minimize the potential adverse impacts of wireless facilities on the community, including impacts on the City’s aesthetic well-being, while balancing these concerns against the need for sufficient cell coverage for emergency needs and compliance with both federal and state laws. The regulation as to wireless site visibility is particularly focused on minimizing visibility from residences, encouraging undergrounding of utilities, and limiting the height of such facilities to be consistent with the single-family residences that predominate the housing stock of Los Altos. In keeping with these goals, the City has revised the locational standards to encourage the location of wireless telecommunications facilities within and adjacent to non-residential uses and providing for separation of such facilities from all residential

dwelling units. These sound land use locational provisions, in combination with design guidelines developed and being adopted by the City concurrent with this Ordinance, will serve to ensure the preservation of the local residential areas while also being mindful of avoiding the over saturation of wireless telecommunication facilities in any single portion of the City or along any single roadway.

D. If not adequately regulated, installation of small cell and other wireless telecommunications facilities within the public right-of-way can pose a threat to the public health, safety and welfare, including disturbance to the right-of-way through the installation and maintenance of wireless telecommunication facilities; traffic and pedestrian safety hazards due to the unsafe location of wireless facilities; impacts to trees where proximity conflicts may require unnecessary trimming of branches or require removal of roots due to related undergrounding of equipment or connection lines; land use conflicts and incompatibilities including excessive height of poles and/or towers; creation of visual and aesthetic blights and potential safety concerns arising from excessive size, heights, noise, or lack of camouflaging of wireless telecommunications facilities including the associated pedestals, meters, equipment and power generators; and the creation of unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalizing on colocation opportunities, all of which has the potential to yield serious negative impacts on the unique quality and character of Los Altos. The reasonably regulated and orderly development of wireless telecommunication facilities in the public-right-of-way is desirable, and unregulated or disorderly development represents a threat to the health, welfare, and safety of the Los Altos community.

E. The City’s beauty is an important reason for businesses to locate in Los Altos and for residents to live here. Beautiful views enhance property values and increase the City’s tax base. The City’s economy, as well as the health and well-being of all who visit, work or live in the City, depends in part on maintaining the City’s beauty. The City has been moving towards the undergrounding of various utilities, including the First Street and Lincoln Park Undergrounding Utility projects, and needs to ensure that this effort is not hindered by the addition of numerous wireless telecommunications facilities, including cabinets, wires, cables, and bulky equipment that visually impede and clutter the City’s public rights of way. The City’s development and operational standards serve to encourage the reduction of all appurtenant equipment, screening of same, and efforts at undergrounding.

F. The City Council takes legislative notice of the various federal court decisions that have set applicable standards and metrics that the City must meet in the regulation of wireless telecommunications facilities. The City recognizes that there is a long-standing test in California that looks to whether and applicant has shown that there is a “significant gap” in service and an applicant has chosen the “least intrusive means of closing that gap.” *MetroPCS, Inc v. City & County of San Francisco*, 400 F.3d 715,733 (9<sup>th</sup> Cir. 2005) abrogated on other grounds in *T-Mobile S., LLC v. City of Roswell, Georgia*, 574 U.S. 293 (2015). More recently, the FCC adopted an Order in a proceeding focused on small wireless facilities and 5G, which found that local regulations are preempted if those regulations “materially inhibit” the provision of wireless services. The FCC Order goes on to state that local aesthetic requirements that are reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are permissible. *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33

F.C.C. Rcd. 9088 (2018), *aff'd in part, rev'd in part, City of Portland v United States*, 969 F.3d 1020, 1032 (9<sup>th</sup> Cir. 2020). That is, reasonable aesthetic requirements by definition do not “materially inhibit” service. The City is mindful of these various evolving legal decisions and FCC Orders in its provision of these revised siting and various development standards.

G. The City acknowledges that there have been significant changes in federal laws that affect local authority over wireless telecommunication facilities and other related infrastructure deployments. These changes in federal law have occurred concurrently with an ever-increasing demand for the placement of wireless telecommunication facilities within the public rights-of-way, in order to offer increased coverage in the way of numerous expanding technologies such as: cell phones, video streaming, and online access to work from home during the COVID -19 pandemic. In connection with the ever increasing demand for expanding technologies, the City is also mindful of the carriers’ desire to move forward with 5G and the recent published decision in *Environmental Health Trust v. Federal Communications Commission*, 9 Fed. 4th 893, 905 (D.C. Cir. 2021), wherein the United States Court of Appeals for the D.C. Circuit (“D.C. Circuit Court”) noted that the FCC had failed to provide a reasoned explanation for its determination that its existing radio frequency (“RF”) exposure regulations were adequate to ensure public safety in light of evidence presented to the FCC regarding the health impacts posed by various technological developments that have occurred since 1996, including the ubiquity of wireless devices and Wi-Fi, and the emergence of 5G technology. The D.C. Circuit Court therefore directed the FCC to provide a reasoned explanation to support its conclusion that RF standards need not be revised to protect public health from RF. The FCC’s RF regulations, promulgated in 1996, however, remain in effect. Despite the D.C. Circuit Court’s decision in *Environmental Health Trust*, localities remain preempted, under existing law, from regulating wireless facilities on the basis of any purported health effects of RF emissions provided such RF emissions comply with existing FCC standards.

H. The City takes legislative notice of the Federal Communications Commission ("FCC") adoption on August 2, 2018, of a Third Report & Order and Declaratory Ruling in the rulemaking proceeding titled Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 33 FCC Red. 7705 (rel. Aug. 3, 2018) (“the August 2018 Order”), that, among other things, contained a declaratory ruling prohibiting express and de facto moratoria for all personal wireless services, telecommunications services and their related facilities; and that the FCC adopted a Declaratory Ruling and Third Report and Order in September of 2018, --- FCC Red. ---, FCC 18-133 (rel. Sep. 27, 2018) (the "September 2018 Order"), which, among many other things, creates new shorter "shot clocks" for small wireless facilities (as defined in the September 2018 Order) and alters existing "shot clock" regulations to require local public agencies to do more in less time.

I. The City recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety, or welfare. The City does not intend that this Ordinance prohibit or have the effect of prohibiting telecommunications service, as those terms are used in the Federal Telecommunications Act; rather, the City includes appropriate regulations to ensure that the installation, augmentation, and relocation of wireless telecommunications facilities in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants

under the Federal Telecommunications Act and the California Public Utilities Code while, at the same time, protect to the full extent feasible against the safety and land use concerns described herein. Indeed, the City has engaged a land use expert to map the available sites that are permissible for the siting of wireless telecommunication facilities under these siting criteria, and he concludes that these current locations standards would permit small wireless telecommunications along more than 101,185 linear feet of roadway right-of-way within Los Altos.

J. The overarching intent of this Ordinance is to make wireless telecommunications reasonably available while preserving the essential rural character of Los Altos. This intent will be realized by minimizing the visual and physical effects of wireless telecommunications facilities through appropriate design, siting, screening techniques and location standards; encouraging the installation of wireless telecommunications facilities at locations where other such facilities already exist; and encouraging the installation of such facilities where and in a manner such that potential adverse impacts to Los Altos are minimized.

K. The City adopted an Ordinance regulating wireless telecommunication facilities in August of 2019. This occurred after the City held a study session and several public hearings, at which stakeholders discussed wireless and other infrastructure deployment issues, potential local regulatory responses to the recent changes in federal law in the FCC orders and expressed their design and location preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a uniquely small suburban community. The City's residents in the summer of 2019 called out the numerous concerns at play with aesthetics, and these concerns included numerous objections that were focused on visual blight such as:

- Small cell nodes previously proposed by carriers, AT&T and Verizon, to the City of Los Altos were visually intrusive and unsightly;
- The City should continue to be judicious about wireless facilities and eliminate visual blight;
- The need to consider and eliminate visual blight, to mitigate noise, heat, and exposure to EMF, and to protect our enjoyment of our property and its market value;
- Cell towers should be placed in commercial areas, in the medians of major streets, and similar locations. They should not be placed in residential neighborhoods;
- Wireless facilities should be installed in public/commercial areas instead of along residential streets close to people's homes. Los Altos neighborhood aesthetic guidelines and property value are among the main reasons people are willing to stay in this great City.
- Cell towers or small cells are unsightly, noisy and add to the visual blight from existing electric and telephone lines. Small cells should not be placed in a small residential neighborhood cul-de-sac street; it would be better to locate them on a major street or in the back of a commercial property;
- Cell towers are ugly and there is no need for extra eye sores;

- The mounting of "small" refrigerator-sized boxes on the side of an existing utility poles is unsightly and adds to visual blight; and
- The cell tower is an eye sore that emits an annoying fan-type noise that has a negative impact on the quality of life of the residents who live there or who walk within the community.

These same concerns as to visual blight, aesthetic impairment and noise remain at play today. The visual and aesthetic impacts of proposed wireless telecommunications facilities are much greater in a residential area versus in a non-residential area such as downtown Los Altos, or Loyola Corners.

L. On March 3 and March 17, 2022, the City Planning Commission held duly noticed public hearings to consider an Ordinance to add Chapter 14.82 and to amend Chapter 11.12 at which the Planning Commission received, reviewed, and considered the staff report, written and oral testimony from the public and other information in the record, and recommended to the City Council the adoption of this Ordinance regulating the placement of wireless telecommunication facilities.

M. The City recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety, or welfare. The City does not intend that this Ordinance prohibit or have the effect of prohibiting telecommunications service; rather, the City includes appropriate regulations to ensure that the installation, augmentation and relocation of wireless telecommunications facilities in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the Federal Telecommunications Act and the California Public Utilities Code while, at the same time, protecting to the full extent feasible against the safety and land use concerns described herein.

N. It is not the purpose or intent of this Ordinance, nor shall it be interpreted or applied to: (1) prohibit or to have the effect of prohibiting wireless telecommunications services; or (2) unreasonably discriminate among providers of functionally equivalent wireless communications services; or (3) regulate the placement, construction or modification of Wireless Telecommunication Facilities on the basis of the environmental effects of radio frequency ("RF") emissions where it is demonstrated that the Wireless Telecommunication Facilities does or will comply with the applicable FCC regulations; or (4) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management; or (5) prohibit or effectively prohibit colocations or modifications that the City must approve under state or federal law; or (6) otherwise authorize the City to preempt any applicable federal or state law.

O. The regulations of wireless installations are necessary to protect and preserve the aesthetic character of the community and to ensure that all wireless telecommunications facilities are installed using the least intrusive means possible. The City is also mindful of the fact that there are a number of different bands that can be utilized by carriers for wireless telecommunication facilities (including 700 megahertz [MHz], 800 MHz, 1900 MHz, and 2100

MHz), and that these additional available band options need to be reviewed and considered in the determination of the least intrusive alternatives. A number of alternative means are also available to provide coverage within Los Altos, including but not limited to the upgrading of existing telecommunications facilities, the placement of macro towers, the co-location of wireless telecommunications facilities, and the provision of micro towers.

**SECTION 4. LOCATIONAL CRITERIA**

A. Chapter 14.82 of the Los Altos Municipal Code is added to provide as follows:

**Chapter 14.82 STANDARDS FOR THE LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES**

**14.82.010 Purpose.**

**14.82.020 Definitions.**

**14.82.030 Wireless Telecommunications Facilities Locational Preferences.**

**14.82.040 Requirements for Approval of Less Preferred Locations.**

**14.82.050 Additional Locational Preferences.**

**14.82.060 Eligible Facilities Requested Per Municipal Code 12.12.100 and Applications Pursuant to Government Code § 65850.6.**

**14.82.010 Purpose.**

The purpose of the following siting criteria is to provide for the location of wireless telecommunications facilities within the City of Los Altos in a manner that minimizes the visual intrusiveness of wireless telecommunications facilities and provides for coverage throughout the City.

**14.82.020 Definitions.**

The definitions called out in Chapter 11.12 shall apply here unless a specific alternative definition is provided.

**14.82.030 Wireless Telecommunications Facilities Locational Preferences.**

**A. Colocation with Existing Wireless Telecommunications Facilities**

- 1. The City’s first preference for the location of new wireless facilities is colocation with existing wireless telecommunications facilities.

**B. Location Preferences following Colocation for Wireless Telecommunications Facilities**

1. Properties Outside of Public Rights-of-Way and Public Utility Easements

a. Following colocation, the preferred location for wireless telecommunications facilities is outside of public rights-of-way and public utilities easements on properties within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010 (not shown in order of preference).

- K. Office-Administrative District (OA);
- L. Office-Administrative District (OA-1 and OA-4.5);
- N. Commercial Neighborhood District (CN);
- O. Commercial Downtown District (CD);
- P. Commercial Retail Sales District (CRS);
- Q. Commercial Thoroughfare District (CT);
- R. Commercial Retail Sales/Office District (CRS/OAD); and
- V. Loyola Corners Specific Plan Overlay District (LCSPZ).

2. Public Rights-of-Way and Public Utility Easements

a. Only facilities qualifying for a Section 6409(a) approval and those meeting the definition of a “small wireless facility” shall be permitted within public rights-of-way and public utility easements.

b. Following colocation and the locations identified in paragraph a, above, the preferred location for a wireless telecommunications facility is within a public right-of-way or public utility easement fronting or within one of the Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010 (not shown in order of preference).

- K. Office-Administrative District, OA (OA);
- L. Office-Administrative District (OA-1 and OA-4.5);
- N. Commercial Neighborhood District (CN);
- O. Commercial Downtown District (CD);
- P. Commercial Retail Sales District (CRS);
- Q. Commercial Thoroughfare District (CT);
- R. Commercial Retail Sales/Office District (CRS/OAD); and



V. Loyola Corners Specific Plan Overlay District (LCSPZ).

**C. Less Preferred Locations for Wireless Telecommunications Facilities**

1. Less preferred locations for wireless telecommunications facilities on properties outside of public rights-of-way and public utilities easements include:

a. Properties other than schools and parks within one of the following Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010 (not shown in order of preference).

S. Public and Community Facilities District (PCF); and

T. Public and Community Facilities/Single-Family District (PCF/R1-10).

b. Properties located on a property within one of the Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010 that (1) have an existing non-residential use or (2) are owned by the City or another governmental entity for public facility or utility purposes.

A. Single-Family District (R1-10);

B. Single-Family District (R1-H);

C. Single-Family District (R1-20);

D. Single-Family District (R1-40);

E. Single-Story Single-Family Overlay District (R1-S);

F. Multiple-Family District (R3-4.5);

G. Multiple-Family District (R3-5);

H. Multiple-Family District (R3-3);

I. Multiple-Family District (R3.1.8);

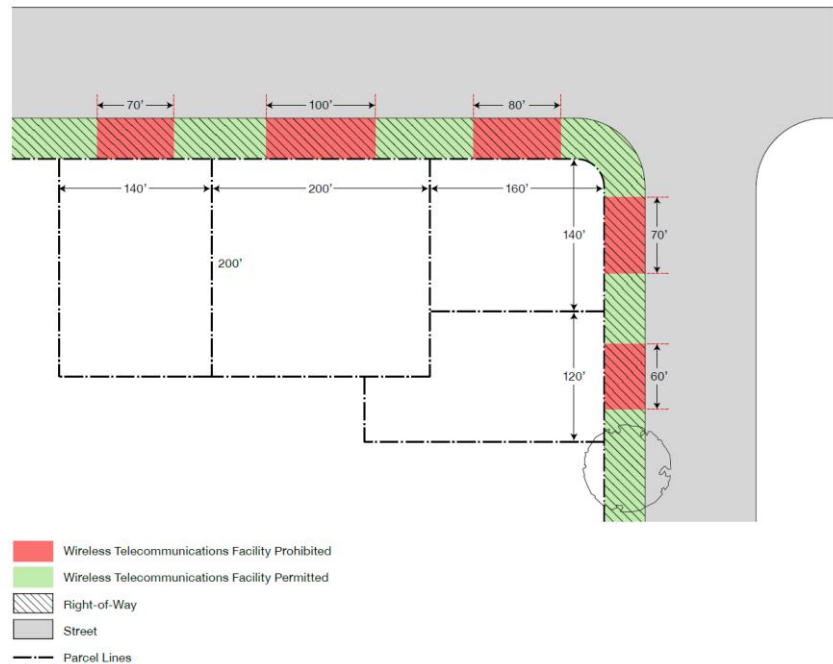
J. Multiple-Family District (R3-1);

M. Commercial Downtown/Multiple-Family District (CD/R3);

U. Planned Community (PC); and

- W. Planned Unit Development (PUD).
2. Less preferred locations for wireless telecommunications facilities within public rights-of-way and public utility easements are those fronting or within one of the Zoning Districts identified in the following subsections of Municipal Code Section 14.04.010 (not shown in order of preference):
- A. Single-Family District (R1-10);
  - B. Single-Family District (R1-H);
  - C. Single-Family District (R1-20);
  - D. Single-Family District (R1-40);
  - E. Single-Story Single-Family Overlay District (R1-S);
  - F. Multiple-Family District (R3-4.5);
  - G. Multiple-Family District (R3-5);
  - H. Multiple-Family District (R3-3);
  - I. Multiple-Family District (R3.1.8);
  - J. Multiple-Family District (R3-1);
  - M. Commercial Downtown/Multiple-Family District (CD/R3);
  - S. Public and Community Facilities District (PCF);
  - T. Public and Community Facilities/Single Family District (PCF/R1-10);
  - U. Planned Community (PC); and
  - W. Planned Unit Development (PUD).
- a. Permitted wireless telecommunications facilities within public rights-of-way and public utility easements within the Zoning Districts identified in Municipal Code Sections 14.04.010 A-J, M, S-U, and W are preferred to be located:
- (2) Within a median where one is present;
  - (3) Adjacent to a vacant parcel or a parcel where a non-residential use is present;

- (4) In an area that is at least 5 feet more than the applicable required building setback for the Zoning District of the nearest residential dwelling unit, or 25 feet, whichever is greater.
- b. No small wireless facility may be permitted within a public utility easement where it runs across a required front, side, or rear yard setback.
- c. No small wireless telecommunications facility within a roadway right-of-way adjacent to Residential Zoning Districts (Municipal Code Sections 14.04.010 A-J, M, S-U, and W) shall be placed within the central fifty percent (50%) of an immediately adjacent parcel's street frontage unless:
  - i. No feasible alternative exists within 500 feet of the proposed location.
  - ii. Landscaping and/or screening is provided to conceal the facility from view from adjacent dwelling units to the extent feasible.
  - iii. For corner lots, this standard shall apply to both roadway frontages.
- d. No small wireless telecommunications facility shall be placed within a public right-of-way or public utility easement adjacent to or within a park or school unless:



- (1) It is located on an existing public utility pole;
- (2) No feasible alternative exists within 500 feet of the proposed location; and
- (3) Landscaping and/or screening is provided to conceal the facility from view from adjacent dwelling units to the extent feasible.

**D. Placement Criteria**

1. All Wireless Telecommunications Facilities

a. Wireless telecommunications facilities and any associated equipment or improvements shall not physically interfere with or impede access to any:

(1) Worker access to any above ground or underground infrastructure owned or operated by any public or private utility agency;

(2) Doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building;

(3) Fire escape; or

(4) Public transportation vehicles, shelters, street furniture, or other improvements at any public transportation stop.

b. Wireless telecommunications facilities shall not be located so as to interfere with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.

2. Wireless Telecommunications Facilities on Properties Outside of Public Rights-of-Way and Public Utilities Easements

a. Pole-mounted wireless telecommunication facilities placed on properties outside of roadway rights-of-way and public utility easements should be located as close as feasible to shared property lines between two adjacent lots and should not be located within 20 feet of an entrance to a building or an individual business.

- b. No portion of a wireless telecommunications facility may be permitted to encroach into any applicable setback for main structures for the zoning district within which it is located unless the facility is designed with a preferred configuration per the City's Design Guidelines.
  - c. No wireless telecommunications facility shall be located so as to replace or interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number that is required, nor shall any facility be located so as to interfere with required access to parking spaces.
3. Small Wireless Telecommunications Facilities Within Public Rights-of-Way and Public Utilities Easements
- a. No wireless telecommunications carrier shall be permitted to locate a small wireless telecommunications facility within 1,000 feet of another small wireless telecommunications facility it operates or within 200 feet of any small wireless telecommunications regardless of its ownership and maintenance.
  - b. No portion of any small wireless communications facility within a public right-of-way or utility easement shall overhang a property line.
  - c. All components of a small wireless telecommunications facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, impair the public's use of the right-of-way or create safety hazards to pedestrians and motorists.
  - d. Small wireless telecommunication facilities within roadway rights-of-way adjacent to non-Residential Zoning Districts (Municipal Code Sections 14.04.010 K-L, N-T, V) should be located on poles that are as close as feasible to shared property lines between two adjacent lots and not directly in front of commercial and office buildings that have a setback of less than 20 feet from the roadway right-of-way.
  - e. Small wireless telecommunication facilities shall be located on poles that are outside of driveways and shall not impair intersection sight lines.
  - f. Small wireless telecommunications facilities should be sited at mid-block locations rather than at more visible corners and intersections unless:

- (1) The small wireless telecommunications facility is mounted on a traffic signal control pole or streetlight;
- (2) The small wireless telecommunications facility is designed as a preferred configuration with no visible exterior wires or equipment per the City's Design Guidelines.
- g. Facilities mounted to a telecommunications tower, above-ground accessory equipment, or walls, fences, landscaping or other screening methods shall be set back a minimum of 18 inches from the front of a curb.
- h. A new pole, if permitted, should be located:
  - (1) In alignment with existing trees, utility poles, and streetlights.
  - (2) At an equal distance between trees, when possible, with a minimum separation of 15 feet from the tree's trunk or outside of the tree's drip line, whichever is greater, such that no disturbance occurs within the critical root zone of any tree.
  - (3) On a through street rather than along a cul-de-sac, where feasible.

**14.82.040 Requirements for Approval of Less Preferred Locations**

- A. Applications that involve a less-preferred location identified in Section 14.82.030C shall be accompanied by clear and convincing written evidence demonstrating that a preferred location per Section 14.82.030 A or 14.82.030 B is infeasible, and that approval of the proposed location rather than a preferred location is therefore needed.
- B. Applications that involve less-preferred locations may be approved only if the applicant demonstrates that:
  - 1. It does not own any property or facilities within 500 feet from the proposed site that could provide service in lieu of the proposed facility;
  - 2. No preferred location exists within 500 feet from the proposed site; or
  - 3. Any preferred location within 500 feet from the proposed site would be technically infeasible.

- C. The burden of proof for demonstrating compliance with these above noted conditions shall be on the applicant and must be satisfied with clear and convincing evidence.
- D. In reviewing a request for a less-preferred location, the City may hire an independent consultant at the applicant’s expense to evaluate the applicant’s demonstration of need for the proposed less-preferred location.

**14.82.050 Eligible Facilities Requested per Municipal Code Section 12.12.100 and Applications Pursuant to Government Code Section 65850.6**

- A. Eligible facilities requested per Municipal Code Section 12.12.100 and applications pursuant to California Government Code Section 65850.6 (see Municipal Code Section 11.12.110), are permitted within all Zoning Districts and within all public rights-of-way.

**SECTION 5. WIRELESS TELECOMMUNICATIONS FACILITIES; PERMIT PROVISIONS**

- A. Title 11.12 of the Municipal Code for the City shall be repeal and/or amended to make the following changes to the existing text of Chapter 11.12:

- 1. Section 11.12.040.A is repealed and replaced as follows:

**Section 11.12.040A. Permit Required.** No wireless telecommunications facility shall be located or modified within the City on any property, including the public right-of-way, without the issuance of a permit as required by this Chapter. Such permit must comply with the locational standards set forth in Chapter 14.82 of the City’s Municipal Code regulating zoning. In addition, such permit shall be subject to the conditions of Chapter 11.12, along with the City’s Design Guidelines calling forth various design and placement standards adopted by the City Council by resolution and shall be in addition to any other permit required pursuant to the Los Altos Municipal Code.

- 2. Section 11.12.050.A.9 is repealed and replaced as follows:

**Section 11.12.050.A.9.** Intentionally omitted

- 3. Section 11.12.050.B.1.c. is repealed and replaced as follows:

**Section 11.12. 050.B.1.c.** Analysis of an application that involves a less-preferred location as set forth in the locational standards of this Chapter, to determine if the applicant owns any property or facilities within 500 feet of the proposed site that could provide service in lieu of the proposed facility, and whether there is a preferred location within 500 feet and to determine whether any such preferred location is technically feasible.

- 4. Section 11.12.050.E.2 is repealed and replaced as follows:

Section 11.12.050.E.2 Submittal Appointment. All applications must be filed with the City at a pre-scheduled appointment. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. Any application received without an appointment, whether delivered in person or through any other means, will not be considered duly filed until a submittal appointment is obtained.

5. Section 11.12.060 is repealed and replaced as follows:

**11.12.060. Conditions of approval for all facilities.**

A. In addition to compliance with the requirements of this Chapter, upon approval all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the City:

1. 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.
2. The permittee must construct, install, and operate the wireless telecommunications facility in strict compliance with the approved plans. The permittee shall submit an as-built drawing within ninety (90) days after installation of the facility.
3. 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.
4. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features in a neat, clean, and safe condition in accordance with the approved permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism has occurred.
5. 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 twenty-four (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.
  - c. Name, address, and telephone number of the property owner if different than the permittee.
6. 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 existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.
7. 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 or topsoil and site erosion and to reduce diesel particulate (PM<sub>10</sub>) and PM<sub>2.5</sub> 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.
    - (1) A written report that analyzes acoustic levels for the proposed wireless telecommunications facility and all associated equipment including, without limitation, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Los Altos Municipal Code, [Chapter 6.16](#), Noise Regulations, shall be submitted as part of applications for wireless telecommunications facilities.
    - (2) The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
    - (3) In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
  - f. 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.
8. 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. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

9. 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. 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 to perform testing to verify compliance with current regulatory and operational standards.
10. 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.
11. 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 (3) 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.
12. The permittee shall pay for and provide a performance bond, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and the Los Altos Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. The amount of the performance bond shall be set by the City Manager in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.
13. 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.

- 14. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- 15. A condition setting forth the permit expiration date in accordance with Section 11.12.060 shall be included in the conditions of approval.

6. Section 11.12.065 is added as follows:

**11.12.065. Additional Conditions of Approval for Modification of an Existing Permit or a New Permit for an Existing Facility.**

A. In addition to compliance with the requirements of this Chapter, upon approval of a new or a modified approval for an existing wireless telecommunication facility, the following conditions of approval shall be added to those set forth in Section 11.12.060, along with any modification of such conditions or additional conditions of approval deemed necessary by the City:

- 1. The permittee shall bring the facility into compliance with the most current FCC, PUC, and City of Los Altos requirements and guidelines and, where feasible:
  - a. Place above-ground wireless telecommunications facilities below ground, including, but not limited to, accessory equipment that has been mounted to a telecommunications tower or mounted on the ground; and
  - b. Replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to the Los Altos Municipal Code.

7. Section 11.12.080 A. is repealed and replaced as follows:

**11.12.080. Findings.**

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 14.82 and with all applicable building, electrical and fire safety codes.
2. The proposed facility complies with all applicable provisions of Chapter 14.82 and with the Wireless Telecommunications Facilities Design Guidelines adopted by the City.
3. The proposed facility complies 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.
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.
8. Section 11.12.090 Exceptions is repealed in its entirety.
9. Section 11.12.160.B is repealed and replaced as follows:

**Section 11.12.160B.** After the expiration of the wireless telecommunications permit provided for in Section A, above, a permittee shall apply for a new permit and comply with all the requirements of the City Code then in effect.

10. Sections 11.12.160.C and D are repealed in their entirety.
11. Section 11.12.180.A is repealed and replaced as follows:

A. **Permittee’s Removal Obligation.** Upon the expiration date of the permit, or upon earlier termination or revocation of the permit, or abandonment of the facility after a period of ninety (90) days, the permittee, owner, or operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the City. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property within 30 days, at no cost or expense to the City. If the facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration. Should the City be

required to remove the facility or restore a site within the public right-of-way, the owner/operator of the facility shall reimburse the City for its actual costs.

12. Section 11.02.080.C is repealed and replaced as follows:

**Section 11.02.080.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 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.

**SECTION 6. DESIGN STANDARDS**

The City Council hereby reviews the prior Design Standards called forth in Resolution No. 2019-35 adopted on August 5, 2019 and adopts new Design Guidelines in a separate resolution that repeals Resolution No. 2019-35 in its entirety to regulate the design standards for wireless telecommunication facilities. The effective date of the new Design Guidelines and repeal of Resolution No. 2019-35 shall coincide with the effective date of this ordinance.

**SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Initial Study prepared for the proposed Wireless Telecommunications Facilities Development Standards and Design Guidelines indicates, for each environmental issue it analyzed, that environmental impacts would be less than significant or that no impact would occur. There is no substantial evidence, in light of the whole record before the lead agency (the City of Los Altos), that the project may have a significant effect on the environment.

**SECTION 8. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Los Altos City Council hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

**SECTION 9. AUTHORITY AND EFFECTIVE DATE.**

This Ordinance is enacted pursuant to the authority conferred upon the Los Altos City Council by Government Code Section 36934 and will be effective thirty (30) days after second reading.

\_\_\_\_\_  
Anita Enander

Mayor, City of Los Altos

\_\_\_\_\_  
Attest: Angel Rodriguez  
City Clerk

ORDINANCE NO. \_\_\_\_\_ of the City of Los Altos adopted on \_\_\_\_\_, 2022 by the following roll call vote of the City Council:

Vote:

Vice Mayor Sally Meadows: \_\_\_\_\_

Councilmember Lynette Lee Eng: \_\_\_\_\_

Councilmember Neysa Fligor: \_\_\_\_\_

Councilmember Jonathan D. Weinberg: \_\_\_\_\_

5111246.1

## RESOLUTION NO. 2022-\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADOPTING DESIGN GUIDELINES AND STANDARDS FOR WIRELESS FACILITIES

THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES RESOLVE AS FOLLOWS:

#### SECTION 1. FINDINGS

**A.** Pursuant to the California Constitution, Article XI, section 7; California Government Code § 37100 and other applicable law, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws.

**B.** It is in the public interest for the City of Los Altos to establish reasonable, uniform and comprehensive design and siting guidelines for the installation of wireless facilities. The City having previously established design guidelines pursuant to Resolution No. 2019-35 adopted on August 5, 2019 (hereinafter “the Existing Design Guidelines”), now wishes to rescind the Existing Design Guidelines and replace them with new design guidelines set forth below in the Appendix as discussed below in Section 2 (“New Design Guidelines”), in order to protect the City of Los Altos and its aesthetics and preserve the public health and safety of the community.

**C.** These New Design Guidelines are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from wireless services with the City's local rules which address, without limitation, the aesthetic character of the City, its neighborhoods and community.

**D.** Los Altos’ public rights-of-way are a uniquely valuable public resource, closely linked with the City’s rural character and natural beauty. Los Altos has a population of approximately 30,000 and is suburban community within Silicon Valley. The City has a small town, semi-rural atmosphere, wooded and quiet with low-density, single-family homes. The regulation of wireless communication facilities both within the public right-of-way and other locations within the City, is necessary to protect and preserve the aesthetics of the community. The City’s General Plan also provides for the undergrounding of new telephone and utility lines, “maintaining the low density, low profile residential character of the community through zoning regulations and design guidelines,” and “ensuring compatibility between residential and non-residential development through zoning regulations and design review.” The City’s concerns for preserving the residential character of the community extend to public safety, visual quality, and aesthetics, and relate to imposing these New Design Guidelines that relate to orientation, camouflaging, height, size and spacing of wireless telecommunications facilities. As well, the New Design Guidelines also provide separation between wireless telecommunications facilities and the front of homes along permitted rights-of-way within residential zones, which serves to reduce the intrusiveness of any new wireless telecommunications facilities.

**E.** Wireless telecommunication facilities provide vital communications services to Los Altos residents, businesses, and visitors. While they are a key element of ensuring essential communication, public safety, and economic vitality, wireless telecommunication facilities can



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also cause adverse visual and environmental effects within the community. The City is therefore mindful of the need to minimize the potential adverse impacts on the community, impacts on the City’s aesthetic well-being, while balancing these concerns against the need for sufficient cell coverage for emergency needs and compliance with both federal and state laws. These New Design Guidelines are particularly focused on minimizing visibility from residences, encouraging undergrounding of utilities, and limiting the height of such facilities to be consistent with the single-family residences that predominate the housing stock of Los Altos. In keeping with these goals, these New Design Guidelines serve to ensure the preservation of the local residential areas.

**F.** These New Design Guidelines serve to help minimize and/or alleviate possible threats to the public health, safety and welfare of the City of Los Altos, including but not limited to, potential disturbance to the right-of-way through the installation and maintenance of wireless telecommunication facilities; traffic and pedestrian safety hazards due to the unsafe location of wireless facilities; impacts to trees where proximity conflicts may require unnecessary trimming of branches or require removal of roots due to related undergrounding of equipment or connection lines; land use conflicts and incompatibilities including excessive height of poles and/or towers; creation of visual and aesthetic blights and potential safety concerns arising from excessive size, heights, noise or lack of camouflaging of wireless telecommunications facilities including the associated pedestals, meters, equipment and power generators; and the creation of unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalizing on collocation opportunities. Each of these possible threats have the potential to yield serious negative impacts on the unique quality and character of Los Altos.

**G.** The reasonably regulated and orderly development of wireless telecommunication facilities in the public-right-of-way is desirable, and unregulated or disorderly development represents a threat to the health, welfare, and safety of the Los Altos community.

**H.** The City’s beauty is an important reason for businesses to locate in Los Altos and for residents to live here. The City’s economy, as well as the health and well-being of all who visit, work, or live in Los Altos, depends in part on maintaining the City’s beauty. The City has been moving towards the undergrounding of various utilities, including the First Street and Lincoln Park Undergrounding Utility projects, and needs to ensure that this effort is not hindered by the addition of numerous wireless telecommunications facilities, including cabinets, wires, cables, and bulky equipment that visually impede and clutter the City’s public rights of way. The New Design Guidelines serve to encourage the reduction of all appurtenant equipment, screening of same, and efforts at undergrounding.

**I.** The City Council takes legislative notice of the various federal court decisions and Federal Communications Commission (FCC) Order that have recognized the City’s ability to impose the New Design Guidelines to protect the aesthetics of Los Altos. In fact, the FCC Order goes on to state that local aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are permissible. *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33 F.C.C. Rcd. 9088 (2018), *aff’d in part, rev’d in part, City of Portland v United States*, 969 F.3d 1020, 1032 (9<sup>th</sup> Cir. 2020) and *see also Sprint PCS v. City of Palos Verdes Estates* (2009) 583 F.3d 716.

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**J.** The City acknowledges that there has been an ever-increasing demand for the placement of wireless telecommunication facilities within public rights-of-way, in order to offer increased coverage for numerous expanding technologies such as: cell phones, video streaming, and on line access to work from home during the COVID -19 pandemic. In connection with the ever-increasing demand for expanding technologies, the City is also mindful of the carriers’ desire to move forward with 5G, and the potential increase in applications for wireless facilities within this small suburban community has the potential to greatly affect the quality of life and the bucolic nature of the community.

**K.** The overarching intent of the New Design Guidelines is to make wireless telecommunications reasonably available while preserving the essential rural character of Los Altos. The New Design Guidelines will foster such by minimizing the visual and physical effects of wireless telecommunications facilities through appropriate design, screening techniques and location standards, and by encouraging the installation of such facilities where and in a manner such that potential adverse impacts on Los Altos are minimized.

**L.** The City adopted its Current Design Guidelines in August of 2019. This occurred after the City held a study session and several public hearings, at which stakeholders discussed wireless and other infrastructure deployment issues, and expressed their design and location preferences, practical and safety concerns, aesthetic concerns, policy views and the essential local values that make Los Altos a uniquely small suburban community. In the summer of 2019, the City’s residents noted numerous concerns with the aesthetics of wireless telecommunications facilities, including numerous objections focused on visual blight such as the following:

- Small cell nodes previously proposed by carriers, AT&T and Verizon, to the City of Los Altos were visually intrusive and unsightly;
- The City should continue to be judicious about wireless facilities and eliminate visual blight;
- The need to consider and eliminate visual blight, to mitigate noise and heat;
- Wireless facilities should be regulated in order to preserve Los Altos’ neighborhood aesthetic guidelines;
- Cell towers or small cells are unsightly, noisy and add to the visual blight from existing electric and telephone lines;
- Cell towers are ugly and there is no need for extra eye sores;
- The mounting of "small" refrigerator-sized boxes on the side of an existing utility poles is unsightly and adds to visual blight; and
- The cell tower is an eye sore that emits an annoying fan type noise that has a negative impact on the quality of life of the residents who live there or who walk within the community.

These same concerns regarding visual blight, aesthetic impairment and noise remain at play today.

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## SECTION 2. DESIGN GUIDELINES: REPEAL OF PRIOR RESOLUTION

The City Council previously adopted Resolution No. 2019-35 on August 5, 2019. The Council hereby repeals Resolution No. 2019-35 in its entirety as of the effective date of Ordinance No. 2022-\_\_\_ setting forth locational standards for wireless telecommunications facilities (“Wireless Locational Ordinance”). This Resolution and the Design Guidelines found in the attached Appendix shall only become effective if the Council adopts the proposed Wireless Ordinance.

## SECTION 3. NEW DESIGN GUIDELINES

The City Council hereby adopts the New Design Guidelines set forth the **Appendix**, which New Design Guidelines are incorporated with this Resolution

## SECTION 4. DEFINITIONS

The definitions set forth in Section 11.12.020 of the Municipal Code are incorporated by reference into this Resolution. In addition, the **Appendix** provides definitions for “Small Cell Facility” and Underground Areas.”

## SECTION 5. SEVERABILITY

If any provision of this resolution or its application to any person or circumstances is held invalid, such invalidity has no effect on the other provisions or applications of the resolution that can be given effect without the invalid provision or application, and to this extend, the provisions of this resolution irrespective of the invalidity of any portion thereof.

## SECTION 6. EFFECTIVE DATE

The City Clerk shall certify the adoption of this resolution and cause it, or a summary of it to be published as required by law. This Resolution shall become effective as of the effective date of Ordinance No. 2022-\_\_\_, setting forth Locational Standards for Wireless Telecommunications Facilities.

APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Los Altos this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Anita Enander  
Mayor, City of Los Altos

\_\_\_\_\_  
Attest: Angel Rodriguez  
City Clerk

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## APPENDIX TO CITY OF LOS ALTOS RESOLUTION 2022-\_\_\_\_ DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

### I. Definitions

**A. Small Cell Facility:** shall have the same meaning as “small wireless facility” in 47 C.F.R. 1.60020), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

1. The facility:
  - a. is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or
  - b. is mounted on a structure no more than 10 percent taller than other adjacent structures, or
  - c. does not extend an existing structure on which it is located to a height of more than 50 feet by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three 3 cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under 36 C.F. R. Section 800.16(x); and
6. The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(6).

**B. Underground Areas:** includes those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

### II. Design and Development Standards for all Wireless Telecommunications Facilities

**A. Purpose.** The purpose of this section is to provide guidelines to applicants and the City that prescribe clear, reasonable, and predictable design criteria to reduce visual and land use impacts associated with wireless telecommunication facilities in the City. Nothing in this

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section shall be construed to permit a wireless telecommunication facility in any location or configuration that it is otherwise prohibited by the City’s locational and development standards found in Chapter 14.82.

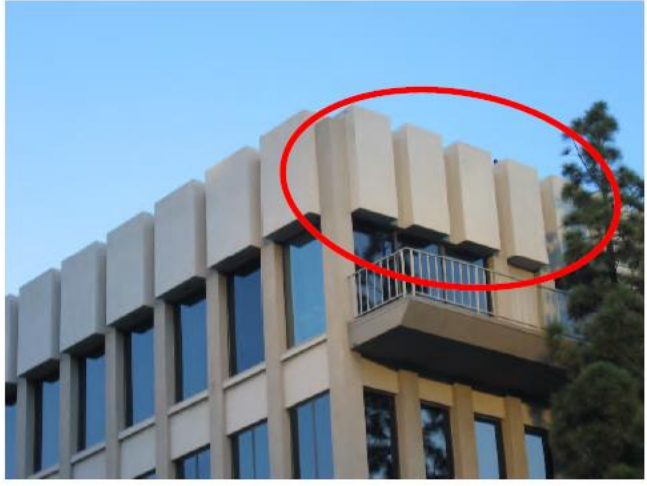
The design and development standards set forth in this section apply to all wireless telecommunications facilities no matter where they are located. Wireless telecommunications facilities shall be designed and maintained so as to minimize visual, noise, and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the design and development standards in this section.

**B. Basic Design Principles.** The following describes basic principles upon which wireless telecommunications facilities design guidelines are based. These principles are intended to provide guidance in the application of the general and detailed design guidelines and in the review and evaluation of site-specific wireless telecommunications facilities permit applications.

**1. Impact Minimization.** The overall impacts of a wireless telecommunications facility shall be minimized in relation to aesthetic, land use, noise, traffic, and other considerations. Although this is generally accomplished with the smallest feasible design for any given facility, a larger facility may sometimes be appropriate if it is well concealed, compatible with the surrounding neighborhood, and can reduce the overall number of wireless telecommunications facilities required to provide service within the City (e.g., through colocation).

**2. Integration and Concealment.** Integration and concealment of a wireless telecommunications facility and its resulting visibility are a function of site context as well as the design and placement of a facility on a specific site.

- a. Overall, new wireless telecommunications facilities and modifications to existing facilities shall be visually integrated into their sites and as hidden from view as feasible.
- b. Non-integrated (unconcealed) installations are less preferred and permitted only where an integrated (concealed) facility would be infeasible or would reduce the number and overall visual intrusiveness of wireless telecommunications facilities required to provide service within the City.
- c. Complete concealment (e.g., no visible exterior equipment) is preferred over other methods.



*Figure 1: This well-concealed wireless telecommunications facility has its antennas architecturally integrated into the building.*

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- d. Covering or painting antennas and equipment does not necessarily mean they are well-concealed. The appropriateness of covering or painting must be evaluated based on the extent to which proposed painting and concealment methods (e.g., antenna skirts, fiberglass paneling, fiber-reinforced plastic [FRP] boxes, etc.) would actually conceal the facility.
  - e. Radio frequency (RF) safety barriers shall be the least visible barrier feasible. When feasible, striping and restricted access shall be used instead of posts, chains, and/or fencing. When barriers must be visible, building materials should be integrated into the design of the facility and its adjacent surroundings.
  - f. Any feature that is represented on plans and photo simulations submitted to the City as providing concealment (adjacent landscaping, paint colors, architectural elements, etc.) shall be present for the life of the project, and therefore need to be within the applicant's control.
  - g. Future modifications to a site or facility that would reduce the level of concealment that was provided with the initial installation shall not be permitted unless:
    - (1) No feasible alternative exists; or
    - (2) The proposed modification involves colocation that would result in an overall reduction of the visual intrusiveness of wireless telecommunications facilities within the City than would occur if the facilities were not colocated.
- 3. Context.** Specific situations require specific design solutions. What integrates well into one site and conceals a wireless telecommunications facility might not be appropriate for another situation. Proposed designs shall therefore be evaluated based on the following considerations.
- a. Concealment behind a parapet might be a good design solution; however, designs that raise the parapet or only a portion of the parapet might not be.
  - b. Façade-mounted antennas or a cupola might be appropriate for certain styles of architecture, but not for others.
  - c. Placement of a wireless telecommunications facility on an existing pole or a replacement pole might or might not be visually unobtrusive, depending on the extent to which the facility adds to the height of the pole and the presence and extent of external equipment and cabling added to the pole.
  - d. Placement of a new pole within a street right-of-way might or might not be appropriate depending on the location of any nearby utility poles, streetlights, or traffic signals.
  - e. Placement of a new pole on a property outside of a right-of-way (such as on a new flagpole) might or might not be appropriate depending on the new pole's design and location in relation to buildings and other onsite features.
  - f. A wireless telecommunications facility that fits into its context (e.g., a faux tree within an area having existing trees) is generally more integrated (concealed) than one that does not (e.g., a faux tree in the middle of a non-landscaped parking lot or a faux tree that is poorly designed or of a species not otherwise present in the area).

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g. New wireless telecommunications facilities are generally appropriate as a means of reducing the overall number of facilities within the community but might be visually intrusive depending on their height, design, and placement.

**C. No Speculative Facilities.** A wireless telecommunications facility, telecommunications collocation facility, or telecommunications tower that is built on speculation and for which there is no wireless tenant shall be prohibited within the City.

**D. General Guidelines.**

**1. Concealment.** Each facility shall be designed to be as visually inconspicuous as feasible, to prevent the facility from dominating the surrounding area, and to conceal the facility from predominant views from surrounding properties, all in a manner that achieves compatibility with the community.

a. Cabling and equipment should be concealed wherever feasible. Where cabling and/or equipment cannot feasibly be fully concealed from public view, they should be designed, located, and positioned so as to minimize their visual intrusiveness.

**2. Traffic Safety.** All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

a. Any wireless telecommunications facility attachments placed less than 16 feet above ground level shall not be placed closer than 18 inches to a curb where one is installed or as determined by the Engineering Services Department where no curb is installed, nor shall they extend over a sidewalk (Caltrans Highway Design Manual Section 309).

b. All wireless telecommunications facility equipment shall maintain at least 3 feet separation from any curb cut.

**3. Antennas.** The applicant shall use the least visible antennas feasible to accomplish the coverage objectives. Antenna elements shall be flush mounted, to the extent reasonably feasible. All antenna mounts shall be designed so as not to preclude probable future collocation by the same or other operators or carriers. Antennas shall be situated to reduce visual impact without compromising their function. Whip antennas need not be screened.

**4. Landscaping.**

a. Where feasible, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not the landscaping is used for screening the wireless facility.

b. The wireless telecommunications facility's design shall be consistent with the existing and/or proposed landscape design of the adjacent site, using a similar or complementary plant palette.

c. Existing mature trees shall be retained when feasible. Any existing landscaping removed or damaged by installation shall be replaced in kind with the largest commercially available tree size (e.g., 24-, 36, or 48-inch box).

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- d. Landscaping proposed to screen the wireless facility shall be planted, irrigated, and maintained where such vegetation is deemed necessary by the City to provide screening or to block the line of sight between facilities and adjacent uses. Landscaping to screen wireless telecommunications facilities shall not, however, block the lines of sight so as to create hazards for motorists, bicyclists, and pedestrians.
  - e. Any proposed underground vaults, cabling, or other work shall be designed and constructed so as to protect existing street trees, including roots within the tree’s drip line.
    - (1) A report from an experienced arborist shall be provided to the City upon request confirming that trees’ root systems have been adequately protected.
  - f. Landscaping proposed to screen, conceal, complement, or soften the visual intrusiveness of a wireless telecommunications facility shall remain for the life of the permit, even if the landscaping is not located within the applicant’s lease area. Adequate provisions shall be entered into with property owners to ensure that required landscaping is not removed and that it is properly maintained. Landscaping outside the applicant’s control is generally not considered to provide concealment; however, concealment provided by such landscaping can be considered on a case-by-case basis.
- 5. Signage.** Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not bear any signs or advertising devices other than certification, wattage, or other signage required by law or permitted by the City.
- 6. Lighting.** A wireless telecommunications facility shall not be illuminated unless lighting is specifically required by the Federal Aviation Administration or other government agency, or the lighting is in association with the illumination of an athletic field on City or school property. Lightning arresters and beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency. Legally required lightning arresters and beacon lights shall be included when calculating the height of facilities such as telecommunications towers, lattice towers, and monopoles.
- 7. Noise.**
- a. Each wireless telecommunications facility and wireless telecommunications collocation facility shall be operated in such a manner so as to minimize any disruption caused by noise.
  - b. At no time shall any facility be permitted to generate noise exceeding the noise levels specified in Municipal Code Chapter 6.16 except for backup generators operated during periods of power outages.
  - c. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends, on holidays, or on weekdays between the hours of 5:00 p.m. and 7:00 a.m.
  - d. Where feasible, passive louvers and/or other passive ventilation shall be provided as the primary means of temperature control.



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- 8. **Security.** Each wireless telecommunications facility and wireless telecommunications colocation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The City may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of its location or accessibility, a facility has the potential to become an attractive nuisance. The applicant shall cover any costs associated with the techniques described herein.
- 9. **Modification of Existing Equipment.** At the time of modification of a wireless telecommunications facility or approval of a new permit for an existing facility, existing equipment shall, to the extent feasible, be modified or replaced to reduce visual, noise, and other impacts. This shall include the reduction of the size of the ground cabinet and/or replacement with an underground vault. Examples include, but are not limited to, undergrounding the equipment or replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

### III. Additional Design and Development Standards for Facilities Outside of Public Rights-of-Way and Public Utility Easements

A. **Basic Requirements.** Facilities located outside public rights-of-way and public utility easements are subject to the design and development standards set forth in this section in addition to the design and development standards that apply to all facilities (Section II 4).

B. **Preferred Designs.**

- 1. **Façade-Concealed Antennas.** Façade-concealed antennas have antennas, mounting apparatus, and any associated components fully concealed from all sides within a structure that achieves complete architectural integration with the existing building (for example, antennas behind fiber-reinforced plastic [FRP] in a parapet, and equipment inside an existing building), or within outbuildings that are architecturally integrated into a site and are expected components of the setting. This preferred installation type has the following additional characteristics.

- a. Cables and cable trays are completely hidden from view with cables routed internally or buried underground.



Figure 2: Antennas are concealed behind the circular element.

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- (1) Exterior cable trays designed to replicate an existing vertical element may be considered on a case-by-case basis.
  - (2) Standard cable trays painted and textured to match the existing building are indicative of a façade-mounted facility rather than the preferred façade-concealed facility.
- b. Equipment and equipment areas shall be completely hidden.
    - (1) Associated equipment shall be completely concealed inside an existing building, inside an underground vault, or by the same method as the antennas (remote radio units [RRUs], remote radio heads [RRHs], surge suppressors, and similar).
    - (2) Screen walls, fences, and prefabricated facilities are generally not indicative of building-concealed facilities; however, equipment enclosures designed to replicate existing buildings and structures may be considered on a case-by-case basis. This guideline shall apply to any existing or proposed mechanical equipment that serves the wireless telecommunications facility, including, but not limited to, generators, air conditioning units, and similar equipment.
  - c. FRPs shall be both textured and painted to match adjacent building faces. Paint and texture should match completely.
  - d. There should be no noticeable transitions (e.g., seams or differences in paint or texture) between FRP and adjacent surfaces.
  - e. If concealed within a parapet, the top, sides, and rear of antennas and associated components shall also be enclosed or otherwise screened from view. No wireless telecommunications facility components, including antenna, mounting apparatus, cabling, or equipment, should be visible.
  - f. If a project extends the parapet upward, the extensions should have symmetry in all visible dimensions. Antennas and concealment elements shall not dominate the element on which they are placed.
- 2. Faux Architectural Elements.** Faux architectural elements are existing or proposed architectural elements on a building that completely conceal antennas. They are distinguished from façade-concealed antennas in that they appear to be architectural elements of a building.
- a. This preferred installation type may take a variety of forms, such as tower elements and cupolas. Architectural integration may also include tapered columns (which may hide façade-mounted antennas individually), wing walls, dormers, statues, façade-mounted signage, and other elements.
  - b. This preferred installation type shall be appropriate to the architectural context and have the following additional characteristics:
    - (1) Design that matches the style of the building and is designed as a feature commonly found on the type or style of building upon which the element is proposed; and
    - (2) Colors and textures that match the existing building, including finishing features such as reveals, windows, tapers, cornices, tiling, roofing materials, and trim.

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c. Antennas and related equipment shall not encroach from a building into the public right-of way or onto an adjacent property.

**3. Rooftop Concealment.** If accessory equipment for roof-mounted facilities cannot be installed inside the building or underground, such accessory equipment may be located on the roof of the building on which the facility is mounted, provided that both the equipment and screening materials are painted the color of the building, roof, or surroundings. Rooftop facilities that appear to be a building façade, architectural element, or parapet are considered to be façade-concealed, façade-mounted, or faux architectural facilities. Rooftop concealment is considered to be a preferred design where façade integration is not feasible.



Figure 4: A cupola (above) and a clock tower (below) conceal antennas.

- a. Roof-mounted facilities shall be designed and constructed to be fully concealed or screened in a manner compatible in color, texture, and type of material with the existing architecture of the building on which the facility is mounted. Screening shall not increase the bulk of the structure nor alter the character of the structure.
- (1) All screening materials for roof-mounted facilities shall be of a quality and design that is architecturally integrated with the design of the building or structure.
  - (2) Rooftop concealment shall be appropriate to the architectural setting, matching the colors and textures of the existing building (including features such as reveals, cornices, tiling, roofing materials, and trim), and shall be designed as a feature commonly found on the type or style of building upon which the facility is proposed.
  - (3) Integration into existing rooftop elements is preferred over creating new rooftop elements unless integration would be architecturally undesirable.
  - (4) The height of rooftop screening shall not exceed the maximum height permitted by the zoning district within which the facility is located.
  - (5) Roof-mounted wireless telecommunications facilities shall not be visible from any side and may need to be concealed from the top if adjacent structures are

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taller and have views onto the roof where wireless telecommunications facilities are proposed to be mounted.

- (6) Equipment located on the roof of an existing structure shall be set back or located to minimize visibility, especially from the public right-of-way or viewing locations accessible to the public. Rooftop screening elements shall generally be set back from the roof edge at least as far as they are tall.
  - (7) Rooftop screening shall not dominate a façade. For example, an antenna screen that approaches the height of a building story and runs most of the length of a façade containing windows would substantially increase building height but not appear as part of the structure. In this case, it would be more desirable to extend the parapet and make the building itself appear taller.
- b. Unconcealed rooftop installations such as lattice towers, monopoles, and rack mounts that are visible from the public right-of-way or viewing locations accessible to the public shall not be permitted.
- 4. Architecturally Designed Stand-Alone Towers.** Towers that are designed to appear as buildings or signs, and that conceal antennas completely within them, may be permitted where appropriate to the site on which they are proposed. Examples include, but are not limited to, clock towers and obelisks.
- a. Architecturally designed stand-alone towers shall be of high-quality design and provide variation in planes, textures, colors, or treatments to avoid the look of a simple box.
  - b. Clock towers shall have a functioning clock at all times.
  - c. A separate sign permit may be required for any onsite sign used to conceal antennas.
  - d. A wireless telecommunications facility permit may not be used to request signage that does not comply with Municipal Code standards for signage.
- 5. Athletic Field Lights.** The guidelines in this section are for lights used to illuminate large areas for the purposes of recreation. For lights used to illuminate the immediate area for pedestrian or driver safety, see Section C.4, Parking Lot Light Standards, below.
- a. Antennas shall be mounted as close as possible to the pole and within an antenna shroud that conceals the antennas and any associated components. No wireless telecommunications facility component except the antenna shroud shall be visibly mounted to a pole.
  - b. Antennas and mounting components shall be painted the same color as the pole.
  - c. All cables and conduit to and from the light standard shall be routed from the caisson up into the pole. Cable coverings may be permitted in limited circumstances where they would be minimally visible.
  - d. When a wireless telecommunications facility is proposed on a field with no existing lighting or no functional lighting, the applicant shall provide additional lighting as required to provide a functionally illuminated sports field. Partial lighting of a sports field is not acceptable.

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## C. Other Permitted Designs.

### 1. Façade-Mounted Antennas.

Façade-mounted antennas are any antennas mounted on the exterior of a building that are not faux architectural elements. Façade-mounted antennas shall:

- a. Employ a symmetrical, balanced design.
  - (1) No interruption of architectural lines or horizontal or vertical reveals should occur.
  - (2) Antennas should be no longer or wider than the façade on which they are proposed and shall not encroach into window areas or protrude above or below the surface on which they are mounted.
  - (3) Antennas should be mounted with their tops at the roofline unless there is an obstacle, or unless to do so would decrease concealment.
- b. Use the smallest mounting brackets available to provide the smallest offset from the building.
- c. Limit the distance from the front of the antenna (or antenna shroud/FRP) to the face of the building to 12 inches. Panel antennas may be mounted up to 18 inches away from a building façade when the applicant provides evidence demonstrating that the wireless communication facility cannot operate without incorporating a tilt greater than 12 inches.
- d. Fit each antenna into the design of an existing façade, with each antenna being no longer or wider than the portion of the façade upon which it is mounted. The antennas should not interrupt the architectural lines of the façade.
- e. Conceal associated mounting brackets and cable from view. Any pipes or similar apparatus used to attach panel antennas to a building façade shall not extend beyond the length or width of the panel antenna. Measurements may be verified during inspection.
- f. If a façade-mounted facility dominates a façade element, use façade-mounted FRP boxes that look like an extension of the façade.
- g. If not covered by an FRP box, use skirts and chin covers to conceal mounting hardware, create a cleaner appearance, and minimize visual impact. Chin covers shall be designed to replicate the antenna profile. Transitions between antennas and screening devices should not be visible (no gaps). Antennas should appear to be the same length, width, and depth, spaced uniformly.



Figure 5: Although façade-mounted boxes are not preferred, this example from San Diego achieves integration with the structure.

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- h. Match the color and texture of concealment measures to adjacent building surfaces, including includes trim, reveals, lines, and similar features. No visible transition lines or gaps should occur.
- i. Avoid exposed cabling.
- j. If not covered by an FRP box, provide a unified appearance. If antennas differ in shape or size, they should all be given unified dimensions using skirts and chin straps spaced uniformly across a façade.
- k. Locate ventilation openings on the top or bottom of screening elements only.
- l. Not encroach from a building into the public right-of way or onto an adjacent property.

**2. Faux Trees.** Wireless telecommunications facilities may be designed to emulate trees where trees similar in size and species are present. Faux trees may also be appropriate when natural trees of similar species are planted concurrent with faux tree installation, depending on the density and size of trees being planted.

a. Faux trees shall be of a type and size to adequately conceal antennas within them while appearing natural.

(1) Faux trees shall replicate the shape, structure, and color of live trees, and be designed to look like the tree species they intend to replicate (e.g., a faux pine tree shall be shaped like a pine tree). Branching shall not make the tree look top-heavy or unnatural.

(2) If no trees exist within the immediate area, the applicant shall create a landscape setting that integrates the faux tree with added species of a similar height and type.

(3) All branches at the antenna level shall extend a minimum of 24 inches beyond the entire vertical length of the antennas for maximum concealment. Antenna socks shall not count toward this requirement.

(4) Faux trees shall be designed with a minimum of four branches per foot for full density coverage with limited spacing between the branches unless three dimensional (3D) models justify lower branch counts.



*Figure 6: In this example, antennas are concealed by the faux "mono-pine."*

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- (5) There shall be no gaps in branch coverage. All branch ports shall be used for branches. Branches shall blend down the tree with no abrupt transitions.
  - (6) Poles should be five feet shorter than the overall height of the faux tree to allow branching at the top of the tree.
  - (7) Due to the physical form of palm trees and the difficulty of providing concealment for wireless telecommunications facilities, faux palms shall not be permitted.
  - b. Applications proposing faux tree installations shall provide detailed specifications during plan review, including:
    - (1) 3D-modeled photo simulations illustrating branches, foliage, pole, and equipment; and
    - (2) Sufficient samples, models, or other means to demonstrate the quality, appearance, and durability of the faux tree.
  - c. Projects shall not be approved at final inspection if they do not match the approved exhibits, including photo simulations.
- 3. Flagpoles and Similar Vertical Elements.** This section addresses the design of wireless telecommunications facilities designed as flagpoles or other stand-alone pole-like elements that are not used for illumination or above-ground utilities.
- a. Flagpoles shall replicate the design, diameter, and proportion of the vertical element they are intended to imitate and shall maintain a tapered design.
  - b. Generally, flagpoles should be 30 feet or less in height and not exceed 9 inches in diameter.
    - (1) Flagpoles that are higher than 30 feet and/or exceed 9 inches in diameter may be permitted where the flagpole is located in a suitable setting and appropriately tapered to maintain the appearance of an authentic flagpole.
  - c. Antennas and any pole-mounted equipment shall be enclosed within the flagpole. Flagpoles shall not have an antenna shroud.
  - d. Flagpoles shall comply with the U.S. Flag Code at all times.
  - e. All cables shall be routed directly from the ground up through the pole.
- 4. Parking Lot Light Standards.** These guidelines are for lights used to illuminate the immediate area for vehicular and pedestrian safety within a parking lot.
- a. Light standards used for wireless telecommunications facilities shall:
    - (1) Replicate the design, diameter, and proportion of the vertical element they are intending to imitate; and
    - (2) Replicate as closely as possible the design of any other lighting standard within the parking lot, including but not limited to the height of other parking lot lighting standards and the design, material, and color of nearby light poles.

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- b. All cables and conduit to and from the light standard shall be routed from the caisson through the pole to the antennas.
- c. All antennas shall be concealed inside an antenna shroud that is compatible with the diameter of the pole or concealed within the pole.
- d. Light fixtures shall be sized and balanced with the design and height of the overall light pole.

## **D. Pole-Mounted Telecommunications Facilities.**

1. Facilities mounted to a telecommunications tower, including, but not limited to, the attached antennas, shall be designed to be the minimum functional height and width required to adequately support the proposed facility and meet Federal Communications Commission (FCC) requirements. The applicant shall provide documentation satisfactory to the City Manager establishing compliance with this paragraph.
2. Monopole installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.
3. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture that matches the predominant visual background or existing architectural elements so as to blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.
4. Monopoles shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.

## **E. Accessory Equipment.**

1. All accessory equipment associated with the operation of any wireless telecommunications facility shall be fully screened or camouflaged and located in a manner to minimize its visibility to the greatest extent feasible.
2. Accessory equipment for facilities mounted to a telecommunications tower shall be visually screened by locating the equipment either within a nearby building, in an underground vault (with the exception of required electrical panels) or in another type of enclosed structure that shall comply with the development and design standards of the zoning district in which the accessory equipment is located. Such enclosed structure shall be architecturally treated and adequately screened from view by landscape plantings, decorative walls, fencing or other appropriate means, selected so that the resulting screening will be visually integrated with the architecture and landscaping of the surroundings.



**F. Signage.**

1. All wireless facilities shall include signage that accurately identifies the equipment owner/operator, the site name or identification number, and a toll-free number for the owner/operator's network operations center.
2. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under existing and future FCC or other United States governmental agencies for compliance with RF emissions regulations.
3. RF notification signs shall be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies.

**IV. Additional Design and Development Standards for Facilities in Public Rights-of-Way and Public Utility Easements**

**A. Basic Requirements.** Facilities located in the public right-of-way and in public utility easements are subject to the design and development standards set forth in this section in addition to the design and development standards that apply to all facilities. Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited.

**B. Preferred Configurations.****1. Light Poles Wherein all Equipment, Cabling, and Antennas are Within the Pole Itself and/or Entirely Under the Ground.**

- a. Use of light poles for wireless telecommunications facilities may be permitted where there are existing light poles or in areas where a new light pole would be appropriate (e.g., intersections).
- b. The height of any antenna mounted to a street light pole shall not exceed seven feet above the existing height of a street light pole in a location where the closest adjacent district is a commercial zoning district and shall not exceed three feet above the existing height of a street light pole in any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than 18 feet above any drivable road surface (including driveways, areas between roadway curb lines where curbs are provided, and as determined by the Engineering Services Department along roadways with shoulders).
- c. Antennas shall be fully shrouded unless full shrouding would impede signal propagation. Antenna shrouds shall be the same diameter as the pole, unless multiple antennas (no more than three) are provided, in which case the maximum total diameter of antennas and shrouds shall be no greater than 29 inches.
- d. Associated equipment at the bottom of a pole (the "base") shall be concealed in a pole base that is:
  - (1) Up to 20 inches square and four feet tall; or

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- (2) Within a side-mounted shroud up to 16 inches wide, 12 inches deep and 5.5 feet tall.
- e. To prevent accumulation of trash, facilities shall be designed to avoid flat surfaces in the transition from the base to the upper pole.
- f. Poles shall be painted and textured to City standards to match existing streetlights in the vicinity.

## C. Less Preferred Configurations.

### 1. Existing or Replacement Utility Poles.

- a. All installations on utility poles shall fully comply with the California Public Utilities Commission (CPUC) general orders (GOs), including, but not limited to, GO 95.1.
- b. The maximum height of any antenna mounted to an existing utility pole shall not exceed 24 inches, unless required by General Order 95, in which case the maximum height shall not exceed 48 inches above the height of an existing utility pole, exclusive of mounting hardware. No portion of the antenna or equipment mounted on a pole shall be less than:
  - (1) 18 feet above any drivable road surface; or
  - (2) 7 feet above any portion of the right-of-way outside of the drivable road surface (e.g., parkways, medians).
- c. Unless otherwise required by General Order 95:
  - (1) All antennas shall be shrouded. Antenna shrouds should have an outer diameter of 15 inches or less and measure no more than five cubic feet in size.
  - (2) The shroud should be no more than 4 feet tall, including antenna, radio head, mounting bracket, and all other hardware necessary for a complete installation.



*Figure 7: Landscaping conceals wireless telecommunications equipment mounted on the exterior of this pole located on Distel Drive.*

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## 2. Stand-Alone Poles along Rights-of-Way with No Existing Overhead Utility Lines.

- a. Where a stand-alone pole is proposed within a right-of-way or public utility easement with no overhead utility lines, the preferred configuration is for all equipment to be concealed within the pole itself, with an antenna/shroud mounted directly to the top of the pole and no visible transitions. No equipment shall be visible outside the pole. Equipment may, however, be placed in an underground vault.
- b. Antennas and shrouds shall be no wider than 21 inches.
- c. Associated equipment at the bottom of a pole (the “base”) shall be concealed in a pole base that is:
  - (1) Up to 20 inches square and four feet tall; or
  - (2) Within a side-mounted shroud up to 16 inches wide, 12 inches deep and 5.5 feet tall.
- d. To prevent accumulation of trash, facilities shall be designed to avoid flat surfaces in the transition from the base to the upper pole.
- e. Stand-alone poles match the height and color of any nearby streetlight or utility pole.



Figure 8: Stand-alone small cell poles (as shown in this example) are not preferred but may be permitted if enclosure of all equipment within the pole or in an underground vault is technically infeasible.

## 3. Light Poles Wherein Equipment, Cabling, and Antennas are Not Completely within the Pole Itself and/or Not Entirely Underground.

- a. Use of light poles for wireless telecommunications facilities may be permitted only in areas where light poles are appropriate.
- b. The height of any antenna mounted to a street light pole shall not exceed seven feet above the existing height of a street light pole in a location where the closest adjacent district is a commercial zoning district and shall not exceed three feet above the existing height of a street light pole in any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than 18 feet above any drivable road surface or 7 feet above any portion of the right-of-way outside of the drivable road surface (e.g., parkways, medians).
- c. Antenna shrouds shall be the same diameter as the pole unless multiple antennas are proposed, in which case, the antennas and shrouds shall be no wider than 21 inches.

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- d. Associated equipment at the bottom of a pole (the “base”) shall be concealed in a pole base that is:
  - (1) up to 20 inches square and four feet tall; or
  - (2) within a side-mounted shroud up to 16 inches wide, 12 inches deep and 5.5 feet tall.
- e. To prevent accumulation of trash, facilities shall be designed to avoid flat surfaces in the transition from the base to the upper pole.
- f. Poles shall be painted and textured to City standards to match existing streetlights in the vicinity

## **D. Requirements for Approval of Less-Preferred Configurations.**

- 1. Application Requirements.** Applications that involve less-preferred configurations may be approved only if the applicant demonstrates that:
  - a. No preferred configuration would be technically feasible; or
  - b. The proposed configuration would be aesthetically superior to a preferred configuration due to existing conditions at the proposed site.
  - c. The burden of proof for demonstrating that one of these two conditions exists shall lie with the applicant.
- 2. Accompanying Evidence.** Applications that involve a less-preferred configuration shall be accompanied by clear and convincing written evidence demonstrating the need for approval of the proposed configuration rather than a preferred configuration.
- 3. Independent Consultant.** In reviewing a request for a less-preferred configuration, the City may hire an independent consultant at the applicant’s expense to evaluate the applicant’s demonstration of need for the proposed less-preferred configuration.

## **E. Pole Requirements.**

- 1. Pole Height and Width Limitations.**
  - a. All poles for wireless telecommunications facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet FCC requirements. Poles, antennas, and similar structures shall be no greater in diameter or other cross-sectional dimension than is necessary for the proper functioning of the facility.
  - b. Pole-mounted equipment shall not exceed nine cubic feet in dimension.
- 2. Requirements for Replacement Poles.** If an applicant proposes to replace a pole in order to accommodate the facility, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.

# Attachment 5

- 3. **Requirements for New Poles.** New poles shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials, and style, unless (a) the existing poles are scheduled to be removed and not replaced, or (b) another design better accomplishes the objectives of this section.

**F. Pole-Mounted Facilities Requirements.**

**1. Facilities Mounted to a Telecommunications Tower.**

- a. Facilities mounted to a telecommunications tower, including, but not limited to, the attached antennas, shall be designed to be the minimum functional height and width required to adequately support the proposed facility and meet FCC requirements. The applicant shall provide documentation satisfactory to the City Manager establishing compliance with this paragraph. In any event, facilities mounted to a telecommunications tower shall not exceed the applicable height limit for structures in the applicable zoning district.
- b. Aside from the antenna itself, no additional equipment may be visible. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the telecommunications tower and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the tower.

**2. Monopoles.**

- a. Monopole installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.
- b. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture that matches the predominant visual background or existing architectural elements so as to blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.
- c. Monopoles shall be no greater in diameter or other cross-sectional dimension than is necessary for the proper functioning of the facility.

**G. Accessory Equipment.**

- 1. **Minimizing Visibility.** All accessory equipment associated with the operation of any wireless telecommunications facility shall be screened or camouflaged and located in a manner to minimize the equipment’s visibility to the greatest feasible extent.
- 2. **Screening of Equipment for Facilities in Public Rights-of-Way.** Accessory equipment for facilities within public rights-of-way shall be visually screened to the extent feasible by locating the equipment either in an underground vault (with the exception of required electrical panels), or by landscape plantings.
- 3. **Space Occupied.** Facilities shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

# Attachment 5

- 4. **Cables.** All cables, including, but not limited to, electrical and utility cables, between the pole and any accessory equipment shall be placed underground, if feasible.
- 5. **Wires.** Except for wood utility poles and other solid core poles, all new wires needed to service the wireless telecommunications facility shall be installed within the width of the existing utility pole so as to not exceed the diameter and height of the existing utility pole.
- 6. **Equipment Undergrounding.** All equipment (other than the antenna, antenna supports, ancillary wires, cables and any electric meter) shall be installed underground wherever feasible.

With the exception of the electric meter, which shall be pole-mounted to the extent feasible, all accessory equipment shall be located underground to the extent feasible.

- 7. **Equipment Installed on Poles.** All wireless equipment installed on poles should be completely contained within an equipment shroud. Equipment shroud and lines should be painted, treated or finished to match existing utility pole and line aesthetics. Utility line installations should have a non-reflective color and finish. Required electrical meter cabinets shall be adequately screened and camouflaged.

**H. Americans with Disabilities Act Compliance.** All facilities shall be built in compliance with the Americans with Disabilities Act (ADA), and no facility shall be approved that would render any portion of the right-of-way non-compliant with the ADA.

**I. Other Requirements.**

- 1. **Facilities on Decorative Streetlights Prohibited.** Small wireless facilities shall not be located on decorative streetlights.
- 2. **Pole Height Calculation.** Legally required lightning arresters and beacons shall be included when calculating the height of facilities. Pole height shall be is measured from the top of foundation, which should be flush with the ground, to the top of pole or top of antenna, whichever is greater.
- 3. **New Pole Material and Finish,** New pole material and finishes should match the existing materials of the City standard streetlight poles or match aesthetics and materials of existing decorative poles.
- 4. **Disturbance of Topography and Vegetation.** Disturbance of existing topography and on-site vegetation shall be minimized unless such disturbance would substantially reduce the visual impacts of the facility.
- 5. **Separation of Service.** Separation of service shall be provided by installing all new electrical conduit(s) or using empty conduit(s) with the conduit owner’s express consent in writing.
- 6. **Facilities on Streetlight or Traffic Signal Control Poles.** For proposed facilities on streetlight or traffic signal control poles, a hand hole should be provided at the top of the pole to maintain fiber and electrical service for streetlights and future attachments.

# Attachment 5

- 7. Pole Foundation Calculations.** Pole foundation calculations shall be prepared and stamped by a California professionally licensed structural engineer and provided to the City for review. Pole foundation calculations shall account for all new and existing pole attachments and the pole.
- 8. Pole Structural Calculations.** Pole structural calculations showing the load impacts of the wireless facility on City streetlight and traffic signal control poles, including seismic loads, shall be prepared and stamped by a California professionally licensed structural engineer and provided to the City for review.
- 9. Design Wind Velocity.** Design wind velocity shall be 115 miles per hour (mph) minimum in accordance with TIA-222 rev G, IBC 2012 with ASC 710, and amendments for local conditions.
- 10. Trench Backfill.** Asphalt concrete sections for trench backfills shall be a thickness equal to the existing pavement, or four-inches thick minimum, whichever is greater.

5100209.1



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)



**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: [los-altos-neighbors] Los Altos City Council 5G - We need your help.  
**Date:** Thursday, June 9, 2022 1:53:21 PM

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Begin forwarded message:

**From:** "Aronson, Jeff" <[REDACTED]>  
**Subject:** FW: [los-altos-neighbors] Los Altos City Council 5G - We need your help.  
**Date:** June 8, 2022 at 2:16:16 PM HST  
**To:** "[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)" <[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)>, "[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)" <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, "[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)" <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, "[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)" <[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)>, "[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)" <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

See below. We support this about adding the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. Thx.

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[REDACTED] <[REDACTED]> On Behalf  
Of Los Altan  
**Sent:** Wednesday, June 8, 2022 5:11 PM  
**To:** Los Altos Neighbors [REDACTED] >  
**Subject:** [los-altos-neighbors] Los Altos City Council 5G - We need your help.

 EXTERNAL MESSAGE

Friends,

On Tuesday June 14th the Los Altos City Council will take its final vote on proposed ordinances and design guidelines for Cell Phone tower deployments in Los Altos. An important requirement that we are trying to get in the Los Altos Ordinances is to adopt fire and safety standards that ensure as much fire safety as possible. These standards are consistent with what Los Altos already requires for residential and commercial land use permit applications. **It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos by ensuring the same standards apply to wireless facilities.**

Thank you  
Los Altan

**Please cut and past the following email addresses and send the following email after you insert your name where indicated below:**

[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov); [smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov);  
[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov); [lleeeng@losaltosca.gov](mailto:lleeeng@losaltosca.gov); [jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

**<FILL IN YOU NAME >**

Citizen of Los Altos

Further Background information:

**Three lives have been lost and well over \$6 Billion in property damage from four fires caused by Wireless Communication equipment in California.** And there are forecasts for another terrible fire season this year. **It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.**

We need Wireless Communications equipment deployed in Los Altos to have the same application content requirements that are used for all other residential and commercial projects that require a land use and/or building permit in Los Altos.

Specifically, we must have the APCO ANS 2.106.1 standard that is incorporated into the design requirements for Emergency Communications Networks in Los Altos ALSO be required for the Wireless Communication Equipment in Los Altos. This requires that any wireless communication components for Los Altos continue to be required to adhere to the standard fire/electrical/building code compliance, and the substantive structural safety design standards incorporated into APCO ANS 2.106.1. This will also help assure the availability of 911 under stress conditions.

Four Major fires caused by Wireless communication equipment in California:

- Guejito Fire (2007) in San Diego which became part of the Witch Creek Fire, the worst fire in San Diego history.
- Malibu Canyon Fire (2007); three utility poles overloaded with equipment from the following carriers snapped in the wind and ignited the grass below: Sprint (now T-Mobile), AT&T, Verizon, and NextG (now owned by Crown Castle). All four carriers as well as SCE were accused by the CPUC of attempting to mislead fire investigators.
- Woolsey Fire (2018); a telecommunications lashing wire came loose igniting at least one of the two ignition points for the fire that caused \$6 billion in property damage. California Edison was cited for 28 violations by the CPUC. One critical violation involves the failure by Edison to mark as a priority the repair a broken communication line and broken telecommunications lashing wire. The broken equipment was found during a May 2018 inspection. Without priority designation for repair, this known electrical hazard remained in disrepair. In November 2018 the broken Edison telecommunication equipment was involved as part of the ignition of the month-long fire. There were three deaths as a result of people being trapped in their cars.
- Silverado Fire in Irvine (2020) involved SCE and a T-Mobile lashing wire. Silverado merged with a second fire causing the evacuation of 130,000 people and significant property damage.

We cannot just continue to trust that the same telecom companies whose negligence caused these fires will adequately design and maintain their networks in Los Altos.

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You received this message because you are subscribed to the Google Groups "Los Altos Neighbors" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].com.

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**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Please adopt fire and safety language in Wireless Ordinance  
**Date:** Thursday, June 9, 2022 1:53:26 PM

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Begin forwarded message:

**From:** Melissa Smith <[REDACTED]>  
**Subject:** Please adopt fire and safety language in Wireless Ordinance  
**Date:** June 8, 2022 at 3:21:08 PM HST  
**To:** "[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)" <[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)>, "[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)" <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, "[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)" <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, "[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)" <[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)>, "[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)" <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

Sincerely,  
Melissa Smith  
Los Altos resident

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Please adopt fire and safety language in Wireless Ordinance  
**Date:** Thursday, June 9, 2022 1:53:36 PM

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Begin forwarded message:

**From:** Brent Smith [REDACTED] >  
**Subject:** Please adopt fire and safety language in Wireless Ordinance  
**Date:** June 8, 2022 at 3:22:23 PM HST  
**To:** "[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)" <[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)>, "[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)" <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, "[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)" <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, "[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)" <[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)>, "[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)" <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

Sincerely,

Brent Smith  
Los Altos resident

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Fire Safety needed with 5G Wireless towers ordinance  
**Date:** Thursday, June 9, 2022 1:53:52 PM

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Begin forwarded message:

**From:** "Trina Weller" [REDACTED]  
**Subject:** Fire Safety needed with 5G Wireless towers ordinance  
**Date:** June 9, 2022 at 5:36:32 AM HST  
**To:** <[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)>, <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, <[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)>, <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

Sincerely,

Katherine Weller

Los Altos Resident



## PUBLIC CORRESPONDENCE

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**From:** [roger heyder](#)  
**To:** [Public Comment](#); [City Council](#)  
**Subject:** Los Altos Council meeting of 6/14, item 11 - public comment  
**Date:** Friday, June 10, 2022 8:18:32 AM

---

Hello,

This is public comment on item 11 - **Wireless Telecommunications Facilities**. Please read out, and include this public comment in the formal meeting minutes.

regards -- Roger Heyder  
resident of Los Altos

Los Altos City Council is stepping far over the line by putting resident health and safety at risk with their actions on adopting 5G against resident wishes. Ignoring city laws and spending recklessly are things which residents seem able to ignore, but doing things to harm residents is simply unacceptable and inexcusable.

The 5G emergency ordinance was enacted after several large public meetings, where many hundreds of residents supported the 5G ordinance, and only 1 or 2 residents opposed the ordinance. Nothing has changed, yet Council is considering altering the ordinance to the extent of basically eliminating it.

Misleadingly calling the initiative 'Wireless Telecommunications Facilities' rather than what it really is, 5G, is just typical - maybe residents won't notice.

The residents of Los Altos have made their opinion very clear on the 5G issue. Council was elected to represent the residents, and implement their wishes. Sometimes that means fighting for what is right, something Council seems very incapable and unwilling to do.

It seems Council supports many outside special interests over the interest of residents. That is unacceptable. Council members that hold that posture should resign immediately, since you are failing in your responsibility to serve the residents of Los Altos.

Council must also inform residents how much money the city will make if the ordinance is lifted - right of way fees paid to the city by the 5G providers. That way residents can see how much it takes to sell us out.



**From:** [Leo Torreano](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** Los Altos Council meeting of 6/14, item 11 - public comment  
**Date:** Friday, June 10, 2022 9:43:28 AM

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This is public comment on item 11 - **Wireless Telecommunications Facilities**.  
Please read out, and include this public comment in the formal meeting minutes.

**Leo Torreano**  
**Los Altos resident**

When is the Los Altos City Council going to respect the overwhelming majority of its residents who reject the idea of having 5G antennas installed in our community and neighborhoods?

These antennas will reduce the aesthetics of our community, and thus lower the desirability of our town as a place to live.

There are so-called "unknown" health effects, but they are only unknown because our corrupt system of funding scientific research only incentivises research in areas that our governmental and corporate masters deem appropriate.

The **State of New Hampshire Commission on the Health and Environmental Impacts of 5G and Wireless Technology** was convened through bipartisan legislation and the commission findings are as follows:

- **Cellphone radiation, including 5G, poses a significant threat to human health and the environment**
- **This is not a scientific issue, it is a political issue**
- **The peer-reviewed science is quite clear about the risks about radiation exposure**
- **Technology can be used to significantly lower radiation exposure, but that would come at a cost to the industry**

Please join with other communities such as Portland, Oregon, Whitefish, Montana, and Mill Valley, California in stopping the roll-out of 5G service in our community.

The fact that this is still being pushed by the City council raises concerns with me about who the City Council is really trying to represent.

From: Jane Osborn  
To: Public Comment; City Council; Gabriel Engeland  
Cc: Jonathan Shores; Jane Osborn  
Subject: Public Comment, June 14, 2020, Agenda Item #11, Wireless Ordinance  
Date: Monday, June 13, 2022 3:27:59 AM

Dear Honorable Mayor and City Council members,

At the May 10th, 2022 council meeting, I had the honor of being able to make a public comment. Below is a written transcript of my comments. In addition, I am making some further comments and providing a partial list of references.

**Written Transcript of public comment made to the City Council on May 10th, 2022, in regard to item #9, Wireless Ordinance:**

"Honorable Mayor and Council,

Since the FCC has never produced adequate scientific evidence that these newer wireless technologies are safe, I urge the council to err on the side of caution, since resident's health and well being may be negatively impacted.

In particular, I would like to ask the council not to allow these facilities to be placed as close together as one every 200 feet. Please stick to the original proposal for a 1000 foot distance between facilities, including facilities from multiple carriers. No one residential block or street or neighborhood should have to endure or be inflicted with this high of a density--basically one in front of every 3 houses.

My husband and I and many other residents feel that no residents should have to serve as lab rats, and be enrolled in an experiment involuntarily, without their consent--in order for the cell carriers to make even more billions in profits every year.

I agree with Dr. Cindy Russell's assertion that the carriers have created a "manufactured" sense of need for the newer 5G technology. As a psychologist, I have recognized some of their tactics, such as using fear-based emotional manipulation to get people to think they absolutely have to have this latest technology--or they will be left behind.

For the benefit of members of the public who may be new to this issue, I would like to read a statement made by:

**Joel Moskowitz, PhD, Director, Center for Family and Community Health, at the UC Berkeley, School of Public Health.**

**Dr. Moskowitz stated:**

**" We are guinea pigs in a massive technological experiment that threatens our health. Our government needs to determine what constitutes a safe level of long term exposure to wireless radiation and strengthen the FCC's radio frequency exposure guidelines. In the meantime, the government should impose a moratorium on technologies that increase our exposure to wireless radiation, especially new forms of wireless radiation like 5G cellphone radiation."**

**These were Dr. Moskowitz' concluding remarks to a presentation during which he discussed the apparent negative biological and health effects of wireless radiation.**

Thank you."

**If there had been more time, I would have added this comment on May 10th:**

I urge you to please take all the time you need to make these decisions. Once these facilities are placed, residents will have to suffer the negative consequences for several years, including possible negative effects on their health and well being.

**ADDITIONAL COMMENTS:**

**There are indications that the FCC has not done their "due diligence," and has been negligent or derelict in their duty to protect the public health, possibly for decades.**

- There appears to be a widely held belief that even back in 1996, the FCC did not provide adequate scientific evidence at the time to demonstrate that even the earlier technologies were safe, when they developed their standards for wireless technology. It has been reported that the FCC only considered thermal effects of wireless radiation, and only for short periods of time that did not duplicate "real life" conditions. Among other things, apparently, they did not consider the effects of non-thermal, non-ionizing radiation on the environment, including on the human environment, when they developed their standards for wireless technology in 1996. Furthermore, they did not consider the "real life" effects of "pulsing and modulation of the carrier signal."

Also, it has been reported that the FCC "cherry picked" their evidence; ignored or did not consider significant amounts of available scientific evidence, including evidence based on research done in other countries; and may have "suppressed" evidence. Apparently, they relied on experiments that did not even begin to duplicate "real world" or "real life" conditions. For example, in one of the worst examples, it has been reported that they relied on the results of a study in which a plastic manikin's head was filled with salt water, and then a cell phone was held up to the plastic head for some period of time (which was not long or sustained) to see if this caused a raise in the temperature of the water inside the plastic head. Would you want to rely on a study with such crude methodology to determine that a technology is safe "in real life," or to determine safety standards?

- It appears the FCC also has ignored requests from government agencies, as well as from members of Congress and the Senate, to reassess their procedures and standards, or to provide evidence that wireless technologies are safe.

For example, in 2012, the Government Accounting Office (GAO) recommended that the FCC reassess their standards and procedures to reflect "real world" use of cell phones, and to be based on the latest scientific evidence. In 2013, the FCC then started an official inquiry into whether or not their wireless standards should be updated. Apparently, they opened a public comment period, during which it is reported that they immediately received thousands of pages of scientific evidence and received comments from at least 80 distinguished scientists from around the world expressing concerns. It is reported that shortly thereafter, the FCC then closed the comment period and terminated any further effort to re-assess or update their standards.

In December 2018, Congresswoman Anna Eshoo, Chair of the House Subcommittee on Health, and Senator Richard Blumenthal, wrote a formal letter requesting that the FCC provide scientific evidence that 5 G wireless technology is safe. Apparently, their request was ignored, and they never received the requested response.

- **A lawsuit against the FCC-- Environmental Health Trust, et. al. versus the FCC and USA (No 20-1025)--was argued on 1/25/21 and decided on 8/13/21, in a US Court of Appeals, DC Circuit. The court found that the "...FCC had failed to provide a reasoned explanation for it's determination that it's existing radio frequency (RF) exposure regulations were adequate to ensure public safety in light of evidence presented to the FCC regarding health impacts posed by various technology developments since 1996, including the ubiquity of wireless devices and WiFi, and the emergence of 5G technology."**

[https://www.cadc.uscourts.gov/internet/opinions.nsf/FB976465BF00F8BD85258730004EFDF7/\\$file/20-1025-1910111.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/FB976465BF00F8BD85258730004EFDF7/$file/20-1025-1910111.pdf)

One implication of this decision is that presumably the FCC will be required to re-assess and update their wireless standards, based on scientific evidence.

A further implication of this court decision is that the FCC had not done it's due diligence, and appears to have been remiss or negligent in regard to their obligation to determine appropriate safety standards based on scientific evidence, and to protect the safety of the public.

**There currently is legislation pending that would return more local control to cities and states over wireless facilities:**

- On January 14, 2019, HR530, was introduced by Congresswoman Anna Eshoo in the House of Representatives, which garnered 52 co-sponsors, including Jackie Speier, who was the first representative to sign on as a co-sponsor. This bill seeks to preserve or restore local rights of state and city governments.
- On June 27, 2019, a similar bill, S.2012, was introduced in the Senate by Senator Diane Feinstein. This bill seeks to repeal the regulations adopted by the FCC that preempt local control related to installation of small wireless facilities. This bill is supported by the National League of Cities and the League of California Cities.

**REFERENCES (Partial List):**

- THE LARGEST UNETHICAL MEDICAL EXPERIMENT IN HUMAN HISTORY, Ronald N. Kostoff, Ph.D., Research Affiliate, School of Public Policy, Georgia Institute of Technology, copyright 2020.

[https://smartech.gatech.edu/bitstream/handle/1853/62452/LARGEST\\_UNETHICAL\\_MEDICAL\\_EXPERIMENT\\_FINAL.pdf](https://smartech.gatech.edu/bitstream/handle/1853/62452/LARGEST_UNETHICAL_MEDICAL_EXPERIMENT_FINAL.pdf)

I stumbled on this massive, comprehensive review three days after I made my comments to the council on May 10th, 2022. It is very apropos with regard to my concern that we are lab rats in an experiment to which we never gave informed consent. Among other things, this article provides a very comprehensive look at staggering amounts of research that show negative biological and health effects from wireless radiation. The author provides hundreds of pages of research titles, organized into themes, as well as hundreds of pages of references.

- CELLPHONES, CELL TOWERS, AND WIRELESS SAFETY; Joel Moskowitz, PhD, Director, Center for Family and

Community Health, School of Public Health, U. C. Berkeley; Presentation given on February 27, 2019.

<https://uhs.berkeley.edu/sites/default/files/cellphonescelltowerswirelessafety.pdf>

- 5G AND THE FCC: 10 REASONS WHY YOU SHOULD CARE, Sharon Buccino. Attorney and Senior Director for Natural Resources Defense Council (NRDC), Feb. 13, 2019.

<https://protectnepa.org/5g-fcc-wireless/>

- 5G COMING TO YOUR NEIGHBORHOOD, Sharon Buccino, NRDC, June 10, 2020.

<https://www.nrdc.org/experts/sharon-buccino/5g-coming-your-neighborhood>

- <https://www.actu-environnement.com/media/pdf/news-29640-appel-scientifiques-5g.pdf>

- [https://www.cadc.uscourts.gov/internet/opinions\\_nsf/FB976465BF00F8BD85258730004EFDF7/\\$file/20-1025-1910111.pdf](https://www.cadc.uscourts.gov/internet/opinions_nsf/FB976465BF00F8BD85258730004EFDF7/$file/20-1025-1910111.pdf)

- CONGRESSWOMEN ESHOO AND SPEIER INTRODUCE HR 539 TO BLOCK FCC CELL TOWER PREEMPTION: Physicians for Safe Technology, January 22, 2019.

<https://mdsafetech.org/2019/01/22/congresswomen-eshoo-and-speier-introduce-hr-530-to-block-fcc-cell-tower-preemption/>

Thank you very much for your consideration.

Respectfully,  
Jane Osborn  
Resident of Los Altos

E. Jane Osborn, Ph.D. Nationally Certified School Psychologist, NCSP 24709. Licensed Educational Psychologist, LEP 1610. Cognitive and Developmental Psychology. [REDACTED]

From: Kathleen Richards  
To: Public Comment - City Council  
Subject: Los Altos Council meeting of 6/14 Item 11 - public comment  
Date: Monday, June 13, 2022 10:38:01 AM

Please include in the public comment - telecommunication 5G

The FCC 5G safety guidelines were overturned by a DC District Court in August 2021. The court ruled that the FCC's decision in 2019, that its 1996 radio frequency emission guidelines adequately protect the public was capricious, arbitrary and not evidence based, in violation of the Administrative Procedures Act. The court also found that the analysis provided by the U.S. Federal Drug Administration, on which the FCC relied for its decision, was also not evidence based. ([https://url.avanan.click/v2/\\_\\_\\_https://childrenshealthdefense.org/wp-content/uploads/chd-v-fcc-we-won-decision.pdf\\_\\_\\_YXAZomxvc2FsdG9y2E6YtpvOmJjNzcwNjgwY2Q1YzU2Yj1jMTk4MzgyZmZkZmZzQ5OjY6ZmY1MT04OTJiYzdlNmU0NjU1NDE4MTU5OTI2MmQ5NGY5MmVhZDZjMjFhZjNiN2FhYjQxN2E5MzdlYjQ3MGVxMmUwYz1iOnQ6VA](https://url.avanan.click/v2/___https://childrenshealthdefense.org/wp-content/uploads/chd-v-fcc-we-won-decision.pdf___YXAZomxvc2FsdG9y2E6YtpvOmJjNzcwNjgwY2Q1YzU2Yj1jMTk4MzgyZmZkZmZzQ5OjY6ZmY1MT04OTJiYzdlNmU0NjU1NDE4MTU5OTI2MmQ5NGY5MmVhZDZjMjFhZjNiN2FhYjQxN2E5MzdlYjQ3MGVxMmUwYz1iOnQ6VA)).

Since the FCC has NOT demonstrated that 5G is safe, this clearly eliminates any FCC argument that health concerns cannot be considered in determining 5G implementation. A large majority of the residents of Los Altos oppose 5G implementation due to health and environmental concerns, so their position is valid and should be respected by retaining the 5G ban.

I can understand why the carrier lawyers did not raise this relevant and important court decision, as it is not in their favor. I would like to know why Los Altos legal representation was not aware of this important ruling, or did not make residents aware of this ruling. This is not working in the best interest of their clients, the residents of Los Altos. Competent legal representation should be found that can resolve this important issue in alignment with the wishes of the residents of Los Altos.

thanks - Kathleen Richards



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Fire Concern regarding 5G Cell Towers  
**Date:** Monday, June 13, 2022 10:47:02 PM

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Begin forwarded message:

**From:** Los Altan <[REDACTED]>  
**Subject:** Fire Concern regarding 5G Cell Towers  
**Date:** June 13, 2022 at 5:49:31 AM PDT  
**To:** [aeinander@losaltosca.gov](mailto:aeinander@losaltosca.gov), [jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov), [leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov), [nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov), [smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)

Dear City Council Members,

As you may know, when I brought the 5G cell tower issue to the council back in 2019, many Los Altos residents provided me with their email addresses in order to keep them informed and up to date. While many residents have expressed their desire to protect our beautiful city, every time I update them on the details, many fervently forward information to all of you. Suffice it to say, many residents are extremely concerned with fire safety given how many fires have been started by utility lines in the past. I won't forward the email I sent to the residents since you now have multiple copies of them, but ensuring fire safety for all of us is critically important as our climate changes, our drought elongates only adding to increasing our fire risk.

Thanks,  
Los Altan

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Protect Los Altos citizens  
**Date:** Monday, June 13, 2022 10:47:55 PM

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Begin forwarded message:

**From:** Nancy Colace <[REDACTED]>  
**Subject:** Protect Los Altos citizens  
**Date:** June 11, 2022 at 7:24:25 PM PDT  
**To:** [aenander@losaltosca.gov](mailto:aenander@losaltosca.gov), [smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov), [nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov), [lleeeng@losaltosca.gov](mailto:lleeeng@losaltosca.gov), [jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

Nancy Colace

Citizen of Los Altos

Further Background information:

**Three lives have been lost and well over \$6 Billion in property damage from four fires caused by Wireless Communication equipment in California.** And there are forecasts for another terrible fire season this year. **It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.**

We need Wireless Communications equipment deployed in Los Altos to have the same application content requirements that are used for all other residential and commercial projects that require a land use and/or building permit in Los Altos.



Specifically, we must have the APCO ANS 2.106.1 standard that is incorporated into the design requirements for Emergency Communications Networks in Los Altos ALSO be required for the Wireless Communication Equipment in Los Altos. This requires that any wireless communication components for Los Altos continue to be required to adhere to the standard fire/electrical/building code compliance, and the substantive structural safety design standards incorporated into APCO ANS 2.106.1. This will also help assure the availability of 911 under stress conditions.

Four Major fires caused by Wireless communication equipment in California:

- Guejito Fire (2007) in San Diego which became part of the Witch Creek Fire, the worst fire in San Diego history.
- Malibu Canyon Fire (2007); three utility poles overloaded with equipment from the following carriers snapped in the wind and ignited the grass below: Sprint (now T-Mobile), AT&T, Verizon, and NextG (now owned by Crown Castle). All four carriers as well as SCE were accused by the CPUC of attempting to mislead fire investigators.
- Woolsey Fire (2018); a telecommunications lashing wire came loose igniting at least one of the two ignition points for the fire that caused \$6 billion in property damage. California Edison was cited for 28 violations by the CPUC. One critical violation involves the failure by Edison to mark as a priority the repair a broken communication line and broken telecommunications lashing wire. The broken equipment was found during a May 2018 inspection. Without priority designation for repair, this known electrical hazard remained in disrepair. In November 2018 the broken Edison telecommunication equipment was involved as part of the ignition of the month-long fire. There were three deaths as a result of people being trapped in their cars.
- Silverado Fire in Irvine (2020) involved SCE and a T-Mobile lashing wire. Silverado merged with a second fire causing the evacuation of 130,000 people and significant property damage.

We cannot just continue to trust that the same telecom companies whose negligence caused these fires will adequately design and maintain their networks in Los Altos.

**From:** [Bill Hough](#)  
**To:** [City Council](#); [Public Comment](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** public comment regarding item #11 on 6/14/2021 agenda  
**Date:** Tuesday, June 14, 2022 8:53:16 AM

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I am submitting this public comment in my capacity as a resident and taxpayer in Los Altos.

It is imperative that we must have the APCO ANS 2.106.1 standard that is incorporated into the design requirements for Emergency Communications Networks. The bottom line is that it should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos by ensuring the same standards apply to wireless facilities.

Please ensure that any wireless communication components for Los Altos continue to be required to adhere to the standard fire/electrical/building code compliance, and the substantive structural safety design standards incorporated into APCO ANS 2.106.1. This will also help assure the availability of 911 under stress conditions.

**From:** [Deb Skelton](#)  
**To:** [Public Comment](#)  
**Subject:** City Council meeting 6/14  
**Date:** Tuesday, June 14, 2022 12:49:50 PM

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Dear Council Members and City Staff,

This note is in regards to items on the agenda for the June 14 Los Altos City Council meeting. Please include this note in the packet.

First of all, many thanks to all of you for your dedication and for the work that you do.

Agenda item #5:

Santa Clara County Cities Association - I believe the current Mayor should have the opportunity to represent our City in this organization. I'm not sure why this transition has not occurred, it seems late in the game. Mayor Enander should be representing our City, if she so chooses, for the duration of her term. This should be passed on to Ms Meadows promptly, when she becomes our next Mayor.

Agenda item #11:

I believe Los Altos should have access to 5G without delay. It is important we keep current. Wireless communications are too important in today's society to fall behind. It is also very important that all safety standards are incorporated and that they be required for all wireless communication equipment.

Sincerely,  
Debbie Skelton

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Cell phone towers in Los Altos  
**Date:** Tuesday, June 14, 2022 1:59:59 PM

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Begin forwarded message:

**From:** Aram Darmanian [REDACTED]  
**Subject:** Cell phone towers in Los Altos  
**Date:** June 14, 2022 at 12:42:47 PM PDT  
**To:** "[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)" <[aenander@losaltosca.gov](mailto:aenander@losaltosca.gov)>, "[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)" <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, "[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)" <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, "[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)" <[leeeng@losaltosca.gov](mailto:leeeng@losaltosca.gov)>, "[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)" <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

Dear Los Altos City Council Members:

I am concerned about the potential for Fires in Los Altos that could cause property damage and injury and/or death. I ask all five City Council Members to adopt the fire and safety language for the Wireless Telecommunications Facilities Locational Standards and Design Guidelines proposed by City Council Member Lynette Lee Eng. It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.

Aram Darmanian  
Citizen of Los Altos

Further Background information:

**Three lives have been lost and well over \$6 Billion in property damage from four fires caused by Wireless Communication equipment in California.** And there are forecasts for another terrible fire season this year. **It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.**

We need Wireless Communications equipment deployed in Los Altos to have the same application content requirements that are used for all other residential and commercial projects that require a land use and/or building permit in Los Altos.

Specifically, we must have the APCO ANS 2.106.1 standard that is incorporated into the design requirements for Emergency Communications Networks in Los Altos ALSO be required for the Wireless Communication Equipment in Los Altos. This requires that any wireless communication components for Los Altos continue to be

required to adhere to the standard fire/electrical/building code compliance, and the substantive structural safety design standards incorporated into APCO ANS 2.106.1. This will also help assure the availability of 911 under stress conditions.

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We cannot just continue to trust that the same telecom companies whose negligence caused these fires will adequately design and maintain their networks in Los Altos.

**From:** [Sally Meadows](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Cell phone towers in Los Altos  
**Date:** Tuesday, June 14, 2022 2:00:36 PM

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Begin forwarded message:

**From:** [REDACTED]  
**Subject:** Cell phone towers in Los Altos  
**Date:** June 14, 2022 at 12:42:41 PM PDT  
**To:** <[aeinander@losaltosca.gov](mailto:aeinander@losaltosca.gov)>, <[smeadows@losaltosca.gov](mailto:smeadows@losaltosca.gov)>, <[nfligor@losaltosca.gov](mailto:nfligor@losaltosca.gov)>, <[lleeeng@losaltosca.gov](mailto:lleeeng@losaltosca.gov)>, <[jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)>

Dear Los Altos City Council Members:

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June Darmanian  
Citizen of Los Altos

Further Background information:

**Three lives have been lost and well over \$6 Billion in property damage from four fires caused by Wireless Communication equipment in California.** And there are forecasts for another terrible fire season this year. **It should be the top priority of the City Council to protect the lives and property of the citizens of Los Altos.**

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We cannot just continue to trust that the same telecom companies whose negligence caused these fires will adequately design and maintain their networks in Los Altos.

**From:** [Willem De Lange](#)  
**To:** [Public Comment](#)  
**Subject:** Virtual City Council Meeting; Tuesday, June 14, 2022; 7 PM; Wireless Ordinance--Agenda Item #11  
**Date:** Tuesday, June 14, 2022 5:22:21 PM

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Honorable Mayor, Council and City management,

Since the FCC has never produced adequate scientific evidence that these newer wireless technologies are safe, I urge the council to err on the side of caution, since resident's health and wellbeing will be negatively impacted.

In particular, I would like to ask the council not to allow these facilities to be placed as close together as one every 200 feet. Please stick to the original proposal for a 1000 foot distance between facilities, including facilities from multiple carriers. No one residential block or street or neighborhood should have to endure or be inflicted with this high of a density-- basically one in front of every 3 houses.

In Particular corner lots, like the one we live on, off of Covington Road at 951 Castilleja Ct should be exempt from having to be out up with 5G amplifiers on the existing PG&E electricity pole. The pole I refer to is the one on Covington which faces our side yard where we spend the majority of our time when at home. It would be devastating to us to have to be under constant radiation and cooling fan noise from about 25 feet distance on that pole. I regard this as a cruel intrusion onto our precious enjoyment of outdoor living! (In our case we would prefer having it on the corner PG&E pole of Castilleja Ct and Covington Road where is has far less impact in people spending time outdoors.)

I am fearful that the utility companies are being given a blanket permission for placement optimal for penetrating their 5G waves into our neighborhood, regardless of our feedback and buy-in. We are part of an extensive community of Los Altos residents and have been communicating and meeting on the topic and feel very strongly about limiting the placement of 5G antennas, in particular close to residences and yards where people congregate regularly. What I am urgently asking is to please make an informed and health-conscious decision on this topic. There are a lot of publications available which I am endorsing to protect the health of our community, we dearly love and contribute to a lot!

I sent you an earlier letter and I have made comments during previous meetings on this topic.

My spouse and I and many other residents feel that no residents should have to serve as lab rats, and be enrolled in an experiment involuntarily, without their consent--in order for the cell carriers to make even more profits every year.

I agree with Dr. Cindy Russell's assertion that the carriers have created a "manufactured" sense of need for the newer 5G technology. As a psychologist, I have recognized some of their tactics, such as using fear-based emotional manipulation to get people to think they absolutely have to have this latest technology--or they will be left behind.

For the benefit of members of the public who may be new to this issue, I would like to read a statement made by:

**Joel Moskowitz, PhD, Director, Center for Family and Community Health, at the UC Berkeley, School of Public Health.**





**Dr. Moskowitz stated:**

**" We are guinea pigs in a massive technological experiment that threatens our health. Our government needs to determine what constitutes a safe level of long term exposure to wireless radiation and strengthen the FCC's radio frequency exposure guidelines. In the meantime, the government should impose a moratorium on technologies that increase our exposure to wireless radiation, especially new forms of wireless radiation like 5G cellphone radiation."**

**These were Dr. Moskowitz' concluding remarks to a presentation during which he discussed the apparent negative biological and health effects of wireless radiation.**

Thank you.

Willem and Margriet De Lange  
951 Castilleja Ct  
Los Altos, CA 94024  
Email: [REDACTED]  
Cell: [REDACTED]

**From:** [Jane Osborn](#)  
**To:** [Public Comment](#); [City Council](#); [Gabriel Engeland](#)  
**Cc:** [Jonathan Shores](#); [Jane Osborn](#)  
**Subject:** Followup/Update. Public Comment, June 14, 2020, Agenda Item #11, Wireless Ordinance  
**Date:** Tuesday, June 14, 2022 6:45:09 PM

Dear Honorable Mayor and City Council Members,

This is a follow up to the public comments I submitted on May 13, 2022 (below). I would like to add to my previous comments, and also provide some additional reference:

**ADDITIONAL COMMENTS:**

• **You may be wondering why the FCC has been able to get away with being so negligent and not doing their "due diligence" with regard to setting their standards in 1996 and in regard to not reassessing and updating these outdated standards.**

**It is a widely held belief that the FCC is a "Captured Agency," that has a long history of conflicts of interest.** Captured agencies have been defined as being "...essentially controlled by the industries they are supposed to regulate."

It has been noted that "...the entire system is greased by the free flow of executive leadership between the FCC and the industries it presumably oversees." (Alster, Chapter 1) There are at least two recent examples of this. More recently, the FCC was headed by Ajit Pai, from January 2017 to January 2021. **Mr. Pai previously was an attorney for Verizon.** Apparently he was well known for being fiercely anti-regulatory, despite the fact that he was heading a supposedly regulatory agency. His predecessor was Tom Wheeler, who was appointed to head the FCC in 2013. **Mr. Wheeler previously had headed two very powerful telecommunications industry lobbyist groups, the CTIA and the NCAA.** Apparently the FCC long has had an open door policy for lobbyist, as opposed to scientists and other non-lobbyists (who typically would have to wait a couple of months to get an appointment). It is reported that industry lobbyists are "...at the FCC's door day and night." (Alster, Chapter 1) Apparently the industry boasts about the fact that it typically has about 500 meetings with the FCC per year. (Alster, Chapter 4)

• **The telecommunication industry does not have a good track record for being concerned about public health and safety.**

I gave one example of this in my public comments at the PC meeting held on March 17, 2022. Earlier this year, the FAA requested that the wireless carriers postpone their roll out of 5G, at least in areas near airports, due to concerns on the part of pilots and the FAA that the 5G transmissions might interfere with the safe operation of the altimeters on planes. Initially, Verizon and AT&T both refused this request. Eventually, they backed down and came to an agreement with the FAA.

**The most sinister and consequential example of a lack of concern for public health and safety is the apparent, reported active suppression, discrediting or down-playing of legitimate scientific findings, and attempts to bully scientists.** (Alster, Chapter 4) It has been reported that "...'war gaming' researchers who come up with unfavorable results have been persistent themes with this industry." (Alster, Chapter 4)

**Also, it is well known that this industry uses "intimidation tactics," lawsuits and "bullying tactics," against cities and scientists (for example).** It is reported that "This is a very rich industry that does not hesitate to outspend and out bully challengers into submission." (Alster, Chapter 4)

• In a previous comment, I made reference to the fact that a plastic mannequin's head has been used as a tool for testing safety of wireless devices (i.e. cell phones). I would like to provide some additional information. **The plastic mannequin head is referred to as SAM--i.e. Specific Anthropomorphic Mannequin.**

Apparently this device still is in use but has been highly criticized by many scientists due to the fact that it does not duplicate real world conditions of the head and brain. It is filled with a fluid that is supposed to duplicate average electrical properties of the head, and measure specific absorption rate of non-ionizing radiation. Scientists have pointed out that this process "... cannot indicate differential absorption of specific brain tissue, nor absorption in small children and smaller adults." (Gandhi, 2012 ). One criticism is that it does not duplicate tissue and organs of the head and brain, and does not represent the range of head and brain sizes that exists in the human population. The plastic head (SAM) is a "one size fits all" that was based on the size of a 220 pound man (which represents about 3% of the population)--since originally it was developed decades ago for use by the military with regard to military personnel using radar.

**Scientists feel that this process vastly underestimates the real world Specific Absorption Rate (of non-ionizing radiation or SAR) in children and small women.** It has been noted that "As head size decreases, the percentage of energy absorbed in the brain increases, so higher SAR in children's brains can be expected. (Gandhi, et. al. 2012). For example, research done in 1996 with MRI scans in 5 and 8 year old children indicated that the specific absorption rate of non-ionizing radiation is 2 times higher in children compared to adults. (Gandi, et. al., 2012).

• **IN SUMMARY, in view of the FCC's apparent failure to protect public safety adequately, it seems ironical that according to the city's wireless team consultant, cities supposedly are not allowed to make a finding of negative declaration of environmental impact, including on the human environment, because the FCC has deemed that there is no environmental impact.**

**Apparently cities are required to defer to an agency that has been found by a court to have failed to show evidence that the devices they regulate are safe.** Cities are required to defer to an agency that appears to have been negligent, or possibly even has been guilty of malfeasance, at times. At the same time, cities are obligated ethically and by the State of California to determine that an ordinance will not harm the environment, including humans. Cities appear to have been placed in a no-win, "catch 22" situation. In spite of this, there are cities all over the country who have made a valiant, courageous effort to protect their residents and other inhabitants, which is their ethical duty, by writing ordinances that suggest they are not blindly accepting the FCC standards or totally caving in and deferring to the demands of the wireless carriers.

I would like to repeat my request that the city increase the distance between small wireless facilities. Even a 500 foot distance between devices would be safer and less deleterious than a 200 foot distance, and would appear to be more typical of what is seen in the ordinances of other cities that my husband and I have looked at.

Also, I would like to request that these facilities not be placed as close as 10 or 25 feet from a residential dwelling unit, due to the apparent hazards related to risk of fires, potential (probable) harm from wireless radiation, and deleterious effects on health and cognitive functioning from noise emissions that will be posed by having these devices so close to dwellings where people, including vulnerable children and seniors, are living and sleeping.

**ADDITIONAL REFERENCES (Partial):**

• CAPTURED AGENCY: HOW THE FEDERAL COMMUNICATION COMMISSION IS DOMINATED BY THE INDUSTRIES IT PRESUMABLY REGULATES; Norm Alsters, Published by Edmund J. Safra Center for Ethics, Harvard University. (Note. I did not find the date of publication, but the author cites references as recent as 2015.)

[https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency\\_alster.pdf](https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf)

• VERIZON AND AT&T DECLINE REGULATORS' REQUEST TO DELAY NEW 5G SERVICES; New York Times, January 2022

[Verizon and AT&T Decline Regulators' Request to Delay New 5G Services](#)

• AIRLINE INDUSTRY PANIC PROMPTS AT&T AND VERIZON TO BACK DOWN ON 5G, CRITICIZES FAA OVERSIGHT, Fortune Magazine

[Airline industry panic prompts AT&T and Verizon to back down on 5G, criticize FAA oversight](#)

• EXPOSURE LIMITS: THE UNDERESTIMATION OF ABSORBED CELL PHONE RADIATION, ESPECIALLY IN CHILDREN, Om P. Gandhi et. al., Electromagnetic Biology and Medicine, 31(1): 34-51, 2012

<https://ehtrust.org/fcc-and-icnirp-limits-do-not-protect-people-of-the-environment-from-cell-phone-radiation-health-effects/>

• [FCC and ICNIRP Limits Do Not Protect People of the Environment From Cell Phone Radiation Health Effects - Environmental Health Trust](#)

Thank you very much for your time and consideration.

Respectfully,  
Jane Osborn  
Resident of Los Altos

E. Jane Osborn, Ph.D. Nationally Certified School Psychologist, NCSP 24709. Licensed Educational Psychologist, LEP 1610. Cognitive and Developmental Psychology. [REDACTED]

On Monday, June 13, 2022, 3:27:35 AM PDT, Jane Osborn [REDACTED] > wrote:

Dear Honorable Mayor and City Council members,

At the May 10th, 2022 council meeting, I had the honor of being able to make a public comment. Below is a written

transcript of my comments. In addition, I am making some further comments and providing a partial list of references.

**Written Transcript of public comment made to the City Council on May 10th, 2022, in regard to item #9, Wireless Ordinance:**

"Honorable Mayor and Council,

Since the FCC has never produced adequate scientific evidence that these newer wireless technologies are safe, I urge the council to err on the side of caution, since resident's health and well being may be negatively impacted.

In particular, I would like to ask the council not to allow these facilities to be placed as close together as one every 200 feet. Please stick to the original proposal for a 1000 foot distance between facilities, including facilities from multiple carriers. No one residential block or street or neighborhood should have to endure or be inflicted with this high of a density--basically one in front of every 3 houses.

My husband and I and many other residents feel that no residents should have to serve as lab rats, and be enrolled in an experiment involuntarily, without their consent--in order for the cell carriers to make even more billions in profits every year.

I agree with Dr. Cindy Russell's assertion that the carriers have created a "manufactured" sense of need for the newer 5G technology. As a psychologist, I have recognized some of their tactics, such as using fear-based emotional manipulation to get people to think they absolutely have to have this latest technology--or they will be left behind.

For the benefit of members of the public who may be new to this issue, I would like to read a statement made by:

**Joel Moskowitz, PhD, Director, Center for Family and Community Health, at the UC Berkeley, School of Public Health.**

**Dr. Moskowitz stated:**

**" We are guinea pigs in a massive technological experiment that threatens our health. Our government needs to determine what constitutes a safe level of long term exposure to wireless radiation and strengthen the FCC's radio frequency exposure guidelines. In the meantime, the government should impose a moratorium on technologies that increase our exposure to wireless radiation, especially new forms of wireless radiation like 5G cellphone radiation."**

**These were Dr. Moskowitz' concluding remarks to a presentation during which he discussed the apparent negative biological and health effects of wireless radiation.**

Thank you."

**If there had been more time, I would have added this comment on May 10th:**

I urge you to please take all the time you need to make these decisions. Once these facilities are placed, residents will have to suffer the negative consequences for several years, including possible negative effects on their health and well being.

**ADDITIONAL COMMENTS:**

**There are indications that the FCC has not done their "due diligence," and has been negligent or derelict in their duty to protect the public health, possibly for decades.**

- There appears to be a widely held belief that even back in 1996, the FCC did not provide adequate scientific evidence at the time to demonstrate that even the earlier technologies were safe, when they developed their standards for wireless technology. It has been reported that the FCC only considered thermal effects of wireless radiation, and only for short periods of time that did not duplicate "real life" conditions. Among other things, apparently, they did not consider the effects of non-thermal, non-ionizing radiation on the environment, including on the human environment, when they developed their standards for wireless technology in 1996. Furthermore, they did not consider the "real life" effects of "pulsing and modulation of the carrier signal."

Also, it has been reported that the FCC "cherry picked" their evidence; ignored or did not consider significant amounts of available scientific evidence, including evidence based on research done in other countries; and may have "suppressed" evidence. Apparently, they relied on experiments that did not even begin to duplicate "real world" or "real life" conditions. For example, in one of the worst examples, it has been reported that they relied on the results of a study in which a plastic manikin's head was filled with salt water, and then a cell phone was held up to the plastic head for some period of time (which was not long or sustained) to see if this caused a raise in the temperature of the water inside the plastic head. Would you want to rely on a study with such crude methodology to determine that a technology is safe "in real life," or to determine

safety standards?

- It appears the FCC also has ignored requests from government agencies, as well as from members of Congress and the Senate, to reassess their procedures and standards, or to provide evidence that wireless technologies are safe.

For example, in 2012, the Government Accounting Office (GAO) recommended that the FCC reassess their standards and procedures to reflect "real world" use of cell phones, and to be based on the latest scientific evidence. In 2013, the FCC then started an official inquiry into whether or not their wireless standards should be updated. Apparently, they opened a public comment period, during which it is reported that they immediately received thousands of pages of scientific evidence and received comments from at least 80 distinguished scientists from around the world expressing concerns. It is reported that shortly thereafter, the FCC then closed the comment period and terminated any further effort to re-assess or update their standards.

In December 2018, Congresswoman Anna Eshoo, Chair of the House Subcommittee on Health, and Senator Richard Blumenthal, wrote a formal letter requesting that the FCC provide scientific evidence that 5 G wireless technology is safe. Apparently, their request was ignored, and they never received the requested response.

- **A lawsuit against the FCC-- Environmental Health Trust, et. al. versus the FCC and USA (No 20-1025)--was argued on 1/25/21 and decided on 8/13/21, in a US Court of Appeals, DC Circuit. The court found that the "...FCC had failed to provide a reasoned explanation for it's determination that it's existing radio frequency (RF) exposure regulations were adequate to ensure public safety in light of evidence presented to the FCC regarding health impacts posed by various technology developments since 1996, including the ubiquity of wireless devices and WiFi, and the emergence of 5G technology."**

[https://www.cadc.uscourts.gov/internet/opinions.nsf/FB976465BF00F8BD85258730004EFDF7/\\$file/20-1025-1910111.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/FB976465BF00F8BD85258730004EFDF7/$file/20-1025-1910111.pdf)

One implication of this decision is that presumably the FCC will be required to re-assess and update their wireless standards, based on scientific evidence.

A further implication of this court decision is that the FCC had not done it's due diligence, and appears to have been remiss or negligent in regard to their obligation to determine appropriate safety standards based on scientific evidence, and to protect the safety of the public.

**There currently is legislation pending that would return more local control to cities and states over wireless facilities:**

- On January 14, 2019, HR530, was introduced by Congresswoman Anna Eshoo in the House of Representatives, which garnered 52 co-sponsors, including Jackie Speier, who was the first representative to sign on as a co-sponsor. This bill seeks to preserve or restore local rights of state and city governments.
- On June 27, 2019, a similar bill, S.2012, was introduced in the Senate by Senator Diane Feinstein. This bill seeks to repeal the regulations adopted by the FCC that preempt local control related to installation of small wireless facilities. This bill is supported by the National League of Cities and the League of California Cities.

**REFERENCES (Partial List):**

- THE LARGEST UNETHICAL MEDICAL EXPERIMENT IN HUMAN HISTORY, Ronald N. Kostoff, Ph.D., Research Affiliate, School of Public Policy, Georgia Institute of Technology, copyright 2020.

[https://smartech.gatech.edu/bitstream/handle/1853/62452/LARGEST\\_UNETHICAL\\_MEDICAL\\_EXPERIMENT\\_FINAL.pdf](https://smartech.gatech.edu/bitstream/handle/1853/62452/LARGEST_UNETHICAL_MEDICAL_EXPERIMENT_FINAL.pdf)

I stumbled on this massive, comprehensive review three days after I made my comments to the council on May 10th, 2022. It is very apropos with regard to my concern that we are lab rats in an experiment to which we never gave informed consent. Among other things, this article provides a very comprehensive look at staggering amounts of research that show negative biological and health effects from wireless radiation. The author provides hundreds of pages of research titles, organized into themes, as well as hundreds of pages of references.

- CELLPHONES, CELL TOWERS, AND WIRELESS SAFETY; Joel Moskowitz, PhD, Director, Center for Family and Community Health, School of Public Health, U. C. Berkeley; Presentation given on February 27, 2019.

<https://uhs.berkeley.edu/sites/default/files/cellphonescelltowerswirelessafety.pdf>

- 5G AND THE FCC: 10 REASONS WHY YOU SHOULD CARE, Sharon Buccino. Attorney and Senior Director for Natural Resources Defense Council (NRDC), Feb. 13, 2019.

<https://protectnepa.org/5g-fcc-wireless/>

- 5G COMING TO YOUR NEIGHBORHOOD, Sharon Buccino, NRDC, June 10, 2020.

<https://www.nrdc.org/experts/sharon-buccino/5g-coming-your-neighborhood>

- <https://www.actu-environnement.com/media/pdf/news-29640-appel-scientifiques-5g.pdf>

- [https://www.cadc.uscourts.gov/internet/opinions\\_nsf/FB976465BF00F8BD85258730004EFDF7/\\$file/20-1025-1910111.pdf](https://www.cadc.uscourts.gov/internet/opinions_nsf/FB976465BF00F8BD85258730004EFDF7/$file/20-1025-1910111.pdf)

- CONGRESSWOMEN ESHOO AND SPEIER INTRODUCE HR 539 TO BLOCK FCC CELL TOWER PREEMPTION: Physicians for Safe Technology, January 22, 2019.

<https://mdsafetech.org/2019/01/22/congresswomen-eshoo-and-speier-introduce-hr-530-to-block-fcc-cell-tower-preemption/>

Thank you very much for your consideration.

Respectfully,  
Jane Osborn  
Resident of Los Altos

E. Jane Osborn, Ph.D. Nationally Certified School Psychologist, NCSP 24709. Licensed Educational Psychologist, LEP 1610. Cognitive and Developmental Psychology. **Cell: 650-346-6390. Land Line: 650-967-5167 (Preferred Option)**

**From:** [Jane Osborn](#)  
**To:** [Public Comment](#)  
**Cc:** [Jane Osborn](#)  
**Subject:** Public Comment, June 14, 2022, Wireless Ordinance  
**Date:** Tuesday, June 14, 2022 7:00:26 PM

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Dear Mayor and Council Members,

I have been very concerned about the potential fire danger posed by the small wireless facilities. I became even more alarmed about this hazard when I learned in the latest iteration of the proposed wireless ordinance that some residents may be forced to have a potentially dangerous SWF on their property, due to a public utility easement having been given decades ago when telephone utility poles primarily delivered land line services, which are innocuous, in comparison to the current wireless devices!

In my neighborhood, and in most neighborhoods in Los Altos, our properties are heavily wooded with trees and shrubs. The danger of fire is increased further by the drought. If a fire were to start on or near our property, it could cause loss of lives, especially if a fire were to occur at night when we are sleeping. We could be trapped inside our houses and burned alive or die from smoke inhalation.

I read the recommendations that were suggested by fire safety expert, Susan Foster, in the letter she sent to the council in April 2022. They seem as if they would provide an extra measure of safety in order to protect the public from the devastating consequences of fires, especially fires that could cause loss of life and property.

I was wondering if the city's current guidelines and standards include any or all of her suggestions. If not, is it possible for the city to consider implementing/including some or all of these suggestions?

Thank you very much for your time and consideration.

Respectfully,  
Jane Osborn

E. Jane Osborn, Ph.D. Nationally Certified School Psychologist, NCSP 24709. Licensed Educational Psychologist, LEP 1610. Cognitive and Developmental Psychology. [REDACTED]



**AGENDA REPORT SUMMARY**

**Meeting Date:** June 14, 2022

**Subject** AB 481 Military Equipment Use Policy

**Prepared by:** Katie Krauss, Captain of Operations

**Reviewed by:** Andy Galea, Chief of Police

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- 1. Los Altos Police Department Draft Policy 709, Military Equipment Use
- 2. Assembly Bill No. 481 Full Text Version
- 3. Ordinance NO. 22-\_\_\_\_\_

**Initiated by:**

Police Department, per requirements of Assembly Bill 481

**Previous Council Consideration:**

N/A

**Fiscal Impact:**

None

**Environmental Review:**

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).

**Policy Question(s) for Council Consideration:**

- Does the Council wish to approve Los Altos Police Lexipol Policy 709 by ordinance in order to continue the use of this previously acquired military equipment?

**Summary:**

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JE





**Subject:** AB 481 Military Equipment Use Policy

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- California Assembly Bill 481 requires the Los Altos Police Department to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature.

**Staff Recommendation:**

Staff recommends adoption of Los Altos Police Department Draft Policy 709, Military Equipment Use.

**Purpose**

To adopt an ordinance approving Los Altos Police Lexipol Policy 709 pertaining to the funding, acquisition, and use of military equipment.

**Background**

On September 30, 2021, Governor Newsom signed a series of eight (8) policing reform legislation aimed at increasing transparency of peace officer misconduct records and creates a system to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creates a public forum for the funding, acquisition and use of military equipment. Assembly Bill 481 (AB 481) was authored by Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition and use of military equipment.

California Government Section 7071 requires a law enforcement agency’s military equipment policy, which includes the type of equipment the department may acquire and use, to be approved by the governing body. “Military equipment” is not related to whether or not the equipment was acquired through military sources. The Los Altos Police Department does not possess any equipment specifically designed for military use, nor has the department acquired any equipment through a military surplus program, commonly known as the 1033 Program. Our “military equipment” is included in the attached policy under inventory, and includes items such as patrol rifles, several less lethal force options, and training flash bangs utilized as diversionary devices by our SWAT team.

As part of the approval process outlined in Assembly Bill 481, the proposed military equipment policy was made available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12<sup>th</sup>.



**Subject:** AB 481 Military Equipment Use Policy

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Pursuit to Government Code 7072, upon approval of a military equipment policy, the Chief of Police or the authorized designee will submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use. The first annual report will be presented in May 2023.

**Discussion/Analysis**

California Assembly Bill 481, signed into law on September 30, 2021, requires police agencies to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature. The bill requires an annual report to the governing board regarding the military equipment.

**Recommendation**

The staff recommends Council adopt the attached policy by ordinance, allowing for the Police Department to continue the utilization of their military equipment.

# Military Equipment

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

## Military Equipment

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### 709.2 POLICY

It is the policy of the Los Altos Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Altos Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### 709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list and description of qualifying equipment for the Department:

1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. PENN ARMS GL-140-C, 40MM SINGLE SHOT LAUNCHER, cost: \$1,000, quantity: 3. The 40mm Single Launcher is a tactical single shot launcher that features a collapsible stock. It will fire standard 40mm less lethal ammunition, up to 6.0 inches in cartridge length. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
    - ii. SAGE CONTROL ORDINANCES INC K041 STANDARD ENERGY IMPACT BATON PROJECTILE, cost: \$21.00, quantity: 14. A less

## Military Equipment

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lethal 40mm impact baton projectile fired from a single 40mm grenade launcher with a rifled barrel at 51-72 MPS (meters per second). The projectile provides accurate and effective performance when fired from the recommended firing distances of not less than 10 feet and no greater than 75 feet.

- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  - (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
    - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
    - ii. The suspect has made credible threats to harm him/herself or others.
    - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
    - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
  - (d) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
  - (e) Lifespan:
    - i. Penn Arms GL-140-C- No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear
    - ii. K041 Standard Energy Impact Batons-5 years
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 for each launcher.
  - (g) Legal and Procedural Rules: Use of the 40mm launcher and 40mm baton rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
2. **Less Lethal Shotgun and Rounds:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.
- (a) Description, quantity, capabilities, and purchase cost
    - i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$950, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of

## Military Equipment

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deescalation. The less lethal 12- gauge shotgun is distinguishable by an orange butt stock and fore grip.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND 2581, cost: \$6, quantity: 90. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12- gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  - (c) Authorized Use - Situations for use of the less lethal weapon systems may include, but are not limited to:
    - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
    - ii. The suspect has made credible threats to harm him/herself or others.
    - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
    - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
  - (d) Lifespan:
    - i. Remington 970 Less Lethal Shotgun-25 years
    - ii. Super Sock Round Model 2581: No listed expiration date
  - (e) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per shotgun.
  - (g) Legal and Procedural Rules: Use of the less lethal shotgun and Super Sock rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the less lethal shotgun only for official

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law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

3. **5.56mm Semi-Automatic Rifles and Ammunition:** The Colt AR-15/M4 5.56 mm/.223 semiautomatic rifle are used for both patrol and the SWAT Team.

(a) Description, quantity, capabilities, and purchase cost

- i. COLT AR/M4 RIFLES, cost: \$1200, quantity: 27. These rifles, equipped and locked in each patrol car or police motorcycle, offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol cars or in the Police station and are only deployed on specific incidents where officers believe guns or weapons are involved.
- ii. .223 CALIBER or 5.56MM RIFLE AMMUNITION, cost: \$280 per case of 500 rounds, quantity: 10,800 rounds. This rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

(b) Purpose: To be used as precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

(c) Authorized Use - Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Situations where the member reasonably anticipates an armed encounter.
- ii. When a member is faced with a situation that may require accurate and effective fire at long range.
- iii. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- iv. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- v. When a member reasonably believes that a suspect may be wearing body armor.
- vi. When authorized or requested by a supervisor.
- vii. When needed to euthanize an animal.

(d) Lifespan:

- i. Colt AR/M4 Rifles: Approximately 15-20 years
- ii. 223 Caliber or 5.56mm rifle ammunition: No expiration

## Military Equipment

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- (e) **Training:** Officers must successfully complete a 24-hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-approved rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.
  - (f) **Fiscal Impact:** Annual maintenance is approximately \$100 per rifle.
  - (g) **Legal and Procedural Rules:** Use of the patrol rifles and ammunition are subject to the requirements of Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
4. **.308 Caliber Remington 700 and Heckler & Koch HK-91 Sniper Rifles and Ammunition:** The sniper rifles are capable of firing a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a sniper (LAPD currently has two such officers) and may be deployed to assist the SWAT Team in a critical incident or emergency.
- (a) **Description, quantity, capabilities, and purchase cost**
    - i. .308 CALIBER REMINGTON 700 AND 700 LTR RIFLE, cost: \$1,000, quantity: 2. Remington 700: No cost, surveyed, Remington 700LTR \$1,000.
    - ii. .308 CALIBER HECKLER & KOCH HK-91 RIFLE, cost: No cost, surveyed, , quantity: 1.
    - iii. .308 AMMUNITION, cost: \$1.50 per round, quantity: 3,040 rounds. These nickel-plated bonded soft-point 308/7.62 cartridges from Speer Gold-Dot are resistant to corrosion, capable of expansion from barrels as short as 10", and retain accuracy from a variety of barrels lengths.
  - (b) **Purpose:** This rifle may only be used by a SWAT Officer trained and certified to be a sniper and may be deployed to assist the SWAT Team in a critical incident or emergency. The main use is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.
  - (c) **Authorized Use:** Examples of situations for deploying the rifle may include, but are not limited to the following:
    - i. where the Officer reasonably anticipates an armed encounter;
    - ii. when the Officer is faced with a situation that may require accurate and effective fire at a long distance;
    - iii. where an Officer reasonably expects the need to meet or exceed the firearms and ammunition that a suspect is reported or believed to possess;
    - iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;



## Military Equipment

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- v. when an Officer reasonably believes that a suspect may be wearing body armor.
  - (d) Lifespan:
    - i. .308 Caliber Remington 700/700LTR: Approximately 15 years
    - ii. .308 Caliber Heckler & Koch HK-91: Approximately 15 years
    - iii. .308 Ammunition: No expiration
  - (e) Training: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per Remington rifle. The HK is not used.
  - (g) Legal and Procedural Rules: Use of the sniper rifles and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos, Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), Policy 312 (FIREARMS), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
5. **Benelli M3Super90 12 gauge shotgun and ammunition: This firearm is not currently used by the department and is stored in the armory.** The Benelli M3 is a dual-mode (hybrid **pump-action** and **semi-automatic**) **shotgun** The ammunition for the shotgun is 00 Buck and slug rounds.
- (a) Description, quantity, capabilities, and purchase cost
    - i. BENELLI M3SUPER90 12 GAUGE SHOTGUN, cost \$500, quantity: 1. The Benelli M3 is a combination Pump-Action and Semi-Automatic Shotgun. The shotgun can be chambered for 12 GA shells with a 20 inch barrel.
    - ii. 00 BUCK AMMUNITION, cost: \$1.80 per round, quantity: 600 rounds. A typical 12-gauge, 2 ¾-inch 00 Buckshot shell holds 8 pellets that are 0.33" in diameter. A 3-inch shell most often contains 12 of these same sized pellets.
    - iii. SLUG AMMUNITION, cost: \$1.40 per round, quantity: 100. The Foster-type shotgun slug features exterior rifled grooves which contact the shotgun's bore to give it spin; and, the slug's hollow-point design initiates expansion to augment stopping power.
  - (b) Purpose: This shotgun is not currently utilized by the department. The only shotguns used by the Department are the less lethal shotguns. The ammunition is purchased solely for recruits in the police academy, where shotgun instruction occurs.

## Military Equipment

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- (c) Authorized Use: There is currently no authorized use for the shotgun in our policy.
  - (d) Lifespan:
    - i. Benelli M3Super90 12 gauge shotgun: Approximately 15 years
    - ii. OO Buck Ammunition: No expiration
    - iii. Slug ammunition: No expiration
  - (e) Training: Officers receive training in shotgun use in the police academy, and have to pass firearm qualifications. There is no further training with the Benelli shotgun or ammunition.
  - (f) Fiscal Impact: None, the weapon is not utilized.
  - (g) Legal and Procedural Rules: Use of all firearms fall under the following policies: Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize firearms only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
6. **Remington 870 MCS 12 Gauge Breaching shotgun and breaching rounds: This firearm/ammunition is not currently used by the department and is stored in the SWAT armory.**
- (a) Description, quantity, capabilities, and purchase cost
    - i. REMINGTON 870 MCS 12 GAUGE BREACHING SHOTGUN, cost: \$1,400, quantity: 1. Extremely compact breaching model 12 gauge with a ten inch cylinder bore breaching barrel with parkerized finish, a Knox recoil reducing breacher pistol grip stock, and synthetic modular fore-end.
    - ii. 12 GAUGE BREACHING ROUNDS, cost: \$5.00 per round, quantity: 25 rounds. The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The is a widely used method to breach door locks or hinges for entry during tactical operations.
  - (b) Purpose: The breaching shotgun is used to safely gain entry into a structure. When properly deployed, the TKO breaching round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates in to a fine powder eliminating fragmentation. The Explosive Breaching Program, conducted in conjunction with the Mountain View Police Department, was established to provide the joint SWAT Team the ability to quickly create an opening in a wall or window to quickly enter a building for an emergency rescue of hostages. It is reserved for rescue operations only.
  - (c) Authorized Use: This equipment would only be deployed during a SWAT incident, and its use would need specific authorization from the Incident Commander. The equipment may only be used by a "tactical breacher" on the SWAT team. We currently do not have any authorized users at the Department.

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- (d) Lifespan:
    - i. Remington 870 MCS 12 Gauge Breaching shotgun: Approximately 15 years
    - ii. 12-Gauge TKO Breaching Round: Approximately 5 years
  - (e) Training: The training consists of an 80-hour course for a member of the SWAT Team specifically designated as the "breacher." At the conclusion of the course, the breacher must pass a test proctored by CAL/OSHA. The OSHA certification is valid for 5 years. Before the expiration of the certification, the breacher must retake and pass the test.
  - (f) Fiscal Impact: None, the weapon is not utilized.
  - (g) Legal and Procedural Rules: Use of the breaching shotgun and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
7. **Kaiser Precision Vulcan II Munitions Pole: Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices.**
- (a) Description, quantity, capabilities, and purchase cost
    - i. KAISER PRECISION VULCAN II MUNITIONS POLE, cost: \$2,000, quantity: 1. The munitions pole is a multi-purpose breaching tool, constructed of lightweight aluminum square tubing used to deploy distraction devices and chemical munitions in order to gain entrance into a building, structure or even a vehicle.
  - (b) Purpose: The munitions pole is used to safely deploy diversionary devices, chemical munitions, or other objects (cell phones, cameras) during SWAT operations.
  - (c) Authorized Use: This equipment would be deployed during primarily during a SWAT incident, but could be utilized to gain entry into a residence during other high risk operations on patrol.
  - (d) Lifespan: Approximately 10 years
  - (e) Training: Kaiser Precision provided an instructional video for individual and team training.
  - (f) Fiscal Impact: None, does not require annual maintenance
  - (g) Legal and Procedural Rules: Use of the munitions pole are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to

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utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

8. **CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as its equivalent live Flash-Bang, but have no flash charge.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. CTS FLASH-BANG TRAINING KIT, cost: \$964, Quantity 1 kit (comes with 70 reload Training Fuzes, 1 body), current fuze inventory is 25. The training bodies are painted with a bright blue coating, and can be used an unlimited number of times. The M201FB fuze for this system has 10 times the output of a normal M201 fuze and it is threaded with a left hand thread so it can not be accidentally used in any other munitions. The training devices produce an output of about 120db.
  - (b) Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.
  - (c) Authorized Use: SWAT operators may utilize the training flash-bangs as a training tool to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. Los Altos Police Department does not have any live flash-bangs in the inventory. Our operators use live flash-bangs while on SWAT events or at training with Mountain View Police Department.
  - (d) Lifespan: 5 years
  - (e) Training: These are a training tool. SWAT operators must attend and pass an 80-hour SWAT training class. Flash-bang training is provided by an instructor who has completed an 8-hour noise flash diversionary device course.
  - (f) Legal and Procedural Rules: Use of the **live** flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
9. **Specialty Impact Munition (SIM) weapons and ammunition:** Simunition® is the pioneer and world leader in providing military, law enforcement and approved range members with the most realistic and non-lethal force-on-force, short range, simulation training system.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. SIMUNITION GLOCK 17T, cost: \$500 each, quantity: 8. The GLOCK Training Pistols were developed with the purpose of enabling reality-based tactical operations training using color marking or plastic projectile

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- ammunition. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.
- ii. SIM CONVERTED BERETTA 92, cost: \$500 each, quantity: 4. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.
  - iii. HK MP5 CONVERSION KITS, cost: \$500 each, quantity 2. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - iv. SIMUNITION COLT AR-15 CARBINE RIFLE UPPERS, cost: \$1,000 each, quantity: 3. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - v. FX MARKING CARTRIDGES, cost: \$350 for 500 rounds, quantity: 3,500 rounds. The reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. They feature tactical accuracy up to 25 feet (7.6 meters).
- (b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.
- (c) Authorized Use: Simunition weapons and marking rounds are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force on force training scenarios. These items are used for training purposes for all sworn staff members.
- (d) Lifespan:
- i. Simunition Glock 17T: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - ii. Sim Converted Beretta: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

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- iii. HK MP5 Conversion Kits: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - iv. Simunition Colt AR-15 Rifle Uppers: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - v. FX Marking Cartridges: Shelf life five (5) years.
- (e) Training: These are a training tool. Simunition Instructors attend an informative, three-day (24-hour) course designed to provide students with substantial hands-on experience with Simunition® FX® training ammunition technology, weapons conversion kits, and the Simunition® line of protective equipment. The course provides in-depth, hands-on instruction in scenario-based training program development and training methodology, and gives critical practical experience to students on the best use of Simunition® training products in a highly effective, realistic, extremely safe training program. Sworn staff members are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.
- (f) Legal and Procedural Rules: Use of the Simunition firearms and marking rounds are subject to the requirements of Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS) while training. It is the policy of the Los Altos Police Department to utilize Simunition equipment only for official law enforcement training purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

### 709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

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- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **709.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction shall comply with their respective military equipment policies in rendering mutual aid.

### **709.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

### **709.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Pursuant to California Government Code 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of listed equipment in this policy by any of the following means:

- (a) Via email to: [policefeedback@losaltosca.gov](mailto:policefeedback@losaltosca.gov)
- (b) Via phone call to : 650-947-2672
- (c) Via mail sent to:

Los Altos Police Department

Attention Operations Captain

1 North San Antonio Rd

Los Altos CA 94022

**Assembly Bill No. 481**

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing



additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency’s internet website, and provide a copy of the policy to the Governor or the Governor’s designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public’s safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency’s internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency’s internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor’s designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people’s business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING A NEW CHAPTER 7.30, ENTITLED “MILITARY EQUIPMENT POLICY,” TO THE LOS ALTOS CITY CODE IN COMPLIANCE WITH ASSEMBLY BILL 481**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481”) (creating Government Code, Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies; and

**WHEREAS**, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

**WHEREAS**, the Los Altos Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

**WHEREAS**, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process applicable to the Los Altos Police Department’s use of such equipment; and

**WHEREAS**, the Policy and supporting information must be approved by the governing body by ordinance and reviewed annually; and

**WHEREAS**, the City Council of the City of Los Altos, having received the information required under AB 481 regarding the Los Altos Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT TO CHAPTER 7 OF THE MUNICIPAL CODE.** Section 7.30.010 is hereby added to the Los Altos Municipal Code to read as follows:

**“7.30.010. Military equipment policy.**

- A. The City Council has made the following determinations:
  1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).

3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

B. The Policy was considered by the City Council as an agenda item in an open session of regular meeting and noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

C. The Policy shall be made publicly available on the Los Altos police department's website for as long as the military equipment is available for use.

D. The Los Altos police department shall submit an annual military equipment report to the city council containing the information required in California Government Code, Section 7072, and the city council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in Paragraphs (a)(1)-(4) above.

E. The City Council shall review this ordinance and vote on whether renew it, on an annual basis at a regular meeting, in accordance with California Government Code Section 7071(e)(2).

F. The City Council approves the use of the Policy and finds that it satisfies the requirements of California Government Code Section 7070(d)."

**SECTION 2.** This Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).

**SECTION 3. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 4. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on \_\_\_\_\_, 2022 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2022 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Jeanine Valadez](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #12 6/14/2022  
**Date:** Monday, June 13, 2022 12:01:45 PM  
**Attachments:** [2022\\_04\\_22\\_City\\_of\\_Los\\_Altos\\_Policy\\_Military\\_Equipment\\_DRAFT\\_redline\\_V.1.pdf](#)

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City Council, City Staff, Los Altos PD,

I cannot support Policy 709 as written. It is missing key elements of AB481 (most notably the requirement for accountability and consequences) and the vocabulary used doesn't properly constrain authorized uses of ME in our city.

I am available to discuss the rationale behind each and every edit or suggestion.

Please see attached redline,

Jeanine Valadez

Disclosure: I am a PARC commissioner but am writing this as a member of the public.

# Military Equipment

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department (for Los Altos, this is the City Council).

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include items designed to remove a lock, or a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms and ammunition of less than .50 caliber.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC (Oleoresin capsicum), excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions, including lethal and less-lethal implementations.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

## Military Equipment

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### 709.2 POLICY

It is the policy of the Los Altos Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Altos Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit any questions about the use of a type of military equipment, including, but not limited to results of past tests conducted to verify efficacy of military equipment owned by Department, and how the Department will respond in a timely manner.

### 709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list and description of qualifying equipment for the Department:

1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. PENN ARMS GL-140-C, 40MM SINGLE SHOT LAUNCHER, cost: \$1,000, quantity: 3. The 40mm Single Launcher is a tactical single shot launcher that features a collapsible stock. It will fire standard 40mm less lethal ammunition, up to 6.0 inches in cartridge length. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
    - ii. SAGE CONTROL ORDINANCES INC K041 STANDARD ENERGY

## *Military Equipment*

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IMPACT BATON PROJECTILE, cost: \$21.00, quantity: 14. A less



## Military Equipment

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lethal 40mm impact baton projectile fired from a single 40mm grenade launcher with a rifled barrel at 51-72 MPS (meters per second). The projectile provides accurate and effective performance when fired from the recommended firing distances of not less than 10 feet and no greater than 75 feet. [Note: many agencies now use K08 SST (Super Soft Tip) projectiles instead of this version]

- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general shall reflect necessary, reasonable, and proportional use of less lethal weapon systems:
  - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
  - ii. The suspect has made credible threats to harm him/herself or others.
  - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
  - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- (d) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (e) Lifespan:
  - i. Penn Arms GL-140-C- No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear
  - ii. K041 Standard Energy Impact Batons-5 years
- (f) Fiscal Impact: Annual maintenance is approximately \$100 for each launcher.
- (g) Legal and Procedural Rules: Use of the 40mm launcher and 40mm baton rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. **Less Lethal Shotgun and Rounds:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

- (a) Description, quantity, capabilities, and purchase cost
  - i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$950, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The

## *Military Equipment*

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range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of

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deescalation. The less lethal 12- gauge shotgun is distinguishable by an orange butt stock and fore grip.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND 2581, cost: \$6, quantity: 90. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS (Combined Tactical Systems) Super-Sock rounds are discharged from a dedicated 12- gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
  - (c) Authorized Use - Situations for use of the less lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and , in general shall reflect necessary, reasonable, and proportional use of less-lethal weapon systems:
    - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
    - ii. The suspect has made credible threats to harm him/herself or others.
    - iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
    - iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
  - (d) Lifespan:
    - i. Remington 970 Less Lethal Shotgun-25 years
    - ii. Super Sock Round Model 2581: No listed expiration date
  - (e) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per shotgun.
  - (g) Legal and Procedural Rules: Use of the less lethal shotgun and Super Sock rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS) It is the policy of

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the Los Altos Police Department to utilize the less lethal shotgun only for official

## Military Equipment

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law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

3. **5.56mm Semi-Automatic Rifles and Ammunition:** The Colt AR-15/M4 5.56 mm/.223 semiautomatic rifles are used for both patrol and the SWAT Team.

(a) Description, quantity, capabilities, and purchase cost

- i. COLT AR/M4 RIFLES, cost: \$1200, quantity: 27. These rifles, equipped and locked in each patrol car or police motorcycle, offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol cars or in the Police station and are only deployed on specific incidents where officers believe guns or weapons are involved. [Question: This listing is vague. Do we actually include both AR15 (semi-auto) and M4 (burst and fully auto) rifles in our inventory? Or is the use of the descriptor "AR-15/M4" being used as a generic term and we actually only stock semi-auto rifles? It would be better to itemize what kinds of rifles we actually have because they have different capabilities, barrel lengths (and therefore different targeting-efficacy metrics and close-quarters suitability), and costs. Clarification is needed here.]
- ii. .223 CALIBER or 5.56MM RIFLE AMMUNITION, cost: \$280 per case of 500 rounds, quantity: 10,800 rounds. This rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

- (b) Purpose: To be used as precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

- (c) Authorized Use - Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Situations for use of the less this lethal weapon systems may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of lethal weapon systems:

- i. Situations where the member reasonably anticipates an armed encounter.
- ii. When a member is faced with a situation that may require accurate and effective fire at long range.
- iii. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- iv. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- v. When a member reasonably believes that a suspect may be wearing body armor.

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- vi. When authorized or requested by a supervisor.
  - vii. When needed to euthanize an animal.
- (d) Lifespan:
- i. Colt AR/M4 Rifles: Approximately 15-20 years
  - ii. 223 Caliber or 5.56mm rifle ammunition: No expiration

## Military Equipment

- (e) Training: Officers must successfully complete a 24-hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-~~approved~~-certified rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course. (POST is the Peace Officer Standards and Training Council; SWAT is Special Weapons and Tactics.)
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per rifle.
  - (g) Legal and Procedural Rules: Use of the patrol rifles and ammunition are subject to the requirements of Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
4. **.308 Caliber Remington 700 and Heckler & Koch HK-91 Sniper Rifles and Ammunition**: The sniper rifles are capable of firing a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a sniper (LAPD currently has two such officers) and may be deployed to assist the SWAT Team in a critical incident or emergency.
- (a) Description, quantity, capabilities, and purchase cost
    - i. .308 CALIBER REMINGTON 700 AND 700 LTR RIFLES, cost: \$1,000, quantity: 2. Remington 700: No cost, surveyed, Remington 700LTR \$1,000.
    - ii. .308 CALIBER HECKLER & KOCH HK-91 RIFLE, cost: No cost, surveyed, quantity: 1.
    - iii. .308 AMMUNITION, cost: \$1.50 per round, quantity: ~~3,040~~-3,040 rounds. These nickel-plated bonded soft-point 308/7.62 cartridges from Speer Gold-Dot are resistant to corrosion, capable of expansion from barrels as short as 10", and retain accuracy from a variety of barrels lengths.
  - (b) Purpose: This rifle may only be used by a SWAT Officer trained and certified to be a sniper and may be deployed to assist the SWAT Team in a critical incident or emergency. The main use of this lethal weapons system is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.
  - (c) Authorized Use: Examples of situations for deploying the sniper rifle may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of lethal weapon systems:
    - i. where the Officer reasonably anticipates an armed encounter;
    - ii. when the Officer is faced with a situation that may require accurate and effective fire at a long distance;
    - iii. where an Officer reasonably expects the need to meet or exceed the

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- firearms and ammunition that a suspect is reported or believed to possess;
- iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;



## Military Equipment

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- v. when an Officer reasonably believes that a suspect may be wearing body armor.
  - (d) Lifespan:
    - i. .308 Caliber Remington 700/700LTR: Approximately 15 years
    - ii. .308 Caliber Heckler & Koch HK-91: Approximately 15 years
    - iii. .308 Ammunition: No expiration
  - (e) Training: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.
  - (f) Fiscal Impact: Annual maintenance is approximately \$100 per Remington rifle. The HK is not used.
  - (g) Legal and Procedural Rules: Use of the sniper rifles and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos, Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), Policy 312 (FIREARMS), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
5. **Benelli M3Super90 12 gauge shotgun and ammunition: This firearm is not currently used by the department and is stored in the armory.** The Benelli M3 is a dual-mode (hybrid pump-action and semi-automatic) shotgun. The ammunition for the shotgun is 00 Buck and slug rounds.
- (a) Description, quantity, capabilities, and purchase cost
    - i. BENELLI M3SUPER90 12 GAUGE SHOTGUN, cost \$500, quantity: 1. The Benelli M3 is a combination Pump-Action and Semi-Automatic Shotgun. The shotgun can be chambered for 12 GA shells with a 20 inch barrel.
    - ii. 00 BUCK AMMUNITION, cost: \$1.80 per round, quantity: 600 rounds. A typical 12-gauge, 2 ¾-inch 00 Buckshot shell holds 8 pellets that are 0.33" in diameter. A 3-inch shell most often contains 12 of these same sized pellets.
    - iii. SLUG AMMUNITION, cost: \$1.40 per round, quantity: 100. The Foster-type shotgun slug features exterior rifled grooves which contact the shotgun's bore to give it spin; and, the slug's hollow-point design initiates expansion to augment stopping power.
  - (b) Purpose: This shotgun is not currently utilized by the department. The only shotguns used by the Department are the less lethal shotguns. The ammunition is purchased solely for recruits in the police academy, where shotgun instruction occurs.

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- (c) Authorized Use: There is currently no authorized use for the shotgun in our policy.
  - (d) Lifespan:
    - i. Benelli M3Super90 12 gauge shotgun: Approximately 15 years
    - ii. OO Buck Ammunition: No expiration
    - iii. Slug ammunition: No expiration
  - (e) Training: Officers receive training in shotgun use in the police academy, and have to pass firearm qualifications. There is no further training with the Benelli shotgun or ammunition.
  - (f) Fiscal Impact: None, the weapon is not utilized.
  - (g) Legal and Procedural Rules: Use of all firearms fall under the following policies: Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize firearms only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.
6. **Remington 870 MCS 12 Gauge Breaching shotgun and breaching rounds: This firearm/ammunition is not currently used by the department and is stored in the SWAT armory.**
- (a) Description, quantity, capabilities, and purchase cost
    - i. REMINGTON 870 MCS 12 GAUGE BREACHING SHOTGUN, cost: \$1,400, quantity: 1. Extremely compact breaching model 12 gauge with a ten inch cylinder bore breaching barrel with parkerized finish, a Knox recoil reducing breacher pistol grip stock, and synthetic modular fore-end.
    - ii. 12 GAUGE BREACHING ROUNDS, cost: \$5.00 per round, quantity: 25 rounds. The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The is a widely used method to breach door locks or hinges for entry during tactical operations.
  - (b) Purpose: The breaching shotgun is used to safely gain entry into a structure. When properly deployed, the TKO breaching round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates in to a fine powder eliminating fragmentation. The Explosive Breaching Program, conducted in conjunction with the Mountain View Police Department, was established to provide the joint SWAT Team the ability to quickly create an opening in a wall or window to quickly enter a building for an emergency rescue of hostages. It is reserved for rescue operations only.
  - (c) Authorized Use: This equipment would only be deployed during a SWAT incident, and its use would need specific authorization from the Incident Commander. The equipment may only be used by a "tactical breacher" on the SWAT team. We currently do not have any authorized users at the Department.

## Military Equipment

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- (d) Lifespan:
    - i. Remington 870 MCS 12 Gauge Breaching shotgun: Approximately 15 years
    - ii. 12-Gauge TKO Breaching Round: Approximately 5 years
  - (e) Training: The training consists of an 80-hour course for a member of the SWAT Team specifically designated as the "breacher." At the conclusion of the course, the breacher must pass a test proctored by CAL/OSHA. The OSHA certification is valid for 5 years. Before the expiration of the certification, the breacher must retake and pass the test.
  - (f) Fiscal Impact: None, the weapon is not utilized.
  - (g) Legal and Procedural Rules: Use of the breaching shotgun and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
7. **Kaiser Precision Vulcan II Munitions Pole: Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices. [This product does not come up in any Google or manufacturer's searches. I think I found its patent, though]. Is it obsolete? Lots of court cases and settlements in favor of complainants who suffered injuries as a result of burns and impact by flash-bang deployment using poles similar to this one.]**
- (a) Description, quantity, capabilities, and purchase cost
    - i. KAISER PRECISION VULCAN II MUNITIONS POLE, cost: \$2,000, quantity: 1. The munitions pole is a multi-purpose breaching tool, constructed of lightweight aluminum square tubing used to deploy distraction devices and chemical munitions in order to gain entrance into a building, structure or even a vehicle.
  - (b) Purpose: The munitions pole is used to safely deploy diversionary devices, chemical munitions, or other objects (cell phones, cameras) during SWAT operations.
  - (c) Authorized Use: This equipment would be deployed during primarily during a SWAT incident, but could be utilized to gain entry into a residence during other high-risk operations on patrol.
  - (d) Lifespan: Approximately 10 years
  - (e) Training: Kaiser Precision provided an instructional video for individual and team training.
  - (f) Fiscal Impact: None, does not require annual maintenance
  - (g) Legal and Procedural Rules: Use of the munitions pole are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414

## *Military Equipment*

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(HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to

## Military Equipment

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utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

8. **CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as its equivalent live Flash-Bang, but have no flash charge.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. CTS FLASH-BANG TRAINING KIT, cost: \$964, Quantity 1 kit (comes with 70 reload Training Fuzes, 1 body), current fuze inventory is 25. The training bodies are painted with a bright blue coating, and can be used an unlimited number of times. The M201FB fuze for this system has 10 times the output of a normal M201 fuze and it is threaded with a left hand thread so it can not be accidentally used in any other munitions. The training devices produce an output of about 120db.
  - (b) Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.
  - (c) Authorized Use: SWAT operators may utilize the training flash-bangs as a training tool to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. Los Altos Police Department does not have any live flash-bangs in the inventory. Our operators use live flash-bangs while on SWAT events or at training with Mountain View Police Department.
  - (d) Lifespan: 5 years
  - (e) Training: These are a training tool. SWAT operators must attend and pass an 80-hour SWAT training class. Flash-bang training is provided by an instructor who has completed an 8-hour noise flash diversionary device course.
  - (f) Legal and Procedural Rules: Use of the **live** flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
9. **Specialty Impact Munition (SIM) weapons and ammunition:** Simunition® is the pioneer and world leader in providing military, law enforcement and approved range members with the most realistic and non-lethal force-on-force, short range, simulation training system.
  - (a) Description, quantity, capabilities, and purchase cost
    - i. SIMUNITION GLOCK 17T, cost: \$500 each, quantity: 8. The GLOCK Training Pistols were developed with the purpose of enabling reality-based tactical operations training using color marking or plastic projectile

## Military Equipment

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ammunition. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

- ii. SIM CONVERTED BERETTA 92, cost: \$500 each, quantity: 4. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.
  - iii. HK MP5 CONVERSION KITS, cost: \$500 each, quantity 2. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - iv. SIMUNITION COLT AR-15 CARBINE RIFLE UPPERS, cost: \$1,000 each, quantity: 3. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.
  - v. FX MARKING CARTRIDGES, cost: \$350 for 500 rounds, quantity: 3,500 rounds. The reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. They feature tactical accuracy up to 25 feet (7.6 meters).
- (b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.
  - (c) Authorized Use: Simunition weapons and marking rounds are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force-on-force training scenarios. These items are used for training purposes for all sworn staff members.
  - (d) Lifespan:
    - i. Simunition Glock 17T: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
    - ii. Sim Converted Beretta: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

## Military Equipment

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- iii. HK MP5 Conversion Kits: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - iv. Simunition Colt AR-15 Rifle Uppers: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.
  - v. FX Marking Cartridges: Shelf life five (5) years.
- (e) Training: These are a training tool. Simunition Instructors attend an informative, three-day (24-hour) course designed to provide students with substantial hands-on experience with Simunition® FX® training ammunition technology, weapons conversion kits, and the Simunition® line of protective equipment. The course provides in-depth, hands-on instruction in scenario-based training program development and training methodology, and gives critical practical experience to students on the best use of Simunition® training products in a highly effective, realistic, extremely safe training program. Sworn staff members are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.
- (f) Legal and Procedural Rules: Use of the Simunition firearms and marking rounds are subject to the requirements of Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS) while training. It is the policy of the Los Altos Police Department to utilize Simunition equipment only for official law enforcement training purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

### 709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body ~~prior to~~before the Department ~~engages~~ing in any of the following (Government Code § 7071):

- (a) Requestsing military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeksing funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiresing military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaboratesing with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

## Military Equipment

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- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

The governing body shall approve the military equipment use policy in accordance with the scope of assessment described in AB 481: Subsection 7071 (1), Sec 2, Para 2, subpara A-D. Should the governing body at any review cycle fail to approve the military equipment use policy within 180 days of the commencement of said review cycle, the use of military equipment shall cease by the Department until that time that the governing body approves a military equipment policy.

### 709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction shall comply with their respective military equipment policies in rendering mutual aid.

### 709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

### 709.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Pursuant to California Government Code 7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of listed equipment in this policy by any of the following means:

- (a) Via email to: [policefeedback@losaltosca.gov](mailto:policefeedback@losaltosca.gov)
- (b) Via phone call to: 650-947-2672
- (c) Via mail sent to:

Los Altos Police Department



## *Military Equipment*

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Attention Operations Captain

1 North San Antonio Rd

Los Altos CA 94022

[COMPLIANCE AND ACCOUNTABILITY: Need to add section that fulfills AB 481's requirement to detail "the mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy."]



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Debra Strichartz](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 12 - JUNE 12 2022  
**Date:** Monday, June 13, 2022 3:09:39 PM

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To Mayor, Vice-Mayor, and Councilmembers I do not support the approval of our draft Military Equipment Use policy as is. The policy as proposed does not safeguard the public's welfare, safety, civil rights, and civil liberties, so it should not be approved. The policy leaves too many loopholes for the usage of military equipment in any capacity. I want to see prohibited use cases for each piece of military equipment so that we can minimize injuries and fatalities in our community. Thank you for your consideration of this matter. Sincerely

Debra Strichartz

**From:** [Annie Rogaski](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment Agenda, Item 12, June 12, 2022  
**Date:** Tuesday, June 14, 2022 1:50:28 PM

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Dear Mayor, Vice-Mayor, and Councilmembers,

I do not support the approval of the current draft of the Military Equipment Use policy. It does not sufficiently safeguard the public's welfare, safety, civil rights, and civil liberties, so should not be approved. The policy leaves too many loopholes for the usage of military equipment in any capacity. I want to see prohibited use cases for each piece of military equipment so that we can minimize injuries and fatalities in our community and best protect public safety.

Thank you for your consideration of this matter.

Best,  
Anne Rogaski  
Los Altos Resident

**From:** [Los Altos Racial Equity](#)  
**To:** [Public Comment](#); [City Council](#)  
**Subject:** Fwd: Military Equipment Use Policy  
**Date:** Tuesday, June 14, 2022 2:23:14 PM

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Dear Mayor, Vice-Mayor & City Council Members,

The LAPD has submitted its Military Equipment Use Policy for review and vote by City Council. As per CA Govt. Code 7071, City Council can only approve this policy if it meets all four of these requirements:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

LARE does not feel that this proposal meets requirement B. Below we outline the issues and our proposed changes to safeguard the safety and civil rights of Los Altans. We would be happy to chat about our proposal and go over any questions you may have.

Renee Rashid  
On behalf of LARE.

**GOVERNING BODY**

**Current:**

709.1.1: Los Altos City Council should be explicitly defined as the governing body so there is no confusion.

**Proposed Change:**

709.1.1 - Governing body - **The Los Altos City Council which oversees the department.**

**MILITARY EQUIPMENT**

**Current:**

The definitions of military equipment used in this policy do not match the definitions in AB 481. We believe they should match.

**Proposed Change:**

The offending definitions along with the corrections to make it match AB 481 are below.

- Tracked armored vehicles that provide ballistic protection to their occupants **and utilize a tracked system instead of wheels for forward motion.**
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include items **designed to remove a lock, or** a handheld, one-person ram.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms **and ammunition of less than .50 caliber.**
- Munitions containing tear gas or OC (**Oleoresin capsicum**), excluding standard, service-issued handheld pepper spray.
- Kinetic energy weapons and munitions, **including lethal and less-lethal implementations.**

## VIOLATIONS OF POLICY

### Current:

709.2: There is no indication of who can investigate violations of this policy and repercussions for violations found. Los Altos should have a route for private right of action for violations on the usage of military equipment by the Police Department.

**Proposed Change:** 709.2 could be modified in the following way, or a new section - 709.9 - could be created for COMPLIANCE AND ACCOUNTABILITY, which is what 7070 (d)(6) requires. (We would prefer a new section be created, but sample wording/accountability is below)

709.2 - It is the policy of the Los Altos Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

**Any violations can be investigated by the Los Altos IIO and be brought to the City Council. The City Council may vote on sanctions for violations. If the Los Altos Police Department or its individual officers violate this policy, they shall be liable for actual damages resulting from military equipment used against individuals.**

## AUTHORIZED USE OF EQUIPMENT

### Current:

Each of the military equipment items listed in the PD inventory must have an authorized use. In fact, every one of our authorized use cases uses the language “may include, but not limited to”. This seemingly authorizes ALL use cases without limitation. However, the use of lethal and non-lethal weapons has limitations in the CA penal code, which is not evident here. We are still digging in to whether there are loopholes in state law that we feel should be addressed here through prohibited use cases to strengthen accountability, but at the very least, we should state more explicitly that we rely on state laws and penal code.

### Proposed Change:

Each of authorized use cases should have verbiage like this that refer to our state code.

"Examples of situations for deploying the <equipment> may include, but are not limited to the following; however, other situations not listed here may also be deemed authorized or unauthorized use cases under applicable penal codes and case law, and, in general, shall reflect necessary, reasonable, and proportional use of <lethal or non/lethal> weapon systems"

Thank you for your consideration,

Renee Rashid  
on behalf of Los Altos for Racial Equity

**Los Altos City Council  
Legislative Committee  
June 14, 2022**

Summary of current status on bills being followed, listed in two sections: “Recommended for Action” and “Continue to Watch” (no action recommended at this time).

**RECOMMENDED FOR ACTION**

**AB 1944 (Lee)** – *Amend Brown Act to allow hybrid meetings, change notice and requirements regarding legislative body officials participating remotely.*

Previous letter of Support Unless Amended was sent, with recommended amendment to require notice to city of location of member not appearing in person (with location not to be disclosed to public) for purposes of establishing there is a quorum in the jurisdiction.

Amended May 25 in Assembly to allow notice to be given within 72 hours and posted to agenda (exception to current Brown Act) and with requirement that there to be a quorum in person. Effective date established of Jan. 1, 2024.

**Recommendation: Reaffirm support in letter**, with or without request for further amendments at Council direction.

**AB 2011 (Wicks)** – *Allow housing and mixed-use in office, retail, or parking regardless of general plan or zoning*

Last amended May 11 (minor). Hot bill per CalCities.

**Recommendation: Send Oppose letter**

**AB 2097 (Friedman)** – *Prohibit any requirement for parking on developments within one-half mile of major transit stop*

Previous letter of Oppose. Amended May 19 to apply to developments within 1/2 mile of major transit stop (eliminated “major transit corridor”). All other objections remain.

**Recommendation: Send revised Oppose letter** acknowledging amendment and restating reasons for opposition.

**AB 2181 (Berman)** – *Change composition and selection of VTA board*

VTA board took Oppose position on June 2.

**Recommendation: Send Oppose letter** based on recent VTA Board opposition, with specific focus on the lack of small city representation.

**SB 897 (Wieckowski)** – *Requires objective standards for ADUs/JADUs; prohibits limiting to less than 25 feet; reduces parking; further limits owner-occupancy requirement*

Previous letter of Oppose. Amended May 19, but only significant change re: deadline for limit on rules and effective dates prohibiting owner occupancy requirements.

**Recommendation: Send revised Oppose letter** acknowledging amendments and restating reasons for opposition.



**SB 922 (Wiener)** – *Changes sunset for exempting certain bicycle and other transportation plans from CEQA.*

Support by CalCities. Amended May 11 (minor).

**Recommendation: Send letter of Support.**

**SB 932 (Portantino)** – *Changes requirements in Circulation Element of General Plan*

Amended May 4 with new expiration date; limits new “cause of action” that creates new liability for cities to the period 1/1/24-1/1/28.

**Recommendation: Send Oppose letter** using CalCities letter as revised based on committee and council member Weinberg’s input (if received).

**CONTINUE TO WATCH**

**AB 2053 (Lee)** – *Would create a new California Housing Authority*

Amended May 19. Continue to watch.

**AB 2164 (Lee)** – *Use business license tax to provide financial assistance to small businesses re: Disability access*

Support letter previously sent. Significantly amended May 19 (seems to gut bill). Continue to watch for new amendments.

**AB 2221 (Quirk-Silva)** – *Specifies additional staff requirements on processing ADU applications.*

Amended May 2. Continue to watch.

**AB 2625 (Ting)** – *Exceptions to Subdivision Map Act for leasing or easement on land involving an electrical energy storage system.*

Amended May 5. Continue to watch.

**SB 930 (Wiener)** – (as of April 18) *Authorizes HCD to review, adopt, amend, and repeal standards, forms, or definitions to implement the Housing Accountability Act without complying with the Administrative Procedure Act.*

Amended June 2. Gut and amend to replace HCD bill with alcohol control bill. Continue to watch for possible return of HCD language.



[Addressee TBD upon assignment by Senate Rules Committee]

**RE: AB 1944 (Lee): Brown Act Modernization  
SUPPORT IF AMENDED (As amended 5/25/22)**

The City of Los Altos supports AB 1944, as amended. AB 1944 aims to modernize the Brown Act by giving local legislative bodies the option to waive the requirement that its members who are appearing virtually from a remote location need to publish their private address on the public meeting agenda. AB 1944 also requires a remote participation option for members of the public to address the body.

During the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 that allowed officials of local agencies to appear remotely without having to disclose their private addresses. In 2021, Assemblymember Rivas’s Bill 361 further allowed local agencies to continue to meet virtually during a state-declared emergency without having to meet the quorum and other requirements of teleconference meetings under the Brown Act. Our city council has taken advantage of AB 361 and continues to meet virtually.

[DELETE THE FOLLOWING ORIGINAL PARAGRAPH AND REPLACE WITH NEW TERMINAL PARAGRAPH BASED ON MAY AMENDMENT]

[ORIGINAL] The City of Los Altos recommends that AB 1944 be amended to require local legislative bodies, which opt to waive the requirement, have its members who are appearing virtually from a remote location provide the legislative body with the address of the remote location. The legislative body would be required not to make the address public. We support this amendment to ensure that members who are appearing virtually from a remote location are participating within the jurisdiction, thus avoiding any potential abuse of the flexibility that AB 1944 provides. This amendment further makes it easier to enforce compliance with the Brown Act quorum requirement. Therefore, the City of Los Altos supports AB 1944 with that amendment.]

[NEW] The amendments made May 25, 2022, address the concerns previously expressed. The current language, which requires a physical quorum while allowing remote participation without necessitating that the member disclose their physical address, resolves the issues we previously raised while maintaining compliance with the Brown Act quorum requirement.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Alex Lee  
The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)

The Honorable Scott Wiener  
Chair, Senate Housing Committee  
1021 O Street, Room 3330  
Sacramento, CA 95814

Dear Senator Wiener:

**Re: AB 2011 (Wicks) Affordable Housing and High Road Jobs Act of 2022  
NOTICE OF OPPOSITION (As amended 5/11/22)**

The City of Los Altos joins the League of California Cities (Cal Cities) in respectfully opposing AB 2011, which would require cities to ministerially approve, without condition or discretion, certain affordable housing and mixed-use housing developments in zones where office, retail, or parking are a principally permitted use regardless of any inconsistency with a local government’s general plan, specific plan, zoning ordinance, or regulation.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people, and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the essential groundwork for housing production through planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry. Importantly, cities are currently updating housing plans to identify sites for more than two million additional housing units.

AB 2011 disregards this state-mandated local planning effort and forces cities to allow housing developments in nearly all areas of a city. This seriously questions the rationale for the regional housing needs allocation (RHNA) process. If developers can build housing in office, retail, and parking areas, why should cities go through the multiyear planning process to identify sites suitable for new housing units, only to have those plans ignored and housing built on sites never considered for new housing?

Less than 5% of the land area in the City of Los Altos is currently devoted to commercial and retail use. These areas provide critical retail (especially grocery) within walkable distances to every neighborhood. Nevertheless, we have judiciously identified commercial areas that could accommodate mixed use and multi-family housing while retaining walkability. This bill would potentially negate those efforts.

Eliminating opportunities for public review of housing developments goes against the principles of transparency and public engagement. Public hearings allow members of the community to inform their representatives of their support or concerns. “Streamlining” in the context of AB 2011 is a shortcut around public input. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking, and other development impacts, those directly affected by such projects should be heard. Public engagement often leads to better projects. Developers for projects that we have approved in recent years have uniformly stated that the Planning Commission and public review have resulted in better projects. Disregarding community input will increase public distrust in government and may result in additional efforts by voters to restrict growth.

The City of Los Altos is committed to being part of the solution to the housing shortfall across all income levels and will work collaboratively with you and other stakeholders on legislative

proposals that will spur much needed housing construction without disregarding the state-mandated local planning process and important public engagement.

For these reasons, the City of Los Altos of opposes AB 2011.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Buffy Wicks  
The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)

[Amended from original to reflect single amendment that eliminates “public transit corridors”]

[Addressee TBD upon assignment by Senate Rules Committee]

**RE: AB 2097 (Friedman): Residential and Commercial Development. Parking Requirements.**

**NOTICE OF OPPOSITION (As amended 5/19/22)**

The City of Los Altos joins the League of California Cities (Cal Cities) in respectfully opposing your measure Assembly Bill 2097, which would prohibit a local government from imposing or enforcing a minimum automobile parking requirement on residential, commercial, or other developments, without regard to the development size, if the development is located on a parcel within one-half mile of public transit.

The amendment to eliminate applicability to high-frequency transit routes improves but does not eliminate the problems with the bill. AB 2097 would essentially allow developers to dictate parking requirements in areas within ½ mile of current major transit stops. This does not guarantee individuals living, working, or shopping on those parcels will actually use transit. Many residents will continue to own automobiles and require nearby parking, which will only increase parking demand, displace parking to adjacent neighborhoods, and increase congestion.

AB 2097 would give both developers and transit agencies, who are unaccountable to local voters, the power to determine parking requirements. Transit agencies would be able to dramatically alter local parking standards by shifting transit routes and adjusting service intervals.

Additionally, AB 2097 could negatively impact the State’s Density Bonus Law by providing developers parking concessions without also requiring developers to include affordable housing units in the project. The purpose of the Density Bonus Law is to provide concessions and waivers to developers in exchange for affordable housing units.

While AB 2097 may be well intended, parking requirements are most appropriately established at the local level based on community needs. A one-size fits all approach to an issue that is project specific just does not work. For these reasons, the City of Los Altos opposes AB 2097.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Laura Friedman  
The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)

The Honorable Lena Gonzalez  
Chair, Senate Transportation Committee  
State Capitol, Room 405  
Sacramento, CA 95814

Dear Senator Gonzalez:

**AB 2181 (Berman) Santa Clara Valley Transportation Authority: board of directors.  
NOTICE OF OPPOSITION (As amended 5/2/22)**

The City of Los Altos respectfully opposes AB 2181. We concur with Assembly member Berman’s concern that the Valley Transportation Authority (VTA) Governance structure should provide the most effective policy and oversight leadership possible for this critical transportation agency.

A complete change to the governance structure as proposed in AB 2181 would have far reaching implications and long-lasting effects on the delivery of transit and transportation in Santa Clara County. On behalf of our community, we must make sure any legislated change to the Board structure is an effective change, which, regrettably, AB 2181 is not.

The total re-structuring of the VTA Board of Directors under AB 2181 would eliminate the role of elected representatives from certain jurisdictions, leaving no representatives – who are accountable to residents – to convey and represent their city’s priorities and concerns.

Elected city officials provide critical experience and knowledge of local transit and transportation concerns, land use and policy making. Mayors and council members understand and implement land-use decisions that enhance VTA’s transit service planning as well. But more particularly for small cities like Los Altos, AB 2181 would greatly reduce our ability to meaningfully represent the interests of our city within the context of regional needs. AB 2181 would seriously undermine this principle of local representation. The Legislature has chosen to link a number of housing bills and parking requirements for multi-family developments to the availability of local transit. Under AB 2181, jurisdictions seeking to meet housing goals, that both depend on and are affected by transit, would be excluded from participating in VTA governance, with potentially profound adverse effects.

VTA’s Board Enhancement Committee and the Governance and Audit Committee have worked effectively since 2019 on dozens of improvements to the governance of VTA and the process for recruiting and retaining engaged and knowledgeable Board members. Los Altos has diligently participated in and supported these efforts, and VTA’s governance has been improved through these changes. Additional potential improvements are undergoing careful evaluation, consistent with an open process that involves all affected jurisdictions.

The future carries a double responsibility for the VTA Board, as public transportation has the huge challenge of recovering from the impacts of the pandemic and providing service to help Santa Clara County and the state reduce GHG emissions by moving people from single-occupancy vehicles to transit. This bill is not a good solution to these challenges, especially as there has been insufficient engagement with the Santa Clara County community and the member cities like Los Altos that would be most directly affected.

The City of Los Altos therefore must oppose AB 2181.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Marc Berman  
The Honorable Josh Becker  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)



The Honorable Buffy Wicks  
Chair, Assembly Housing and Community Development Committee  
1020 N Street, Room 156  
Sacramento, CA 95814

Dear Assembly Member Wicks:

**Senate Bill 897 (Wieckowski): Accessory dwelling units: junior accessory dwelling units.  
NOTICE OF OPPOSITION (As amended 5/19/22)**

The City of Los Altos joins the League of California Cities (Cal Cities) in regrettably taking an “oppose” position on **your** Senate Bill 897, which would significantly amend the statewide standards that apply to locally adopted ordinances concerning the construction of accessory dwelling units (ADUs), even though the law has been substantially amended nearly every year since 2016.

Specifically, SB 897 would require local jurisdictions to:

- **Allow ADUs to be constructed with a height of up to 25 feet.** Current law appropriately authorizes cities and counties to restrict ADU height to 16 feet, thus helping ensure that these accessory units blend into the existing neighborhood. Mandating that local jurisdictions allow essentially two-story ADUs, even if limited to residential neighborhoods near transit, is completely contrary to the stated belief that ADUs are a way to increase density in a modest fashion that is not disruptive to established communities. Shoehorning a 25-foot structure into a backyard of a single-story ranch style home calls to question the idea that these are “accessory dwelling units.”
- **Permit constructed ADUs in violation of State building standards and in violation of local zoning requirements.** Current law already requires cities and counties to approve ADUs ministerially, without discretionary review. Expanding this to prohibit local jurisdictions from denying permits for already constructed ADUs that fail to comply with State mandated building standards or local zoning requirements could result in dangerous or substandard living conditions.
- **Allow two ADUs to be constructed on a lot if a multifamily dwelling is proposed to be developed.** SB 897 would allow a property owner to construct two ADUs on a vacant parcel years before the proposed multifamily structure begins construction. Additionally, there is no guarantee that the multifamily structure will ever be constructed. It is unclear why local jurisdictions should be forced to allow ADUs to be constructed before the originally proposed multifamily structure. Constructing an ADU without a primary structure makes them accessory to nothing, but rather a standalone unit.

For these reasons, the City of Los Altos opposes SB 897.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Bob Weickowski

The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)

The Honorable Luz Rivas  
Chair, Assembly Natural Resources Committee  
1020 N Street, Room 164  
Sacramento, CA 95814

Dear Assembly Member Rivas:

**RE: SB 922 (Wiener) California Environmental Quality Act: Exemption: transportation Related Projects**  
**NOTICE OF SUPPORT (As Amended 5/11/22)**

The City of Los Altos write in support of SB 922 to help transit agencies and local governments build active and sustainable transportation projects that will create a safer, healthier, and more equitable future for all Californians. The author’s previous bill (SB 288) temporarily exempted from CEQA certain clean transportation projects. Under current law, these CEQA exemptions sunset on January 1, 2023.

SB 922 would eliminate the sunset and provide greater clarity about how to use the exemption and which types of projects are eligible for exemption. SB 922 would streamline CEQA with targeted statutory exemptions for transit and active transportation projects that significantly advance the state’s climate, safety, and health goals.

We favor the criteria required in the bill that the community be meaningfully engaged in shaping projects to require that they benefit residents. The racial equity analysis and residential displacement risk analysis are particularly significant.

SB 922 helps ensure that transportation spending aligns with the state’s policy goals while benefitting communities. For these reasons, the City of Los Altos is pleased to support SB 922.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Scott Wiener  
The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)

[Note: final Senate amendments only limited new cause of action applicability to the period 1/1/24-1/1/28. Changes were made to original draft of letter in response to Council member Weinberg’s comments. Project description in paragraph 2 was revised and then reviewed by staff transportation consultant familiar with the project for accuracy.]

The Honorable Cecelia M. Aguiar-Curry  
Chair, Assembly Local Government Committee  
1020 N Street, Room 157  
Sacramento, CA 95814

Dear Assembly Member Aguiar-Curry:

**Senate Bill 932 (Portantino): General plans, circulation element  
NOTICE OF OPPOSITION UNLESS AMENDED (As amended 5/4/22)**

Dear Chair Portantino:

The City of Los Altos joins the League of California Cities (Cal Cities) in regrettably taking an “oppose unless amended” position on your Senate Bill 932. SB 932 would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impost costly, unfunded mandates for changes to local transportation infrastructure; and expose local governments to significant legal liability.

The City of Los Altos has taken a pro-active approach to meeting the important goals of this bill: to make streets and roads safer for all users. With impetus from Los Altos, a safe-routes-to school infrastructure project is underway along Homestead Road that transects rights-of-way in the city of Los Altos, County of Santa Clara, City of Cupertino, and City of Sunnyvale and will integrate those new paths with local streets. After Los Altos brought all stakeholders together (the above jurisdictions plus two school districts), the County was persuaded to fund and complete the initial planning phase to help build consensus on a unified vision. Following a two-year period of awaiting appropriate grant fund opportunities, the Santa Clara Valley Transportation Agency took the lead in developing and securing grant fund sources for the design and environmental phases of the project. Grant funding for the construction phases of the project are still unidentified. This project continues to require considerable interagency coordination as part of the design, but the result will be a significant improvement in safe, shared use for students who live in one city but attend school in another. This is just one example of critical projects that require flexibility and quick response to the opportunities to work across multiple jurisdictions to improve bicycle and pedestrian safety. They cannot be achieved through a top-down approach that dictates the type of improvements and timing for implementation when multiple jurisdictions are involved.

We are nearing completion of a new Complete Streets Master Plan that integrates improved bicycle/pedestrian paths and safety with routine street maintenance and sets out a long-term plan for making our streets more available to and safer for all users. Much of the plan remains unfunded, despite planned use of state funding from sources such SB-1, Block Grants, gas tax, and other County return-to-fund sources. The requirements of SB 932 are likely even to exceed the ambitious plan we have just developed; without any additional revenue sources, SB 932 will place even greater strain on limited City resources.

We note that cities that have made safety a priority and that have virtually no fatalities would be penalized under 65302(b)(2)(ii)(III) because the already excellent safety record would not allow

for the reductions that are needed to be granted a 10-year extension of time to implement the provisions of SB 932. This is probably unintended and could perhaps be corrected through amendment.

Our city faces significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements. The loss of employees during COVID, escalating costs for materials, and problems with supply chains are all impediments to be overcome. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in specific contexts, and any timelines for implementation must be developed in consideration of realistically available financial resources. We note that there is significant pressure from the legislature for local agencies to reduce, eliminate or defer development impact fees, which are among the few sources of revenue the small cities need to implement the provisions of this bill.

Finally, SB 932 creates significant new legal liability for local jurisdictions in Santa Clara County that fail to meet the bill’s arbitrary implementation timeframes. In addition to the funding constraints and issues discussed above, the new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending against litigation is one fewer dollar available for improving our local streets and roads. Section 65302(b)(2)B)(iii) must be removed from the bill for our city to remove opposition to SB 932.

The following would allow us to remove our OPPOSE UNLESS AMENDED position.

1. Remove the uniform, top-down mandates as to project type and timing.
2. Allow for flexibility in projects that cross jurisdictions.
3. Identify new funding sources for any new mandate.
4. Remove entirely the proposed new cause of action liability (we note the currently amended version imposes a time limit on its application, but the entire concept is problematic).
5. Eliminate the perhaps unintended penalties of 65302(b)(2)(ii)(III), as described above.

Sincerely,

Anita Enander  
Mayor, City of Los Altos

Cc:  
The Honorable Anthony Portantino  
The Honorable Josh Becker  
The Honorable Marc Berman  
League of California Cities [cityletters@calcities.org](mailto:cityletters@calcities.org)  
Seth Miller [smiller@calcities.org](mailto:smiller@calcities.org)



June 8, 2022

Re: AB 2181 (Berman) OPPOSE

Dear Mayor and Councilmembers and Board of Supervisors of the County of Santa Clara,

Per action taken by the Santa Clara Valley Transportation Authority (VTA) Board of Directors on June 2, 2022, I respectfully request your jurisdiction to consider opposing Assembly Bill 2181. Please see the attached letter on behalf of the Board indicating VTA’s opposition.

VTA remains committed to implementing governance reforms initiated by the VTA Board in 2019.

Thank you for your consideration and support of public transportation in Santa Clara County.

A letter stating your jurisdiction’s official position on AB 2181 can be submitted electronically at <https://calegislation.lc.ca.gov/Advocates/faces/index.xhtml>.

Sincerely,

Charles “Chapple” Jones  
Chairperson, Board of Directors  
Santa Clara Valley Transportation Authority

Cc: Santa Clara Valley Transportation Authority Board of Directors  
Santa Clara Valley Transportation Authority Policy Advisory Committee  
Cities Association of Santa Clara County



June 8, 2022

Honorable Marc Berman  
Assemblymember  
State Capitol  
Box 942849  
Sacramento, CA 94249

Re: AB 2181 (Berman) OPPOSE

Dear Assemblymember Berman,

On behalf of the Santa Clara Valley Transportation Authority (VTA), I respectfully submit the Board of Directors' opposition to Assembly Bill 2181. We appreciate and commend your efforts to reform local governance in Santa Clara County and agree that our organization, like any other, has areas in which it can certainly improve. However, we found that these proposed changes to the structure of the VTA Board of Directors in AB 2181 will undermine this policy making and oversight body as well as diminish our chances of successfully passing future local sales tax measures. These measures represent more than 63 percent of the funding for the day to day services VTA and its workforce provide. They would further weaken our position in competition for federal, state and regional funds.

AB 2181 would reduce the number of local elected officials on the VTA Board through a complex process to select city group representatives. The replacement of the Board with the proposed hybrid structure will limit the role of local elected officials who make the land use decisions that ultimately determine the transportation needs in the county. These local elected officials bring experience providing policy direction and oversight of the services VTA provides to the many jurisdictions within the county, the pay and benefits workers receive and their pensions. These local elected officials are vital to ensuring that cities' priorities are represented in transportation sales tax measures and ensuring city council support.

With these concerns in mind, the VTA Board voted unanimously to oppose AB 2181 on June 2, 2022. When we voted, we made clear that VTA is not opposed to improvements and pledged to complete the reforms developed by the Board Enhancement Committee in a thoughtful process that began in 2019.

Thank you for your leadership, consideration and service to our community. We look forward to continuing to work with you on future transportation policies, projects and services.

Sincerely,

Charles "Chappie" Jones  
Chairperson, Board of Directors  
Santa Clara Valley Transportation Authority

Cc: County of Santa Clara Legislative Delegation  
Santa Clara Valley Transportation Authority Board of Directors  
Santa Clara Valley Transportation Authority Policy Advisory Committee  
Cities Association of Santa Clara County



April XX, 2022

Senate Bill 932 (Portantino): General plans, circulation element  
OPPOSE UNLESS AMENDED

Dear Senator Portantino:

The City of Los Altos joins the League of California Cities (Cal Cities) in regrettably taking an “oppose unless amended” position on your Senate Bill 932. SB 932 would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impose costly, unfunded mandates for changes to local transportation infrastructure; and expose local governments to significant legal liability.

The City of Los Altos has taken a pro-active approach to meeting the important goals of this bill: to make streets and roads safer for all users. We have partnered with the County of Santa Clara in designing new bike paths along the section of Foothill Expressway that transects the city of Los Altos and integrated those new paths with local streets. This required considerable interagency coordination, but the result is a significant improvement in safe, shared use. In another project, we partnered with the County and with the City of Cupertino to design comprehensive pedestrian and bicycle paths to schools that cross all three jurisdictions. These are the types of critical projects that require flexibility and quick response to the opportunities to work across multiple jurisdictions to improve bicycle and pedestrian safety. They cannot be achieved through a top-down approach that dictates the type of improvements and timing for implementation when multiple jurisdictions are involved.

Most recently we completed a new Complete Streets Master Plan that codifies the integration of improved bicycle/pedestrian paths and safety with routine street maintenance and sets out a long-term plan for making our streets more available to and safer for all users. Unfortunately, the plan will require funding of at least \$44Million (today's dollars). Much of the plan remains unfunded, despite planned

use of SB 1, Block Grants, fuel tax, and other revenue sources. The requirements of SB 932 are likely even to exceed the ambitious plan we have just developed.

We note that cities that have made safety a priority and that have virtually no fatalities would be penalized under 65302(b)(2)(ii)(III) because their already excellent safety record would not allow for the reductions that are needed to be granted a 10-year extension of time to implement the provisions of SB 932. This is probably unintended and could perhaps be corrected through amendment.

Our city faces significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements. The loss of employees during COVID, escalating costs for materials, and problems with supply chains are all impediments to be overcome. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in specific contexts, and any timelines for implementation must be developed in consideration of realistically available financial resources. We note that there is significant pressure from the legislature for local agencies to reduce, eliminate or defer development impact fees, which are among the few sources of revenue the small cities need to implement the provisions of this bill.

Finally, SB 932 creates significant new legal liability for local jurisdictions in Santa Clara County that fail to meet the bill's arbitrary implementation timeframes. In addition to the funding constraints and issues discussed above, the new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending litigation is one fewer dollar available for improving our local streets and roads. Section 65302(b)(2)B)(iii) must be removed from the bill for our city to remove opposition to SB 932.

We hope you will continue to work with the League of California Cities and others on amendments that will allow us to remove our position of "oppose unless amended."



**City of Los Altos 2022 Tentative Council Agenda Calendar**  
**June 9, 2022**

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept/ Date of request to add.
June 28, 2022	<b>Closed Session – Labor Negotiations</b>		
	<b>REGULAR COUNCIL MEETING</b>		
	Special Presentation; July makes Parks Better		
	Youth Commission Appointments		
	AB 481	Consent	
	FY23 Budget Adoption		
	Financial System Purchase		
	CalRecycle Grant Acceptance	Consent	Eng
	Custodial Contract	Consent	MSC
	355 First Street	Public Hearing	
	Project Acceptance for Fremont Project – Interstate Grading & Paving	Consent	
	Project Acceptance for 2021 Resurfacing Project – G. Bortolotto & Co.	Consent	
	Wireless Ordinance	Consent	
July 12, 2022	<b>Council Study Session – Housing Element</b>		
July 12, 2022	<b>REGULAR COUNCIL MEETING</b>		



City of Los Altos Tentative Council Agenda Calendar  
**June 9, 2022**

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
August 23, 2022	<b>REGULAR COUNCIL MEETING</b>		
	Reach Code Study Session with Env Commission		
<b>August 30, 2022</b>	<b>Commission Interviews</b>		
	REGULAR COUNCIL MEETING		
	Year End tentative report – September (if needed)		
	REGULAR COUNCIL MEETING		
October 11, 2022	REGULAR COUNCIL MEETING		
October 25, 2022	REGULAR COUNCIL MEETING		
<b>November 1, 2021</b>	<b>Joint w/Commissions</b>		
	1st Quarter report FY 2021/2022		
	REGULAR COUNCIL MEETING		
November 29, 2022	REGULAR COUNCIL MEETING		
December 6, 2022	CAFR and Year End – 1st meeting December		
December 13, 2022	Special meeting REORG.		



City of Los Altos Tentative Council Agenda Calendar

June 9, 2022

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
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**Future Agenda Topics To Be Scheduled....**

Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing	
info on Cuesta speed tables		
League of California Cities – Role and Representation	Presentation/Discussion	Council Initiated
Subcommittee on Grants		NF 03.25.2022
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		ES
Reach Code 2.0		
Boards and Commission Process /Survey use		
PCI Report		
Complete Streets Master Plan		
Discussion “Ceding Time” at meeting		