



# PLANNING COMMISSION REGULAR MEETING AGENDA

Wednesday, March 25, 2026  
7 p.m.

City Council Chamber  
200 Old Bernal Avenue  
Pleasanton, CA 94566

The meeting will be held at the City Council Chambers at 200 Old Bernal Ave and will be broadcast live at <https://www.youtube.com/user/TheCityofPleasanton>.

**Public participation:** It is requested that members of the public wishing to address the Planning Commission submit a speaker card. When public comment is opened on an agenda item, individuals may speak once per agenda item.

**In Person at the City Council Chambers:** Submit a physical speaker card to the Recording Secretary at the meeting. When your name is called, please provide comment at the podium.

## PUBLIC HEARING PROCEDURE

Each of the items listed will be heard as shown on the agenda unless the Planning Commission chooses to change the order. As each item is called, the hearing will proceed as follows:

- A Planning Division staff member will make a presentation on each case and answer Planning Commission questions, as needed.
- The applicant will be asked to present, if desired, or answer questions. Applicant presentations should be no longer than ten minutes.
- The Chair then calls on anyone desiring to speak on the item. Speakers are requested to state their names for the public record and to keep their testimony to no more than three minutes each, with minimum repetition of points made by previous speakers and by being as brief as possible in making their testimony.
- Following public testimony, the applicant will be given the opportunity to respond to issues raised by the public. The response should be limited to five minutes.

The public hearing will then be closed. The Planning Commissioners then discuss among themselves the application under consideration and act on the item. Planning Commission actions may be appealed to the City Council. Appeals must be filed with the City Clerk's Office within 15 days of the Planning Commission's action.

The Planning Commission Chair may enforce other rules as may further the fair and efficient running of the meeting, such as reducing the amount of testimony time allotted to the applicant and all those who wish to speak when the meeting agenda is lengthy or when there are numerous speakers for any specific item. The audience is requested to respect and extend courtesies to all those wishing to testify on all cases by being quiet while others are speaking.

### **Notice**

Under Government Code §54957.5, any writings/documents regarding an item on this agenda provided to a majority of the Planning Commission after distribution of the agenda packet will be available for public inspection at City Hall in the Planning Division, 200 Old Bernal Avenue, Pleasanton.

### **Accessible Public Meetings**

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation (e.g., an assistive listening device), please contact Assistant Director of Community and Economic Development Derek Farmer by phone at 925-931-5605 or by email at [dfarmer@cityofpleasantonca.gov](mailto:dfarmer@cityofpleasantonca.gov) at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

## **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

### **AGENDA AMENDMENTS**

**CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

1. Actions of the City Council
2. Approve the minutes of March 11, 2026
3. **P26-0045, Conditional Use Permit, Pleasanton Academy of Music, 3908 Valley Avenue, Suite A** - Application for a Conditional Use Permit to operate a music school with a maximum of 25 students and 21 staff members on-site at any given time. The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, Existing Facilities.

### **MEETING OPEN TO THE PUBLIC**

4. Public Comment from the audience regarding items not listed on the agenda – *Speakers are encouraged to limit comments to 3 minutes*

### **PUBLIC HEARINGS AND OTHER MATTERS**

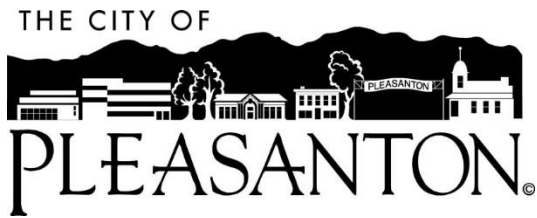
5. **PUD-25-02M, PUD Modification, Terence Tung, 1011 Vista Oaks Court**  
Appeal of a Zoning Administrator determination to deny a Planned Unit Development Minor Modification request to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure. The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures
6. **P26-0123, Wireless Telecommunications Facilities, City of Pleasanton** –Consider and provide a recommendation to City Council to approve proposed amendments to Chapter 18.110 of the Pleasanton Municipal Code and adoption of new policies related to applications for wireless facilities (macro towers, small cells, and modifications to existing towers). The proposed amendments are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15061(b)(3).

### **MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION**

7. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)
8. Future Planning Calendar

### **MATTERS INITIATED BY COMMISSION MEMBERS**

### **ADJOURNMENT**



## Planning Commission Agenda Report

March 25, 2026

Item 1

**SUBJECT: Actions of the City Council**

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**March 17, 2026**

Annual Progress Report on implementation of the General Plan Housing Element for calendar year 2025 and authorize submittal to the California Department of Housing and Community Development and the Governor's Office of Planning and Research

*The Council adopted a resolution approving the report.*

Policy and procedures for Early Project Review applications for projects requiring legislative review and amending the Master Fee Schedule to adopt a fee for such resolutions.

*The Council adopted resolutions adopting the early project review policy and Master Fee Schedule amendments.*

**Wednesday, March 11, 2026**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

Chair Pace called the regular meeting of the Planning Commission to order at 7:02 p.m. from the City Council Chamber located at 200 Old Bernal Avenue.

Commissioner Morgan led the Pledge of Allegiance.

Present: Commissioners Dave Jagoe, Anurag Jain, Ken Morgan, Stephanie Wedge, and Chair Brandon Pace

Absent: Commissioner Vivek Mohan

**AGENDA AMENDMENTS**

None.

**CONSENT CALENDAR**

1. Actions of the City Council

Recommendation: Receive the report.

2. Approve the meeting minutes of February 25, 2026

Recommendation: Approve the meeting minutes.

3. **P23-0480 & Tract 8680, Seefried Industrial Properties, 3300 Busch Road** - Street Names for P23-0480 and Amendment to Vesting Tentative Subdivision Map 8680 located at 3300 Busch Road (APNs 946-1251-7-4, 946-1251-33 and 946-1251-8-9). Environmental review was conducted for the Villages at the Quarry residential development, in the form of a Section 15183 Consistency Checklist under the California Environmental Quality Act (CEQA). The proposed amendment to Vesting Tentative Subdivision Map 8680 to include street names is within the scope of the previously analyzed project, and no further CEQA review is required.

Recommendation: Adopt Resolution No. PC-2026-03 approving the application.

4. **Vesting Tentative Subdivision Map 8616, John Spotorno/AVS Ranch, LLC, 1000 Minnie Drive (APN 949-16-6)** - Request for Time Extension of the approved Vesting Tentative Subdivision Map 8616, a subdivision of an existing approximately 112-acre site into 25 parcels, including 22 single-family residential parcels, two common parcels, and one agriculture/open space parcel, known as

Spotorno Ranch, located at 1000 Minnie Drive. Environmental review was conducted for Spotorno Ranch residential development in the form of a Consistency Checklist under Sections 15182 and 15183 of the California Environmental Quality Act (CEQA). The requested time extension for the Vesting Tenant Subdivision Map 8616 does not include changes to the original approval.

Recommendation: Adopt Resolution PC-2026-02 approving the application.

Chair Pace opened the public comment. Public comment was received from Frank Imhof, for Item 4. Chair Pace closed the public comment.

**MOTION:** It was m/s by Wedge/Jagoe to approve items 1, 2, and 3 on the Consent Calendar, as recommended. Motion passed by the following roll call vote:

Ayes: Commissioners Jagoe, Jain, Morgan, Wedge and Chair Pace  
Noes: None  
Abstain: None  
Absent: Commissioner Mohan

**MOTION:** It was m/s by Jagoe/Jain to approve item 4 on the Consent Calendar, as recommended. Motion passed by the following roll call vote:

Ayes: Commissioners Jagoe, Jain, Morgan, Wedge and Chair Pace  
Noes: None  
Abstain: None  
Absent: Commissioner Mohan

## MEETING OPEN TO THE PUBLIC

5. Public comment regarding items not listed on the agenda.

Chair Pace opened the public comment. There being no speakers, Chair Pace closed the public comment.

## PUBLIC HEARING AND OTHER MATTERS

6. **This item is continued to March 25, 2026. P26-0123, Wireless Telecommunications Facilities, City of Pleasanton** –Consider and provide a recommendation to City Council to approve proposed amendments to Chapter 18.110 of the Pleasanton Municipal Code and adoption of new policies related to applications for wireless facilities (macro towers, small cells, and modifications to existing towers). The proposed amendments are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15061(b)(3).

## MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

7. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)

None.

## 8. Future Planning Calendar

Assistant Director Derek Farmer provided a brief overview of the items listed in the report.

### **MATTERS INITIATED BY COMMISSION MEMBERS**

None.

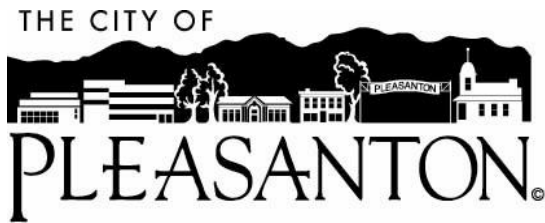
### **ADJOURNMENT**

Chair Pace adjourned the meeting at 7:29 p.m.

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Araceli Garcia, Recording Secretary

DRAFT



# Planning Commission Agenda Report

March 25, 2026  
Item 3

**SUBJECT:** P26-0045

**APPLICANT:** Pleasanton Academy of Music

**PROPERTY OWNER:** Coryell Hirst, LLC

**PURPOSE:** Application for a Conditional Use Permit to operate a music school with a maximum of 25 students and 21 staff members on site at any given time

**LOCATION:** 3908 Valley Avenue, Suite A

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** PUD-I (Planned Unit Development - Industrial) District

**EXHIBITS:**

- A. Draft Resolution and Conditions of Approval
- B. Narrative and Project Plans dated "Received February 27, 2026"
- C. Location and Notification Map

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## STAFF RECOMMENDATION

Approve an application for a Conditional Use Permit (CUP), Case No. P26-0045, based on the findings and subject to the draft conditions of approval in Exhibit A.

## EXECUTIVE SUMMARY

The applicant requests CUP approval, pursuant to the requirements of the approved Planned Unit Development (PUD) for Valley Business Park, to operate a music school with a maximum of 25 students and 21 staff members on site at any given time. As proposed, staff recommends that the Planning Commission find this use consistent with the objectives of the zoning district and the PUD, and to be compatible with the surrounding uses.

## BACKGROUND

Valley Business Park is a commercial/industrial PUD, approved under Ordinance No. 928 (PUD-80) by the City Council on March 11, 1980. The PUD permits or conditionally permits a wide range of uses. In 2015, a PUD Modification (PUD-80-01-15M) modified the permitted and conditionally permitted uses, including conditionally permitting music and/or performing arts schools. Accordingly, the CUP application is now before the Planning Commission for consideration and action.

## AREA AND SITE DESCRIPTIONS

### Area Description

Valley Business Park, shown in Figure 1, includes a mix of uses, including religious facilities, fitness-related facilities, music and/or performing arts schools, tutoring facilities, daycare facilities, membership organizations, professional offices, light manufacturing and industrial uses, and sports and recreational facilities. There are single-family residential uses to the north across Valley Avenue, south across the Union Pacific Railroad tracks, and west immediately adjacent to the Business Park (the Business Park is separated from this neighborhood by a 30-foot-wide landscape easement and a 10-foot-high concrete block wall which runs the entire western edge of the Business Park).

**Figure 1: Aerial Photo of Valley Business Park**



### Site Description

The subject site is a flat and fully developed three-acre parcel at the southwest intersection of Valley Avenue and Quarry Lane. There are six single-story, multi-tenant buildings (all with separate Quarry Lane addresses) of varying sizes on the subject site, along with approximately 100 shared parking spaces. The subject 3908 Quarry Lane building is 7,597 square feet in total area, and the subject Suite A (to be occupied by the applicant) is 3,825 square feet in total area. Suite B (currently used for physical therapy) is 3,775 square feet. The subject site and building are accessible from five driveways: one off Valley Avenue (closest

proximity), two off Quarry Lane, and two off Serpentine Lane. Please refer to Figure 2 for full site details.

**Figure 2: Aerial Photo of 3908 Valley Avenue, Suite A**



**PROPOSED PROJECT**

The applicant (Pleasanton Academy of Music) requests approval of a CUP to operate a music school with a maximum of 25 students and 21 staff members on site at any given time within an existing industrial/flex condominium located at 3908 Valley Avenue, Unit A.

The Pleasanton Academy of Music provides private and small-group instruction in various performing arts disciplines, including piano, violin, voice, guitar, drums, and composition. The proposed facility would include up to 10 instructional studios, operating primarily on a one-on-one basis. Per the applicant’s narrative (Exhibit B), the anticipated maximum concurrent activity would include up to 10 instructors and 10 students in active lessons, with limited lobby occupancy (up to a maximum of another eight students/parents), for a maximum on-site occupancy of 28 persons on site at any given time. Please note that staff analyzed higher occupancy numbers as described in this report based on the applicant’s initial submittal, which

was ultimately revised to Exhibit B. While 28 persons is the anticipated maximum capacity at any given time based on Exhibit B, staff analyzed a maximum capacity of 46 persons (25 students and 21 staff members) on site at any given time, which will provide the applicant with room for expansion without having to revise their CUP.

Lessons would be conducted by appointment with staggered scheduling to distribute student arrivals and departures. Proposed hours of operation are Monday through Friday from 6 p.m. to 9 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 10 a.m. to 5 p.m. The weekday schedule would begin after the City's defined p.m. peak traffic period (4 p.m. to 6 p.m.).

The site includes 15 designated parking spaces with additional shared parking spaces within the business park, and the applicant proposes staggered lesson start times to minimize concentrated parking demand.

All lessons would occur indoors, and no outdoor performances or amplified sound are proposed.

The proposed use would occupy 3,825 square feet (about 51 percent) of the existing building, which totals 7,597 square feet. No site modifications or exterior expansion are proposed. Interior tenant improvements include converting the existing space to accommodate instructional studios, a lobby/waiting area, and miscellaneous storage and support spaces.

Refer to Exhibit B for project plans and additional details regarding proposed activities, hours of operation, and anticipated attendance.

## **ANALYSIS**

Conditional uses are those uses that, by their nature, require special consideration so they may be located properly with respect to the objectives of the Pleasanton Municipal Code (PMC) and their potential effects on surrounding properties. To achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny CUP applications.

### General Plan and Zoning Consistency/Compatibility

The subject site is designated General and Limited Industrial by the Pleasanton General Plan Land Use Element and is zoned Planned Unit Development – Industrial (PUD-I). The General Plan designation allows a range of industrial, commercial, office, and other compatible quasi-public or assembly uses consistent with the Zoning Ordinance. The applicable PUD list of permitted and conditionally permitted uses allows music school uses, subject to approval of a CUP.

The proposed music school is consistent with the intent of the General and Limited Industrial designation. The use would occur completely within an existing building and would not involve manufacturing, outdoor storage, or heavy industrial activity. Operational characteristics—all indoor activities, no weekday daytime intensity, and all attendance during evenings and weekends—are similar in scale and intensity to office uses typically anticipated in industrial and business park environments. Industrial areas commonly accommodate music schools because they offer adequately sized buildings, sufficient parking, and separation from residential neighborhoods, which reduces the potential for land-use conflicts.

The proposal also supports applicable General Plan policies and programs that encourage the efficient reuse of existing buildings and underutilized sites within the urban area (*Sustainability, Program 2.2*) and the provision of services and community facilities that meet the needs of residents and businesses (*Industrial, Commercial, and Office, Policy 13*). The project would adaptively reuse an existing structure with existing infrastructure and parking, thereby promoting sustainability and efficient land use, while providing an additional music school to serve Pleasanton residents and the surrounding area, seeking a music school.

The surrounding area consists primarily of industrial, office, and commercial tenants within a multi-tenant business park. The proposed music school would operate completely on weekday evenings and on weekends, when typical business park activity and parking demand are reduced. All activities are proposed to occur indoors, and conditions of approval would address parking management, noise control, and circulation to ensure compatibility with adjacent tenants. Residential uses are located a substantial distance from the site, further limiting the potential for off-site impacts.

Because the use is conditionally permitted within the PUD-I district and its scale, operating characteristics, and parking demand are comparable to other office uses commonly found in industrial areas, including within the Valley Business Park, the proposed music school is consistent with the General Plan land use designation, complies with the Zoning Ordinance and PUD subject to CUP approval, and is compatible with surrounding uses.

Should issues arise in the future, the City retains the ability to return the CUP to the Planning Commission for additional consideration or, if necessary, to modify or revoke the permit. However, staff considers this unlikely, as similar uses operate within Valley Business Park without reported issues. Conditions of approval are included to address noise, traffic, and parking to ensure surrounding uses are not adversely affected.

### Parking

The subject site contains approximately 100 on-site parking spaces serving all six buildings on the project site. Of the 100 parking spaces, 15 are allocated to the subject tenant space, resulting in a parking ratio of roughly 1 parking space per 255 square feet.

PMC Section 18.88.030(E)(1) requires one parking space for each employee, including teachers and administrators, and one space for every four students in grade 10 or above. Based on the intended maximum occupancy of 10 instructors, 10 students, and up to an additional 8 persons waiting in the lobby on site at any given time, the PMC requires 28 parking spaces. Given that 15 parking spaces are allocated to the subject tenant space, the proposed use would be 13 parking spaces short of the PMC requirement. However, since all the music school's weekday activities are scheduled after 6 p.m. and on weekends—periods when office and other adjacent use parking demand is minimal—the full supply of the 100 on site shared parking spaces would generally be available for the proposed use. Additionally, typical student drop-off/pick-up patterns include short-term parking by parents/guardians (they do not stay the entire duration of the lessons) and carpooling, which would also reduce vehicle trips and maximum parking demand. Collectively, these factors support the finding that adequate on-site parking would be provided for both the music school and all other adjacent on-site uses.

Based on this analysis and the recommended conditions of approval, staff concludes that the project would not adversely affect on-site or nearby parking supply and that sufficient parking exists to serve the proposed music school. As a safeguard, a condition of approval allows the Director of Community and Economic Development to return the CUP to the Planning Commission if parking issues arise, with potential measures such as reduced attendance or modified activity schedules.

### Noise

Conditional uses must be consistent with PMC Chapter 9.04 (Noise Regulations), which are designed to promote stability of existing conforming land uses and protect them from inharmonious or intrusive impacts from new land uses. For industrially zoned properties, PMC Chapter 9.04.050 specifically limits noise to a maximum of 75 dBA<sup>1</sup> at any point outside the property line at any time.

Staff finds the proposed use to be compatible with surrounding development and unlikely to result in a substantial increase in ambient noise at nearby sensitive receptors. The site is already influenced by existing background noise from Valley Avenue, Stanley Boulevard, and the Union Pacific rail corridor. All activities would occur entirely within the enclosed building and would be similar in character to other commercial, office, educational, and assembly-type uses that have operated within the Valley Business Park without reported issues.

The applicant has proposed operational limits and physical sound-attenuation measures to further reduce potential impacts. No amplified speech or music is proposed. The project includes professional acoustical design and installation of interior sound-absorbing wall panels and batt insulation at shared and exterior walls. Based on the applicant's acoustical specifications, interior sound levels associated with speech and music would be substantially reduced before reaching the adjacent suite or the building exterior, supporting compliance with the PMC's 75 dBA exterior standard.

Staff also recommends conditions of approval to ensure ongoing compatibility, including: (1) keeping exterior doors closed during services and events; (2) advising attendees and employees to minimize outdoor noise and loitering; and (3) reserving the City's right to reevaluate the CUP and impose additional conditions if substantiated complaints occur, such as limiting occupancy or hours of operation or requiring additional soundproofing.

With the incorporation of these operational limits, construction measures, and recommended conditions, staff believes the proposed use would not create harmful noise intrusions, would remain within applicable PMC noise standards, and would be compatible with existing and future surrounding uses.

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<sup>1</sup> A-weighted decibels, a measurement of sound level that adjusts for the way the human ear perceives different frequencies. Unlike raw decibel (dB) measurements, which capture all sound pressure levels equally, dBA applies a filter that reduces the influence of very low and very high frequencies—where human hearing is less sensitive—while emphasizing mid-range frequencies (around 250–5,000 Hz), where the ear is most responsive. This makes dBA a more accurate representation of perceived loudness and the potential impact of noise on human health and comfort. It is widely used in environmental noise monitoring, occupational safety (e.g., workplace hearing protection requirements), and product ratings (like dishwashers, Heating, Ventilation, and Air Conditioning (HVAC) units, and vehicles).

## **PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the subject parcel, and it was published in the Valley Times newspaper on March 13, 2026. At the time this report was published, staff had not received any public comments.

## **ENVIRONMENTAL ASSESSMENT**

The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, Existing Facilities. The proposed use is for the operation of a music school within an existing building zoned for the proposed use, with no significant expansion of the existing building. The proposed use does not involve any hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Therefore, no additional environmental review is required.

## **SUMMARY/CONCLUSION**

Based on the characteristics of the proposed use and its location, the subject proposal is consistent with the applicable PMC regulations and PUD, and findings for approval of the CUP can be made. As proposed and conditioned, staff concludes that the proposed use would be compatible with the surrounding businesses and would not detrimentally affect them. Conditions of approval have been included to ensure the safety and general welfare of the surrounding area, and the City in general, are maintained.

**Primary Author:** Eric Luchini, Senior Planner, 925-931-5612 or [eluchini@cityofpleasantonca.gov](mailto:eluchini@cityofpleasantonca.gov).

**Reviewed/Approved By:**

Derek Farmer, Assistant Director of Community and Economic Development and Planning Manager  
Julie Harryman, Assistant City Attorney

## RESOLUTION NO. PC-2026-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING A CONDITIONAL USE PERMIT TO OPERATE A MUSIC SCHOOL WITH A MAXIMUM OF 25 STUDENTS AND 21 STAFF MEMBERS ON SITE AT ANY GIVEN TIME, LOCATED AT 3908 VALLEY AVENUE, SUITE A, AS FILED UNDER CASE NO. P26-0045**

**WHEREAS**, on January 30, 2026, Pleasanton Academy of Music, as the applicant, applied for Conditional Use Permit (CUP) approval, on behalf of the property owner, Coryell Hirst, LLC, to operate a music school with a maximum of 25 students and 21 staff members on site at any given time within an existing building located at 3908 Valley Avenue, Suite A, Assessor Parcel No. 946-4547-235-00, (hereinafter “the Project”); and

**WHEREAS**, the subject property has a General Plan land use designation of General and Limited Industrial; and

**WHEREAS**, the subject property is zoned PUD-I (Planned Unit Development – Industrial) District; and

**WHEREAS**, a music school is a conditionally permitted use in the subject zoning district and PUD and requires Planning Commission approval of a CUP; and

**WHEREAS**, pursuant to Section 65905 of the Government Code, the Planning Commission held a duly noticed public hearing to consider the Project on March 25, 2026, at which time all interested parties had the opportunity to be heard. The Planning Commission considered the agenda report dated March 25, 2026, incorporated herein by reference, and all written and oral testimony.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of Pleasanton does resolve, declare, determine, and order the following:

**Section 1:** Prior to acting on the Project, and at a properly noticed public hearing, the Planning Commission reviewed written and oral agenda reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the “Record Evidence”). The Planning Commission’s determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

**Section 2:** The Project is consistent with the adopted General Plan as it aligns with the applicable land use designations and supports the General Plan’s Programs, Policies, and Goals related to sustainability, community development, and industrial, commercial, and office. As such, the Project complies with the requirements of Government Code Section 65860 regarding zoning consistency with the General Plan.

**Section 3:** Findings for California Environmental Quality Act (CEQA)

With respect to CEQA, the Planning Commission finds the Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, Existing Facilities. The proposed use is for the operation of a music school within an existing building zoned for the proposed use, with no significant expansion of the existing building. The proposed use does not involve any hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Therefore, no additional environmental review is required.

**Section 4:** Findings for Conditional Use Permit Approval

With respect to the approval of P26-0045, the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Some of the objectives of the Zoning Ordinance are to foster a harmonious, convenient, and workable relationship among land uses; protect existing land uses from inharmonious influences and harmful intrusions; and ensure that public and private lands are ultimately used for purposes that are appropriate and beneficial to the City as a whole. The subject site is regulated by Ordinance No. 928 and PUD-80-01-15M and is zoned PUD-I, which permits or conditionally permits a wide range of commercial, office, industrial, and quasi-public or assembly uses. A music school is conditionally permitted within the PUD-I District, subject to approval of a CUP.

The proposed music school is consistent with the intent of the General and Limited Industrial General Plan land use designation, which allows a range of industrial, commercial, office, and other compatible assembly or community-serving uses, provided they are consistent with the Zoning Ordinance. The activities associated with the use would occur entirely within an existing building and would not involve manufacturing, outdoor storage, or heavy industrial activity. Industrial and business park areas commonly accommodate music school uses due to the availability of adequately sized buildings, sufficient on-site parking, and physical separation from residential neighborhoods, thereby reducing the potential for land-use conflicts.

The proposal also supports applicable General Plan policies that encourage the efficient reuse of existing buildings and underutilized sites within the urban area, and that support the provision of community and institutional services that meet the needs of residents and businesses. The Project represents an adaptive reuse of an existing structure utilizing existing infrastructure and parking facilities, thereby promoting sustainability and efficient land use while providing an additional music school for Pleasanton residents and the surrounding area.

The surrounding area consists primarily of industrial, office, and commercial tenants within a multi-tenant business park. The proposed music school would operate exclusively in the evenings and on weekends, when typical business park activity and parking demands are reduced, and all primary activities would take place indoors. Project design features and/or conditions of approval addressing parking management, noise control, hours of operation, and circulation would ensure continued compatibility with adjacent tenants. Residential uses are located a substantial distance from the site, further limiting the potential for off-site impacts.

Accordingly, the Planning Commission finds that the location is suitable for the proposed music school to operate without adverse impacts on surrounding uses, is in accordance with the objectives of the zoning ordinance, and the purpose of the applicable zoning district and PUD. Accordingly, the Planning Commission makes this finding.

**B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

The proposed location of the music school and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The subject site is zoned PUD-I, which permits music schools with approval of a CUP, and the proposed use is consistent with the intent of the General and Limited Industrial General Plan land use designation. The music school will operate within an existing building, will not involve manufacturing, outdoor storage, or heavy industrial activity, and will represent an adaptive reuse of an underutilized structure, utilizing existing infrastructure and on-site parking.

The surrounding area is characterized by industrial, office, and commercial tenants within a multi-tenant business park, where music school uses are commonly accommodated due to adequate building sizes, ample parking, and separation from residential neighborhoods. The proposed music school will conduct activities exclusively indoors and is expected to operate exclusively on weekday evenings and on weekends, when typical business park parking demand and traffic are reduced. Project design features and/or conditions of approval addressing parking management, hours of operation, circulation, and noise control, as well as a provision requiring further review by the Planning Commission to address potential future impacts, will ensure continued compatibility with adjacent tenants and protection of nearby properties. Residential uses are located a substantial distance from the site, further limiting the potential for off-site impacts. Accordingly, the Planning Commission finds that the proposed use will foster a harmonious relationship among surrounding land uses, will not result in harmful

intrusions or adverse effects on the vicinity, and is in the best interests of public health, safety, and general welfare. Accordingly, the Planning Commission makes this finding.

**C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.**

The subject site's PUD-I zoning conditionally permits the establishment of a music school. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP for the proposed use would be consistent with the City's authority to regulate zoning under Municipal Code Chapter 18.124. Accordingly, the Planning Commission makes this finding.

**Section 5:** The Planning Commission hereby approves Case No. P26-0045, the application of Pleasanton Academy of Music, on behalf of the property owner, Coryell Hirst, LLC, for CUP approval to operate a music school with a maximum of 25 students and 21 staff members on-site at any given time within an existing building located at 3908 Valley Avenue, Suite A, subject to the Conditions of Approval shown in Exhibit A, attached hereto and incorporated herein by reference.

**Section 6:** The Planning Commission directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

**Section 7:** This resolution shall become effective 10 days after its passage and adoption unless appealed before that time.

**PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on March 25, 2026, by the following vote:**

Ayes: Commissioners  
Noes: Commissioners  
Absent: Commissioners  
Abstain: Commissioners

**ATTEST:**

\_\_\_\_\_  
Derek Farmer  
Secretary, Planning Commission

\_\_\_\_\_  
Brandon Pace  
Chair

**APPROVED AS TO FORM:**

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Julie Harryman  
Assistant City Attorney

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

**P26-0045**  
**Music School – Pleasanton Academy of Music**  
**3908 Valley Avenue, Suite A**  
**March 25, 2026**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community and Economic Development, Planning Division, Director of Public Works/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this Project, whether specifically noted herein.

This approval is granted for Conditional Use Permit (CUP) approval to operate a music school with a maximum of 25 students and 21 staff members on site at any given time within an existing building, on Assessor Parcel No. 946-4547-235-00, located at 3908 Valley Avenue, Suite A. Development shall be substantially as shown on the Project materials listed below:

- a. Narrative and Project Plans, Exhibit B, prepared by Pleasanton Academy of Music, dated "Received" on February 27, 2026, and kept on file in the Planning Division of the Community and Economic Development Department.

The Project materials listed above are collectively the "Approved Plans."

**THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **APPROVAL AND REVISIONS:** The proposed development shall be in substantial conformance with the "Approved Plans", except as modified by the following conditions. Minor changes to the plans may be allowed, subject to the approval of the Director of Community and Economic Development, provided they are found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented in site design, grading, architectural design, building colors or materials, green building measures, landscape material, etc.
2. **EXPIRATION – CONDITIONAL USE PERMIT:** This CUP approval will lapse and shall become void one year following the date on which the CUP became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a

request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.

3. **CONDITIONS OF APPROVAL CHECKLIST:** The applicant shall submit a "Conditions of Approval Checklist" indicating all conditions in Exhibit A have been satisfied, incorporated into the building permit plans or improvement plans, and/or addressed. Said checklist shall be incorporated as one of the first four plan sheets of all building permit and engineering permit plan submittals for review by the City prior to issuance of permits.
4. **APPEAL PERIOD:** The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event the approval is overturned on appeal, or the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the appeal period.
5. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the Project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the Project or any permit authorized hereby for the Project, including without limitation, reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

### **PLANNING DIVISION – 925-931-5600**

#### **Conditional Use Permits**

6. **OCCUPANCY:** No more than 25 students and 21 staff members shall be on site at any given time. **(Project Specific Condition)**
7. **INDOOR ENTERTAINMENT, MUSIC, AND SPEECH:** Indoor entertainment, amplified music, and amplified speech shall be permitted pursuant to compliance with the City's Noise Ordinance. **(Project Specific Condition)**
8. **GOOD NEIGHBOR POLICY:** To the satisfaction of the Director of Community and Economic Development, the approved use shall adhere to a "good neighbor" policy, meaning the approved use must respect the rights of neighboring businesses/properties and be aware of the impact of customers leaving late at night and their potential disturbance of any neighboring businesses/properties and/or adjacent/nearby residential neighbors. The approved use shall:

- a. Ensure the patrons comply with the noise, parking, and outdoor smoking area requirements; and
  - b. Pick up litter created by the approved use and the patrons on a regular basis in front of the business and by any adjacent neighboring businesses/properties and/or adjacent/nearby residential neighbors, and, if needed, request City staff's assistance with enforcement on neighboring private properties; and
  - c. Ensure the patrons do not loiter in front of the business and by any adjacent neighboring businesses/properties and/or adjacent/nearby residential neighbors, especially after operating hours, and, if needed, work with City staff regarding the installation of enforceable no loitering signage; and
  - d. Post signage near exit doors alerting patrons to any adjacent/nearby residential neighbors. **(Project Specific Condition)**
9. MAINTENANCE: The applicant shall maintain the subject property or, if applicable, the area surrounding the building/tenant space, in a clean and orderly manner at all times.
  10. MODIFICATIONS: If additional hours of operation or activities beyond what is stated in the "Approved Plans" are desired, prior City review and approval is required. The Director of Community and Economic Development may approve the modification or refer the matter to the Planning Commission if the modification is deemed substantial.
  11. CONDITIONAL USE PERMIT REVIEW: If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community and Economic Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts or may revoke said conditional use permit.
  12. OUTDOOR STORAGE: There is to be no outdoor storage without prior approval by the City.
  13. EXTERIOR CHANGES: Exterior improvement of the building shall not be made without prior approval from the Planning Division.
  14. RELOCATION: If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.
  15. BUILDING PERMIT: Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work.
  16. SIGN PROGRAM: Site and building signage shall be reviewed under a comprehensive sign program submitted to the Planning Division under a separate application.

## Fees

17. FEES: The applicant shall pay any and all fees to which the property may be subject, prior to issuance of grading and/or building permits, or prior to recordation of the final map, whichever is applicable. The type and amount of the fees shall be those in effect at the time the permit is issued.
18. WATER FEES AND WATER METER CONNECTION FEES: The applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters and irrigation meters, if applicable, prior to building permit issuance.
19. SEWER FEES: The applicant shall pay the applicable Dublin-San Ramon Services District (DSRSD) and City sewer permit fees prior to building permit issuance.
20. SCHOOL IMPACT FEES – COMMERCIAL: Prior to building permit issuance, the applicant shall pay the required commercial development school impact fee as prescribed by State law and as adopted by the Pleasanton Unified School District (PUSD).

## **TRAFFIC ENGINEERING DIVISION – 925-931-5677**

21. TRAFFIC IMPACT FEES: Based on the Approved Plans, no traffic impact fees are required at this time. However, Traffic Engineering may monitor the site throughout the Conditional Use Permit, as warranted. Should Traffic Engineering observe additional trips during its observations in the PM peak hours that are above and beyond the scope of the Approved Plans, the City Traffic Engineer shall require the applicant to pay for a trip generation "after study" to be completed by the City's on-call transportation consultant. If the trip generation "after study" is reflective of the Approved Plans, no further action shall be needed. If the trip generation is greater than the Approved Plans, the applicant shall be required to pay the City's Traffic Impact Fees associated with the additional trips and/or have their CUP brought back to the Planning Commission for subsequent review. **(Project Specific Condition)**
22. PARKING MONITORING. Monitoring of circulation and parking during operational hours may be conducted by Traffic Engineering staff. If parking exceeds the allowed allotment and/or circulation problems arise once the religious facility is in operation, as determined by the City's Traffic Engineer, this CUP may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts or may revoke said CUP. **(Project Specific Condition)**

<End>

**RECEIVED**

02/27/26

P26-0045

CITY OF PLEASANTON  
PLANNING DIVISION

**EXHIBIT B**

**WRITTEN BUSINESS NARRATIVE**

**Proposed Business Location:**

3908 Valley Avenue, Unit A

Pleasanton, CA 94566

APN: 946-4547-233-00

Zoning: PUD-I (Planned Unit Development – Industrial)

Proposed New Construction: None (interior tenant improvements only)



**PLEASANTON  
ACADEMY OF MUSIC**

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## **BACKGROUND**

Pleasanton Academy of Music, Inc. currently operates two successful East Bay campuses, providing private and small-group instruction in piano, violin, voice, guitar, drums, composition, and related performing-arts disciplines to over 1,000 active students. The academy maintains a year-round waitlist and proposes to establish a third location and long-term headquarters at 3908 Valley Avenue, Unit A.

The subject property is an existing 7,597 square-foot industrial/flex condominium constructed in 1999, with approximately 60% office and 40% warehouse configuration, an estimated 18-foot ceiling height, one grade-level overhead door, and 15 designated parking spaces with additional shared parking within the association/complex.

## **WHO WE ARE**

Pleasanton Academy of Music is a performing-arts education provider focused on structured instruction, skills development, and community cultural engagement. Instruction is provided primarily through scheduled private lessons and small group sessions by trained instructors. The academy also hosts recitals and educational events (indoors) as part of its curriculum.

## **PART I – OPERATIONS AND ZONING**

Scope: The request for a Conditional Use Permit is to operate an indoor performing-arts educational facility within approximately 51% (about 3,825 square feet) of the existing 7,597 square-foot building. No exterior expansion is proposed; improvements will be limited to interior tenant improvements.

## **HOURS OF OPERATION**

The academy operates by appointment and scheduled lessons.

Monday – Friday: 6:00 PM – 9:00 PM

Saturday: 9:00 AM – 6:00 PM

Sunday: 10:00 AM – 5:00 PM

Weekday lesson activity will begin at 6:00 PM and will not operate during the City’s defined PM peak traffic period (4:00 PM – 6:00 PM).

Peak Saturday activity typically occurs between 10:00 AM and 2:00 PM.

## LESSON SCHEDULE SUMMARY

The facility contains 10 private instructional studios operating primarily on a one-on-one basis. Accordingly, the maximum number of students in active lessons at any one time is 10.

Typical lesson lengths:

- 30 minutes (standard private lessons)
- 45–60 minutes (advanced/private lessons and limited small group blocks)

Typical changeover (stagger) between lessons:

- 5 minutes (private lessons)
- 10 minutes (group blocks, when scheduled)

Time (Weekday Evening)	Private Lessons (approx.)	Group/Other (approx.)	Total Students On-Site (approx.)
6:00–7:00 PM	8–10	0–2	Up to 10
7:00–8:00 PM	8–10	0–2	Up to 10
8:00–9:00 PM	6–8	0–2	Up to 8

No weekday lessons are scheduled during the City’s defined PM peak traffic period (4:00 PM – 6:00 PM).

**15-MINUTE ARRIVAL/DEPARTURE BREAKDOWN (NON-PEAK WEEKDAY PERIOD)**

The academy utilizes a staggered start-time system across three scheduling tracks (:00/:30, :15/:45, and :10/:40). No more than three studios transition within any 15-minute interval.

The following breakdown reflects weekday evening operations beginning at 6:00 PM, outside of the City’s defined PM peak traffic period.

<b>Time Block</b>	<b>Student Arrivals (est.)</b>	<b>Student Departures (est.)</b>	<b>Students On-Site (est.)</b>
6:00–6:15 PM	3	3	10
6:15–6:30 PM	3	3	10
6:30–6:45 PM	3	3	10
6:45–7:00 PM	3	3	10
7:00–7:15 PM	3	3	10
7:15–7:30 PM	3	3	10
7:30–7:45 PM	3	3	10
7:45–8:00 PM	3	3	10
8:00–8:15 PM	2	2	8
8:15–8:30 PM	2	2	8
8:30–8:45 PM	2	2	8
8:45–9:00 PM	2	2	8

## **LESSON STAGGER TIME**

Private lessons are scheduled with a 5-minute buffer between lesson start times (or between lesson blocks) to reduce simultaneous turnover at the front entry and parking areas. Group sessions, when scheduled, are buffered by approximately 10 minutes between blocks.

## **PEAK ON-SITE OCCUPANCY (STUDENTS + STAFF)**

- Instructors on-site at any one time: 10 (one per studio)
- Students in active lessons: 10 (maximum concurrent)
- Lobby / waiting area (parents or early arrivals): up to 8

Total peak on-site occupancy (maximum): 28 persons

The academy operates without a dedicated on-site front desk manager; instructors manage student transitions to maintain low lobby volume and controlled occupancy levels.

## **PARKING IMPACT / VEHICLES**

The subject property provides 15 designated parking spaces with additional shared parking within the complex.

The academy operates 10 private instructional studios. At peak operation:

- Instructor vehicles: up to 10
- Student vehicles: up to 10
- Short-term transition overlap: up to 3

Maximum short-term overlap demand: approximately 23 vehicles.

Lesson start times are staggered to distribute arrivals and departures and prevent concentrated parking demand.

## NOISE

All instruction occurs indoors within enclosed rooms. No outdoor amplification or exterior performances are proposed. Acoustic treatments and closed-door instruction practices will be utilized as needed to minimize sound transmission.

## OTHER EXISTING USES ON SITE

The subject property at 3908 Valley Avenue is a multi-tenant industrial/flex building with shared parking. The following tenant occupies space within the shared parking area:

<b>Tenant Name</b>	<b>Use Type</b>	<b>Approx. Square Footage</b>	<b>Hours of Operation</b>
Physical Therapy Specialties	Physical Therapy Clinic	~3,772 SF (estimated)	Monday-Friday: ~7:30 AM - 6:00 PM

## CONDITIONAL USE FINDINGS

- The proposed use is compatible with surrounding light industrial and flex uses.
- The proposed use is indoors, appointment-based, and will not be detrimental to public health, safety, or welfare.
- Traffic and parking demand will be managed through staggered scheduling and an operational cap on concurrent lessons.
- No exterior expansion is proposed; improvements are limited to interior tenant improvements.
- The facility will comply with applicable building code and accessibility (ADA) requirements as verified through permitting/inspection.

## CONCLUSION

The proposed performing-arts educational facility represents an appropriate adaptive reuse of an existing industrial/flex condominium within a compatible business park environment. The academy's appointment-based scheduling model and operational caps are designed to distribute arrivals and departures, minimize parking impacts, and ensure compatibility with neighboring uses.

### Proposed Floor Plan (Dimensioned and Labeled)

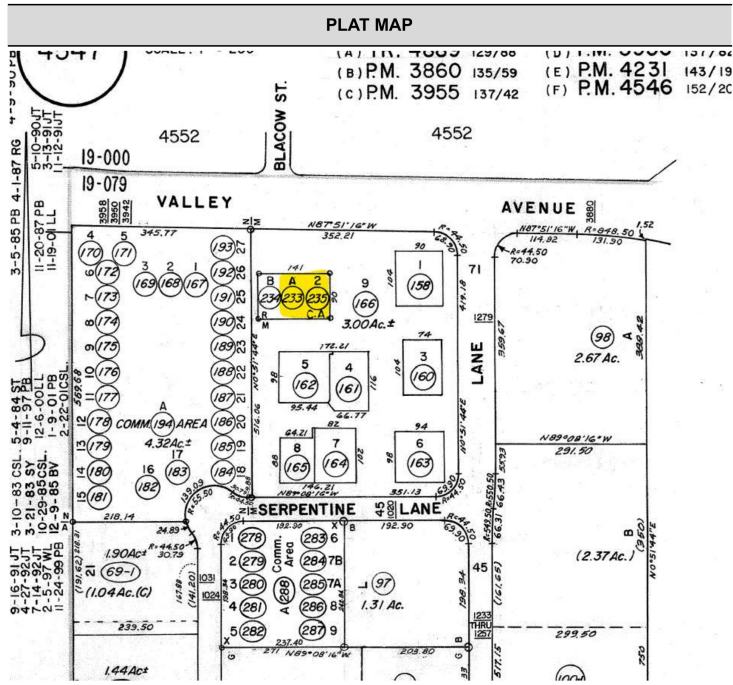
Space / Room Type	Estimated Dimensions (W x D)	Estimated Area	Notes / Location
<b>Air Conditioned Warehouse</b>	75' x 45'	~3,375 SF	Largest open space, occupying the bottom left; great potential for a large group rehearsal space or performance room.
<b>Lobby</b>	20' x 20'	~400 SF	Top right corner; spacious enough for a reception desk and a comfortable waiting area.
<b>Break Room</b>	12' x 15'	~180 SF	Middle left; includes plumbing layout.
<b>Restrooms (x2)</b>	8' x 10' (each)	~160 SF (total)	Adjacent to the break room.
<b>IT Room</b>	8' x 8'	~64 SF	Central hexagonal hub.
<b>Small Perimeter Offices (x4)</b>	10' x 12'	~120 SF (each)	Top left row; ideal size for individual, one-on-one lesson rooms.

<b>Offices along Quarry Ln (x5)</b>	12' x 14'	~168 SF (each)	Far right column; slightly larger, good for instruments requiring more space like drum kits.
<b>Medium Interior Offices (x4)</b>	12' x 12'	~144 SF (each)	Clustered around the central IT room.
<b>Large Executive Offices (x4)</b>	15' x 18'	~270 SF (each)	Located top middle and middle left; ideal for administration or larger ensemble rooms.
<b>Hallways / Circulation</b>	N/A	~650 SF	Estimated space taken up by interior corridors.

# APPENDIX A – Plat Map

APPRAISAL REPORT

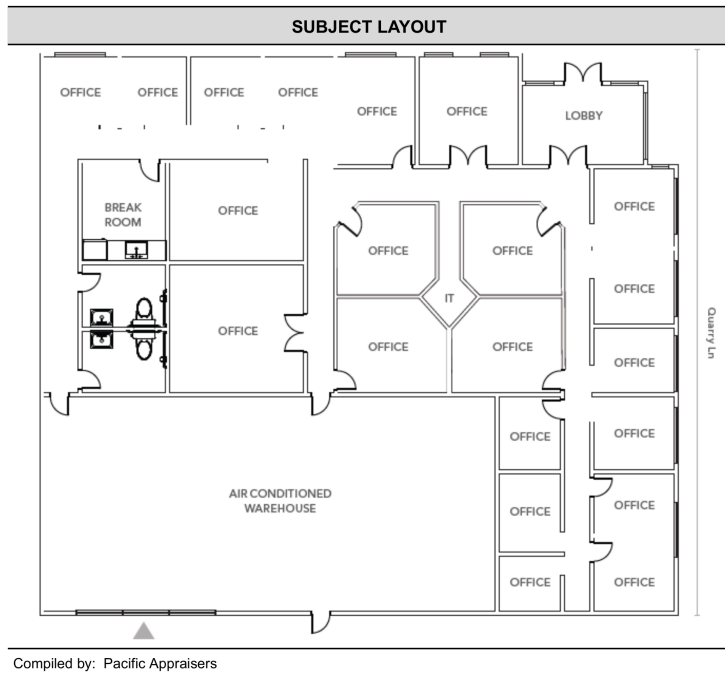
SITE ANALYSIS



# APPENDIX B – Subject Layout

APPRAISAL REPORT

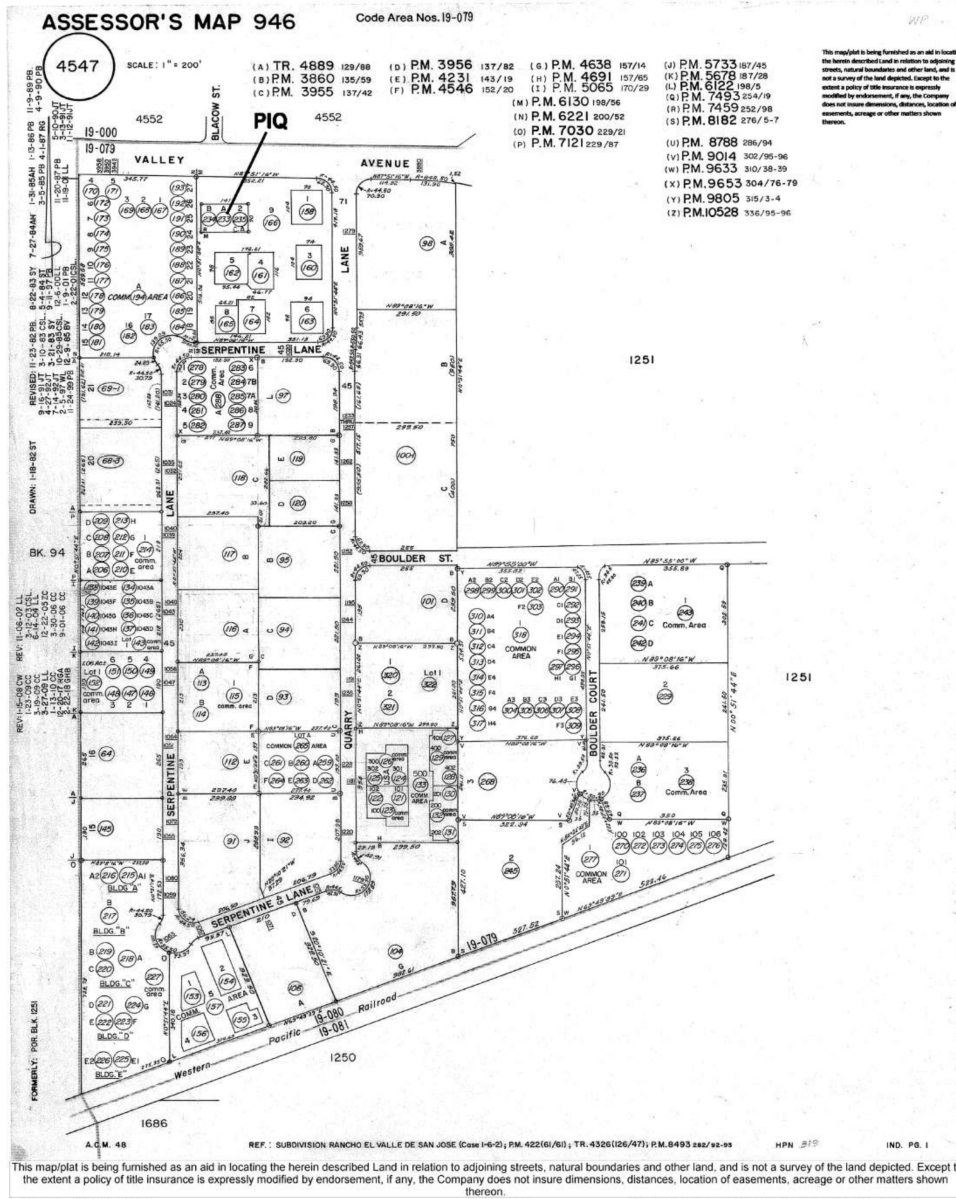
IMPROVEMENT ANALYSIS



Compiled by: Pacific Appraisers

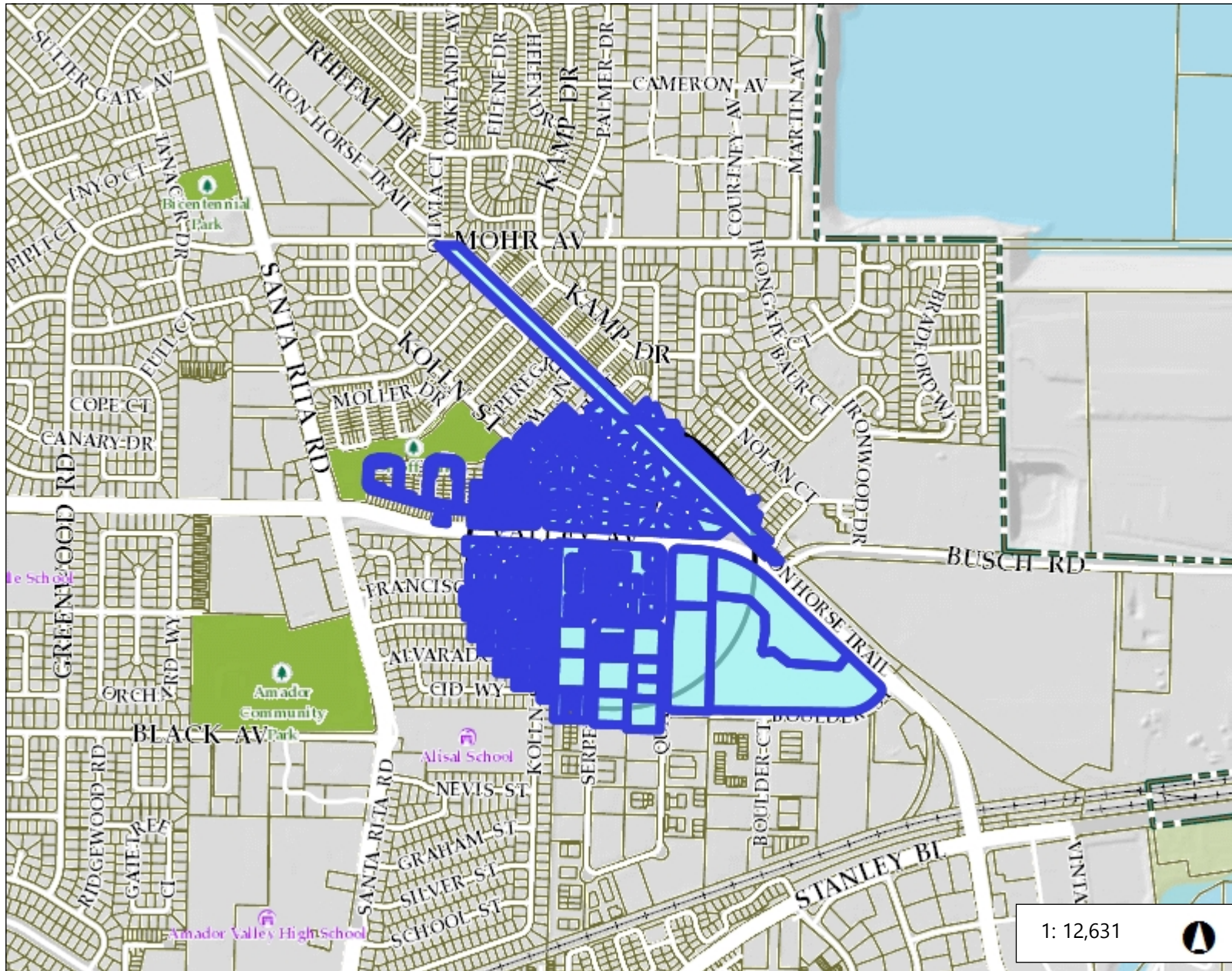


# APPENDIX D – Assessor’s Map



# 3908 VALLEY AVE UNIT A

## EXHIBIT C



### Legend

- Fire Station
- School
- Park
- Parcels

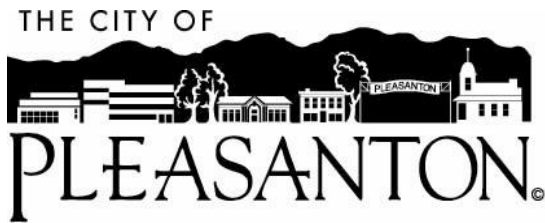
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### Notes

Notes



# Planning Commission Agenda Report

March 25, 2026  
Item 5

- SUBJECT:** PUD-25-02M
- APPLICANT:** Tim Nystrom/NYS Architecture
- PROPERTY OWNER:** Terence Tung
- PURPOSE:** Appeal of a Zoning Administrator determination to deny a Planned Unit Development Minor Modification request to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure
- LOCATION:** 1011 Vista Oaks Court
- GENERAL PLAN:** Rural Density Residential, Low Density Residential, and Open Space – Public Health and Safety
- ZONING:** PUD-LDR/RDR/OS-PHS/WO (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District
- EXHIBITS:**
- A. Draft Resolution
  - B. Narrative and Project Plans dated “Received December 5, 2025”
  - C. Denial Letter dated January 9, 2026
  - D. Appeal Narrative dated “Received February 23, 2026”
  - E. Excerpt of PUD-25 Development Standards
  - F. Location and Notification Map

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## STAFF RECOMMENDATION

Adopt the attached resolution (Exhibit A) recommending that the City Council deny the appeal and uphold the Zoning Administrator’s denial of Case No. PUD-25-02M.

## EXECUTIVE SUMMARY

The appellant requests that the Planning Commission consider an appeal of the Zoning Administrator’s (ZA) denial of a Minor PUD Modification (Case No. PUD-25-02M) to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure at 1011 Vista Oaks Court. The ZA denied the request on January 9, 2026, finding that the required findings for a Minor PUD Modification could not be made due to inconsistencies with the adopted PUD-25 development standards and potential impacts on neighborhood character, streetscape, and public welfare. The appellant contends

that the detached accessory structure's open, low-profile design, unique site conditions adjacent to an emergency vehicle access (EVA) corridor, and existing landscaping/retaining wall treatments preserve the streetscape and avoid public safety impacts, and requests approval as designed. Staff recommends that the Planning Commission find that the proposed street-side yard setback reduction would be inconsistent with the objectives of the PUD-25 development standards and recommend that the City Council deny the appeal and uphold the ZA's determination.

## **BACKGROUND**

The subject property is located within Lund Ranch II/Diamond Canyon, a residential Planned Unit Development (PUD-25) approved by the City Council in 2016 under Ordinance No. 2133. PUD-25 includes development standards and Conditions of Approval (COAs) applicable to future development on individual lots. COA 14 establishes accessory structure setbacks that include a 20-foot street-side yard setback for detached accessory structures on corner lots. On January 9, 2026, the ZA denied the applicant's request to reduce the detached accessory structure street-side yard setback from 20 feet to eight feet to accommodate a detached accessory structure. Accordingly, the appeal is now before the Planning Commission for a recommendation to the City Council that will consider and act on the appeal at a future City Council hearing.

## **AREA AND SITE DESCRIPTIONS**

The subject property is in the Lund Ranch II/Diamond Canyon neighborhood. The lot is a flat, approximately 0.29 acre, corner parcel with frontage along Vista Oaks Court and along Lund Ranch Road/Spring Creek Terrace, which are connected by an EVA roadway corridor adjacent to the street-side yard. The subject property is developed with an approximately 4,838-square-foot, two-story residence. A previously approved swimming pool is currently under construction in the rear yard. See Figure 1 for more details on the location.

**Figure 1: Aerial Photo of Subject Property**



## **PROPOSED PROJECT**

The applicant requests approval of a Minor PUD Modification to the approved PUD-25 development plan to reduce the required detached accessory structure street-side yard setback from 20 feet to eight feet to accommodate the construction of an approximately 360-square-foot, 10-foot-tall, detached accessory structure designed as an outdoor kitchen/storage structure. The detached accessory structure features a traditional architectural style, a stucco exterior finish, and a low-profile, sloped roof, all of which would complement the existing residence.

For full site plan and design details, refer to the project narrative and plans attached as Exhibit B.

## **ANALYSIS**

Minor PUD Modifications are reviewed to determine whether the required findings for project approval can be made. This item is an appeal of the ZA's determination to deny the Minor PUD Modification to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure. The Planning Commission may recommend that the City Council uphold the denial or grant the appeal and approve the Minor PUD Modification, based on the record and applicable findings.

### Minor PUD Modification Findings

After review of the proposed project and the applicable findings, staff concurs with the ZA's determination that the required findings cannot be made for the requested Minor PUD modification as follows:

#### **1. The plan is in the best interests of the public health, safety, and general welfare**

The ZA found that the proposed reduction of the street-side yard setback from 20 feet to eight feet is not in the best interests of the public health, safety, and general welfare.

The 20-foot street-side yard setback requirement in PUD-25 was intentionally established to create a meaningful visual buffer between accessory structures and public streets, preserve the semi-rural and open character of the neighborhood, and maintain a cohesive residential streetscape along Lund Ranch Road and Spring Creek Terrace. These setbacks ensure that accessory structures remain visually subordinate to the primary residence and allow for substantial landscaping along street frontages, reinforcing the visual openness and spatial separation envisioned for the neighborhood.

Reducing the street-side yard setback to eight feet would place the proposed detached accessory structure substantially closer to the street than permitted under the approved PUD and would alter the established relationship between private development and the public realm. At this reduced distance, the structure would appear more prominent when viewed from Lund Ranch Road and Spring Creek Terrace, increasing its apparent mass relative to the street and diminishing the open landscaped corridor that characterizes this portion of the neighborhood.

The reduced setback would also limit opportunities for meaningful landscaping between the structure and the street, resulting in a more built and enclosed appearance and weakening the visual transition from the roadway to the residential lot. This change would detract from

the rural and semi-open character envisioned for PUD-25 and could create the perception that accessory development is encroaching into what is intended to function as a shared visual buffer along the street edge.

Additionally, locating the structure closer to the roadway may affect visual sightlines along a corridor that includes an EVA roadway and functions as a secondary circulation route.

For these reasons, the ZA determined that the proposed modification would not be consistent with the neighborhood's design objectives and could not make this finding.

## **2. The plan is consistent with the City's General Plan and applicable PUD standards**

The ZA found that the proposed modification is not consistent with the adopted development standards and intent of PUD-25.

Although PUD-25 generally follows the standards of the R-1-6,500 zoning district, COA 14 deliberately established more restrictive setback requirements for detached accessory structures, including a 20-foot street-side yard setback for corner lots. These standards were adopted following extensive public review during Planning Commission and City Council hearings and were intended to apply uniformly throughout the development.

Allowing a reduction to eight feet would conflict with the adopted PUD standards and weaken the consistency and predictability of the development framework established through the PUD approval process. The requested modification would effectively alter a core development standard that was intentionally adopted as part of the overall neighborhood design.

Accordingly, the ZA determined that this finding could not be made.

## **3. The plan is compatible with previously developed properties in the vicinity**

The ZA found that the proposed modification would not be compatible with surrounding development within PUD-25.

The subject property is a corner lot with frontage along Vista Oaks Court and Lund Ranch Road/Spring Creek Terrace. Other similarly situated corner lots within the PUD are subject to and expected to comply with the same 20-foot street-side yard setback requirement for detached accessory structures. Comparable properties include, but are not limited to, 1012 Vista Oaks Court, 2192 Countryside Court, and 2175 Shadow Creek Court.

Allowing the proposed reduction would result in an accessory structure being located substantially closer to the street than permitted on comparable lots, creating an inconsistent development pattern and altering the established visual character of the neighborhood.

Therefore, the ZA determined that this finding could not be made.

#### **4. Grading and site conditions justify the requested modification**

The ZA found that site conditions do not justify the requested modification.

The subject property is generally flat (especially in the location of the proposed accessory structure) with only a minor slope across the lot. The proposed detached accessory structure would not create grading, engineering, or utility constraints that would necessitate a reduction in the required setback.

Additionally, the lot is comparable in size, configuration, and orientation to other corner lots within PUD-25 that are subject to the same setback requirement and are expected to comply with the adopted development standards.

Because no unique physical constraints exist that would warrant deviation from the PUD standards, the ZA determined that this finding cannot be made.

#### **5. Streets, buildings, and other manmade structures are designed and located to complement the established streetscape**

The ZA found that the proposed placement of the detached accessory structure would not complement the established streetscape envisioned by PUD-25.

The 20-foot street-side yard setback requirement was adopted specifically to maintain adequate separation between detached accessory structures and public streets and to allow for landscaping that reinforces a consistent residential edge along Lund Ranch Road, Spring Creek Terrace, and the EVA corridor.

Reducing the setback to eight feet would substantially diminish this buffer and disrupt the visual rhythm of development along the street frontage. The resulting condition would introduce a more prominent structure closer to the public right-of-way, contrary to the established streetscape character intended for the neighborhood.

Therefore, the ZA determined that this finding cannot be made.

#### **6. Adequate public safety measures have been incorporated into the plan**

While the proposed detached accessory structure could be constructed in compliance with applicable building and fire codes, the requested street-side yard setback reduction raises broader considerations regarding proximity to the street, sightlines, and neighborhood design objectives that were addressed in the original PUD standards (Exhibit E).

Because these broader considerations are not adequately addressed through the requested Minor PUD Modification, the ZA determined that this finding cannot be made.

#### **7. The plan conforms to the purposes and intent of the PUD District**

The ZA found that the proposed Minor PUD Modification does not conform to the purposes and intent of the PUD District.

PUD-25 was approved following a comprehensive planning process that established specific development standards for detached accessory structures, including the 20-foot street-side yard setback for corner lots. These standards were intentionally adopted to preserve neighborhood character and maintain a consistent development pattern throughout the subdivision.

To date, no modifications to the street-side yard setback requirement have been approved within PUD-25. Approving a reduction from 20 feet to 8 feet—less than even PUD-25’s 10-foot interior side-yard setback requirement—would represent a significant departure from the adopted standards and could establish a precedent for future deviations that would incrementally erode the integrity of the PUD framework.

Accordingly, the ZA determined that this finding cannot be made.

For full ZA determination details, refer to the ZA denial letter attached as Exhibit C.

Staff again notes that the development standards for PUD-25 were adopted following extensive public review during Planning Commission and City Council hearings and were intended to apply uniformly throughout the subdivision. As part of that process, the City Council required the subdivision developer to construct the EVA corridor adjacent to the subject property to address project traffic impacts by directing new vehicular trips away from Lund Ranch Road and toward the Sunset Creek Lane extension serving the easterly lots of the subdivision. The City Council did not indicate that the EVA corridor would alter the applicability of the PUD development standards for the subject parcel as a corner lot. Accordingly, all PUD-25 standards remain applicable, including the 20-foot street-side yard setback for detached accessory structures.

Staff also notes that purchasers in the subdivision were required to review and sign disclosures provided by the developer, as well as private Covenants, Conditions and Restrictions (CC&Rs) that identify development restrictions specific to the neighborhood. These materials reference PUD-25 and the applicable development standards governing the subdivision.

Finally, property owners and designers are always encouraged to consult with Planning Division staff prior to preparing plans for rear-yard improvements anywhere in the City to confirm the applicable development standards and requirements for a proposed project.

#### Appellant’s Key Points

In the appeal letter received February 23, 2026, the appellant asserts that:

1. The detached accessory structure is low-profile, open, and visually subordinate.
2. The project site’s street-side frontage abuts an EVA corridor and is separated by retaining walls, landscaping, and grade changes, making the condition distinct from other corner lots.
3. Streetscape character is maintained through landscape design, walls, and the structure’s transparency.
4. No public safety impacts are created because the pavilion does not obstruct sightlines or encroach into the EVA, and the denial acknowledges building/fire code compliance.

5. Approval can be conditioned to match the submitted design (footprint, height, openness, landscaping) to avoid precedent.

For full appeal details, refer to the appeal narrative attached as Exhibit D.

## **PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the subject parcel (Exhibit F), and it was published in the Valley Times newspaper on March 13, 2026. At the time this report was published, staff had not received any public comments.

## **ENVIRONMENTAL ASSESSMENT**

The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures. The proposed use does not involve any hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Therefore, no additional environmental review is required.

## **SUMMARY/CONCLUSION**

Based on the record, the Planning Commission must determine and recommend to the City Council whether the required findings for a Minor PUD Modification can be made. If the Planning Commission determines the proposal is inconsistent with COA 14 and the intended uniform application of the PUD's detached accessory structure development standards, and would not complement the established streetscape, it should recommend that the City Council deny the appeal and uphold the ZA's denial. Alternatively, if the Planning Commission determines that the detached accessory structure's design and the site's EVA-adjacent conditions preserve the PUD's intent and that findings can be made with appropriate, site-specific conditions, it may recommend that the City Council grant the appeal and approve the Minor PUD Modification.

**Primary Author:** Eric Luchini, Senior Planner, 925-931-5612 or [eluchini@cityofpleasantonca.gov](mailto:eluchini@cityofpleasantonca.gov).

**Reviewed/Approved By:**

Derek Farmer, Assistant Director of Community and Economic Development and Planning Manager  
Julie Harryman, Assistant City Attorney

## RESOLUTION NO. PC-2026-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING THAT THE CITY COUNCIL DENY THE APPEAL OF A ZONING ADMINISTRATOR DETERMINATION TO DENY AN APPLICATION FOR A MINOR PLANNED UNIT DEVELOPMENT MODIFICATION TO REDUCE THE REQUIRED STREET-SIDE YARD SETBACK FROM 20 FEET TO EIGHT FEET TO ACCOMMODATE THE CONSTRUCTION OF A DETACHED ACCESSORY STRUCTURE, LOCATED AT 1011 VISTA OAKS COURT, AS FILED UNDER CASE NO. PUD-25-02M**

**WHEREAS**, on December 5, 2025, Tim Nystrom of NYS Architecture, as the applicant, on behalf of the property owner Terence Tung, applied for a Minor Planned Unit Development (PUD) Modification to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure located at 1011 Vista Oaks Court (hereinafter “the Property”), Assessor Parcel No. 948-25-12-00, (hereinafter “the Project”); and

**WHEREAS**, the subject property has a General Plan land use designation of Rural Density Residential, Low Density Residential, and Open Space – Public Health and Safety; and

**WHEREAS**, the subject property is zoned PUD-LDR/RDR/OS-PHS/WO (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District; and

**WHEREAS**, a Minor PUD Modification is subject to findings listed in Pleasanton Municipal Code (PMC) Section 18.68.110.B.1 through 7 and requires Zoning Administrator (ZA) approval; and

**WHEREAS**, on January 9, 2026, the Zoning Administrator denied the Project pursuant to inconsistencies with the required findings listed in PMC Section 18.68.110.B.1 through 7 and as outlined in Section 4 below; and

**WHEREAS**, on February 23, 2026, Tim Nystrom of NYS Architecture, as the applicant, on behalf of the property owner Terence Tung, filed an appeal of the ZA determination to deny the Project; and

**WHEREAS**, pursuant to Section 65905 of the Government Code, the Planning Commission held a duly noticed public hearing to consider the Project on March 25, 2026, at which time all interested parties had the opportunity to be heard. The Planning Commission considered the agenda report dated March 25, 2026, incorporated herein by reference, and all written and oral testimony; and

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of Pleasanton does resolve, declare, determine, and order the following:

**Section 1:** Prior to making a recommendation on the Project, and at a properly noticed public hearing, the Planning Commission reviewed written and oral agenda reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the “Record Evidence”). The Planning Commission’s recommendation is based on the Record Evidence, which is incorporated into this Resolution by reference.

**Section 2:** The Project is not consistent with the adopted General Plan as it aligns with the applicable land use designations and supports the General Plan’s Programs, Policies, and Goals related to sustainability, community development, and industrial, commercial, and office. As such, the Project does not comply with the requirements of Government Code Section 65860 regarding zoning consistency with the General Plan.

**Section 3:** Findings for California Environmental Quality Act (CEQA)  
With respect to CEQA, the Planning Commission finds the Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures. The proposed use does not involve any hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Therefore, no additional environmental review is required.

**Section 4:** Findings for Minor PUD Modification Denial  
With respect to the denial of PUD-25-02M, the Planning Commission recommends that the City Council make the following findings as required by Section 18.68.110.B.1 through 7 of the PMC:

**1. The plan is in the best interests of the public health, safety, and general welfare**

The 20-foot street-side yard setback requirement in PUD-25 was intentionally established to create a meaningful visual buffer between accessory structures and public streets, preserve the semi-rural and open character of the neighborhood, and maintain a cohesive residential streetscape along Lund Ranch Road and Spring Creek Terrace. These setbacks ensure that accessory structures remain visually subordinate to the primary residence and allow for substantial landscaping along street frontages, reinforcing the visual openness and spatial separation envisioned for the neighborhood.

Reducing the street-side yard setback to eight feet would place the proposed detached accessory structure substantially closer to the street than permitted under the approved PUD and would alter the established relationship between private development and the public realm. At this reduced distance, the structure would appear more prominent when viewed from Lund Ranch Road and Spring Creek Terrace, increasing its apparent mass relative to the street and diminishing the open landscaped corridor that characterizes this portion of the neighborhood.

The reduced setback would also limit opportunities for meaningful landscaping between the structure and the street, resulting in a more built and enclosed appearance and weakening the visual transition from the roadway to the residential lot. This change would detract from the rural and semi-open character envisioned for PUD-25 and could create the perception

that accessory development is encroaching into what is intended to function as a shared visual buffer along the street edge.

Additionally, locating the structure closer to the roadway may affect visual sightlines along a corridor that includes an emergency vehicle access (EVA) roadway and functions as a secondary circulation route.

For these reasons, the Planning Commission recommends that the City Council determine that the proposed Minor PUD Modification would not be consistent with the neighborhood's design objectives, and the City Council cannot make this finding.

## **2. The plan is consistent with the City's General Plan and applicable PUD standards**

Although PUD-25 generally follows the standards of the R-1-6,500 zoning district, Condition of Approval (COA) 14 deliberately established more restrictive setback requirements for detached accessory structures, including a 20-foot street-side yard setback for corner lots. These standards were adopted following extensive public review during Planning Commission and City Council hearings and were intended to apply uniformly throughout the development. As part of that process, the City Council required the subdivision developer to construct the EVA corridor adjacent to the Property to address project traffic impacts by directing new vehicular trips away from Lund Ranch Road and toward the Sunset Creek Lane extension serving the easterly lots of the subdivision. The City Council did not indicate that the EVA corridor would alter the applicability of the PUD development standards for the Property as a corner lot. Accordingly, all PUD-25 standards remain applicable, including the 20-foot street-side yard setback for detached accessory structures.

Allowing a reduction to eight feet would conflict with the adopted PUD standards and weaken the consistency and predictability of the development framework established through the PUD approval process. The requested modification would effectively alter a core development standard that was intentionally adopted as part of the overall neighborhood design.

Accordingly, the Planning Commission recommends that the City Council determine that the Project is inconsistent with the applicable PUD standards, and the City Council cannot make this finding.

## **3. The plan is compatible with previously developed properties in the vicinity**

The Property is a corner lot with frontage along Vista Oaks Court and Lund Ranch Road/Spring Creek Terrace. Other similarly situated corner lots within the PUD are subject to and expected to comply with the same 20-foot street-side yard setback requirement for detached accessory structures. Comparable properties include, but are not limited to, 1012 Vista Oaks Court, 2192 Countryside Court, and 2175 Shadow Creek Court.

Allowing the proposed reduction would result in an accessory structure being located substantially closer to the street than permitted on comparable lots, creating an inconsistent development pattern and altering the established visual character of the neighborhood.

Therefore, the Planning Commission recommends that the City Council determine that the Project is not compatible with the previously developed properties in the vicinity, and the City Council cannot make this finding.

#### **4. Grading and site conditions justify the requested modification**

The Property is generally flat (especially in the location of the proposed accessory structure) with only a minor slope across the lot. The proposed detached accessory structure would not create grading, engineering, or utility constraints that would necessitate a reduction in the required setback.

Additionally, the Property is comparable in size, configuration, and orientation to other corner lots within PUD-25 that are subject to the same setback requirement and are expected to comply with the adopted development standards.

Because no unique physical constraints exist that would warrant deviation from the PUD standards, the Planning Commission recommends that the City Council determine that this finding cannot be made.

#### **5. Streets, buildings, and other manmade structures are designed and located to complement the established streetscape**

The 20-foot street-side yard setback requirement was adopted specifically to maintain adequate separation between detached accessory structures and public streets and to allow for landscaping that reinforces a consistent residential edge along Lund Ranch Road, Spring Creek Terrace, and the EVA corridor.

Reducing the setback to eight feet would substantially diminish this buffer and disrupt the visual rhythm of development along the street frontage. The resulting condition would introduce a more prominent structure closer to the public right-of-way, contrary to the established streetscape character intended for the neighborhood.

Therefore, the Planning Commission recommends that the City Council determine that the Project is not designed to complement the established streetscape, and that the City Council cannot make this finding.

#### **6. Adequate public safety measures have been incorporated into the plan**

While the proposed detached accessory structure could be constructed in compliance with applicable building and fire codes, the requested street-side yard setback reduction raises broader considerations regarding proximity to the street, sightlines, and neighborhood design objectives that were addressed in the original PUD standards.

Because these broader considerations are not adequately addressed through the requested Minor PUD Modification, the Planning Commission recommends that the City Council determine that this finding cannot be made.

**7. The plan conforms to the purposes and intent of the PUD District**

PUD-25 was approved following a comprehensive planning process that established specific development standards for detached accessory structures, including the 20-foot street-side yard setback for corner lots. These standards were intentionally adopted to preserve neighborhood character and maintain a consistent development pattern throughout the subdivision.

To date, no modifications to the street-side yard setback requirement have been approved within PUD-25. Approving a reduction from 20 feet to 8 feet—less than even PUD-25’s 10-foot interior side-yard setback requirement—would represent a significant departure from the adopted standards and could establish a precedent for future deviations that would incrementally erode the integrity of the PUD framework.

Accordingly, the Planning Commission recommends that the City Council determine that the Project does not conform to the purposes and intent of the PUD District, and the City Council cannot make this finding.

**Section 5:** The Planning Commission hereby recommends that the City Council deny the appeal of Case No. PUD-25-02M, the application of Tim Nystrom of NYS Architecture, as the applicant, on behalf of the property owner Terence Tung, for a Minor PUD Modification to reduce the required street-side yard setback from 20 feet to eight feet to accommodate the construction of a detached accessory structure located at 1011 Vista Oaks Court.

**Section 6:** The Planning Commission recommends that the City Council direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

**Section 7:** This resolution shall become effective 10 days after its passage and adoption.

**PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on March 25, 2026, by the following vote:**

- Ayes:
- Noes:
- Absent:
- Abstain:

**ATTEST:**

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Derek Farmer  
Secretary, Planning Commission

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Brandon Pace  
Chair

**APPROVED AS TO FORM:**

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Julie Harryman  
Assistant City Attorney

RECEIVED

12/05/25

PUD-25-02M

CITY OF PLEASANTON  
PLANNING DIVISION

EXHIBIT B

Date: November 21, 2025

Subject: Request for Planned Unit Development (PUD) Minor Modification

Address: 1011 Vista Oaks Court, Pleasanton CA

Dear City of Pleasanton Planning Manager,

I am writing regarding the residential construction project currently underway at 1011 Vista Oaks Court where we have already secured and received a valid building permit for a new swimming pool. As part of the approved plans, the homeowner has also designed a comprehensive outdoor living environment, which includes landscaping, hardscaping, and a custom outdoor kitchen pavilion adjacent to the pool area.

Recently, we were informed that the City has applied a 20-foot setback requirement specific to the pool area, and that in order to proceed with the pavilion, a Planned Unit Development (PUD) zoning modification may be required. This unexpected condition has placed the entire project on hold, despite the fact that:

- 1. The Pool Permit is Already Approved and Under Construction:** Construction has commenced in good faith, under the valid pool permit issued by the City. Halting the project mid-stream presents significant scheduling, weather, and cost concerns as winter approaches.
- 2. No Utilities Conflict Identified:** Through inspection and review, no underground utilities have been located within the proposed construction area for the pavilion. There is no evident safety, access, or infrastructure concern that would necessitate the 20-foot setback.
- 3. Architectural and Design Integrity:** The homeowner worked diligently with architects and designers to create a cohesive outdoor living plan that integrates the pool, pavilion, and hardscape features into a single functional design. Relocation or removal of the pavilion would compromise the overall flow and purpose of the project.
- 4. Homeowner Expectations and Investment:** The homeowner purchased this property and invested substantially in both design and construction without prior notice of a 20-foot setback affecting the pool area. The setback condition was not evident during the initial permit process and has created unforeseen hardship.

In light of the above, we respectfully request that the City approve the construction of the outdoor kitchen pavilion as designed and allow us to proceed without delay. From both a construction and architectural standpoint, the pavilion poses no conflict with city infrastructure or safety standards. From a homeowner's perspective, it represents significant personal investment and the centerpiece of their outdoor living vision. We ask the City of Pleasanton to consider modifying the PUD for this lot and allow for a reduction in the corner lot side yard setback from 20'-0" to 8'-0" in order to allow for the new kitchen pavilion to be designed and constructed.

We greatly appreciate your time, attention, and consideration of this request, and we are available to provide any additional documentation, plans, or inspections as needed to support approval.



Tim Nystrom, AIA  
Architect  
NYS Architecture, Inc.  
707.227.2625



## DIVISION 00 - CONDITIONS OF CONTRACT

### 0.01 Terminology

#### A. Referenced Organizations.

AIC American Concrete Institute	(www.concrete.org)	NIST PS National Institute of Standards and Technology, Product Standards	(www.nist.org)
AISC American Institute of Steel Construction	(www.aisc.org)	NSMA National Electrical Manufacturers Association	(www.nema.org)
ATC American Institute of Timber Construction	(www.aitc-aiqm.com)	NFPA National Fire Protection Association	(www.nfpa.org)
ANSI American National Standards Institute	(www.ansi.org)	NFRC National Fenestration Rating Council	(www.nfrc.org)
APA American Plywood Association	(www.apawood.org)	NDMA National Oak Flooring Manufacturers Association	(www.nofma.org)
ASHRAE American Society of Heating, Refrigeration, and Air Conditioning Engineering	(www.ashrae.org)	NCA National Paint and Coatings Association	(www.nca.org)
ASTM American Society for Testing and Materials	(www.astm.org)	NCA National Roofing Contractors Association	(www.nrcna.net)
AWI Architectural Woodwork Institute	(www.awi.net)	NDMA National Wood Window and Door Association	(www.ndma.com)
AWIS American Welding Society	(www.aws.org)	POCA Painting and Decorating Contractors of America	(www.poca.org)
AWMA Architectural Aluminum Manufacturers Association	(www.alumet.org)	PSA Steel Door Institute	(www.steeldoor.org)
CFR Carpet and Rug Institute	(www.carpetrug.org)	SBCA Steel Stud Institute	(www.steelstud.org)
CCC California Energy Commission	(www.energy.ca.gov)	SIMACNA Sheet Metal and Air Conditioning Contractors National Association	(www.simacna.org)
CRS Concrete Reinforcing Steel Institute	(www.crs.org)	TCA The Council of North America	(www.tca.org)
CSI Federal Specification	(ftp://ftp.csi.ca.gov/pubs/headers/)	TPI Tread Plate Institute	(www.tread.org)
IA Gypsum Association	(www.gypsum.org)	TRT Tie Roofing Institute	(www.tieroofing.org)
IGMA Glass Association of North America	(www.igmanet.com)	UL Underwriters Laboratories Inc.	(www.ul.com)
ICC International Code Council	(www.iccsafe.org)	WCLB West Coast Lumber Inspection Bureau	(www.wclb.org)
		WI Woodwork Institute	(www.woodworkinstitute.com)
		WWPA Western Wood Products Association	(www.wwpa.org)

#### • Definitions.

- Contract Documents: The Contract Documents shall include the drawings, specifications, structural calculations, soils report, and California Energy Code compliance forms. These documents are intended to supplement and complement each other. In case of conflict, contact the Architect.
- Owner: The term "Owner" shall mean the Owner or the Owner's authorized representative(s).
- Contractor: The term "Contractor" shall mean the general contractor or the general contractor's authorized representative(s).
- Architect: The term "Architect" shall mean Tim Nystrom.
- Engineer: The term "Engineer" shall mean the structural engineer or the structural engineer's authorized representative(s).
- Builder: The term "Builder" shall mean a person or entity who is both an Owner and Contractor, and whose responsibilities are for both Owner and Contractor.

## DIVISION 01 - GENERAL REQUIREMENTS

### 1.01 Scope of Work:

- Contractor shall provide all labor, materials, equipment, permits, and services necessary for construction of the building and site improvements conforming to the contract documents. Drawings and specifications represent finished structure.

The contractor shall be responsible for means and methods of construction including shoring and temporary bracing and shall take all necessary measures to insure the safety of all persons and structures near or adjacent to the site. Care shall be taken to protect from any damage all trees and vegetation on the site and on adjoining properties. Any trimming or other alteration done to trees shall be done so only by approval of the Owner.

- The Architect will not be providing the Owner with regular on site contract administration and is available only at request of the Owner. The Contractor is solely responsible for the quality control and construction standards for this project.

- These plans are for general construction purposes only. They are not exhaustively detailed nor fully specified. The drawings were prepared to a level of completion satisfactory for building permit purposes and for construction by a knowledgeable and experienced contractor. The Contractor is responsible for preparation of any supplemental details, product specifications, coordination and installation of all materials and equipment.

- Mechanical, electrical, and plumbing systems are shown for intent only. These systems shall be design/build by the Contractor. The Contractor shall be responsible for all necessary permits, drawings, calculations, and California Energy Code.

- These drawings and specifications are divided into sections for convenience only. Contractors, subcontractors and materials suppliers shall refer to all relevant sections in bidding and performing their work and shall be responsible for all aspects of the work regardless of where the information occurs in the drawings.

- Clean-Up: The Contractor will remove all debris from the building site and in general keep the work as clear of rubbish as possible during the course of the work. Before filing the Notice of Completion, the building will be fully cleaned, including all glass polished, floors scrubbed and cleaned, and the building shall be suitable for immediate occupancy by Owner.

### 1.02 Quality Control

- All work shall comply with applicable requirements of all governing codes, regulations and ordinances. These shall include the latest adopted editions of: The California Building Code (CBC), California Residential Code (CRC), California Electric Code (CEC), California Plumbing Codes (CPC), California Mechanical Code (CMC), California Energy Code (CENC), California Green Building Standards Code (CAL Green), OSHA regulations, and all other health and safety codes, ordinances and requirements adopted by governing agencies. In the case of conflicts between these regulations and the contract documents, the most restrictive shall apply.

- The Contractor shall verify, at the site, all conditions affecting work and shall review the contract documents for any areas of question affecting cost, construction and warranty and any drawing dimensional or note conflict, discrepancy, illegibility or omission. All areas of question shall be brought to the attention of the Architect in writing before commencing any work and/or submitting any bid. Compliance of any work shall constitute acceptance by the Contractor of all conditions affecting work.

- Workmanship throughout shall be of the highest quality of each trade involved.

- The Contractor, before commencing work, shall notify the Owner in writing of any work that cannot be fully guaranteed or executed within the intent of the drawings prior to the bid submital.

- All construction shall be in strict conformance with manufacturers' latest written specifications. All discrepancies between these specifications and the contract documents prepared by the Architect shall be brought to the attention of the Architect before commencing work.

- Reference to product manufacturer or trade names are for minimum performance standards only. Submittal equals may be allowed upon approval by the Owner, confirm all products with Owner prior to purchasing.

- Cutting and patching includes cutting into existing construction to provide for the installation or performance of other work and subsequent filling and patching required to restore surfaces to their original condition. Use materials for cutting and patching that are identical to existing materials.

- Do not cut and patch structural work in a manner that would result in a reduction of load carrying capacity or load-deflection ratio. Submit proposal and obtain Architect's and Engineer's approval before proceeding with cut and patch of structural work.

- Quality control services include inspections and tests performed by independent agencies and governing authorities, as well as by the Contractor. Inspection and testing services are intended to determine compliance of the work and the requirements specified. Approval by a building official does not mean approval or failure to comply with the contract documents. Inspections and testing shall be performed at the request of the Owner, the Architect and/or governing agencies and as set forth in these documents. Quality control services are the Contractor's responsibility, including those specified to be performed by an independent agency and not by the contractor. The Contractor shall employ and pay any independent agency, testing laboratory or other qualified firm to perform quality control services specified. Where results of inspections or tests do not indicate compliance with the contract documents, the Contractor shall be responsible for any repair, replacement, correction and re-test that is required.

- All dimensions shall take precedence over scale shown on the plans, sections, and details. Dimensions are to face of studs, face of foundation, face of concrete block, top of sheathing, top of slab, or center of openings. U.O.N. Do not scale drawings. Contractor shall verify all dimensions and review any conflicts or discrepancies with the Architect prior to commencement of work.

## DIVISION 02 - SITEWORK

### 2.01 Soils Report:

- All work shall be in conformance with the Soils, Compaction and Geological Report.

- The Contractor shall have the Soils Engineer review and approve in writing to the Building Official and Architect that the foundation and site design are in conformance with the Soils Report prior to commencement of work.

- The Contractor shall be solely responsible for compliance with all recommendations of the Soils Report.

- Prior to the contractor receiving a foundation inspection by the building department, the Soils Engineer shall advise the Building Official and Architect in writing that:

- Site grading, subgrade preparation, cutting slopes, excavation, placement of engineered fill material and compaction is in accordance with the Soils Report.
- The utility trenches have been properly backfilled and compacted.
- The foundation excavations, forming, footing and pier depths, and reinforcement comply with the soils report and approved plans.

### 2.02 General Requirements

- The site plan is not a survey. It is based on site information provided by the Owner and is for building and site work layout only. The Contractor shall verify on site all grades, soil conditions, ground water, existing improvements, property lines, easements, setbacks, utilities and substructures. Where discrepancies with the drawings occur, contact Architect.

- Grade surface of fill under concrete slabs shall be smooth and even, free of voids, compacted as specified and to required elevation.

- At raised foundations, pad grade under building shall have positive slope to a perforated drain set in gravel trench. Extend pipe to all portions of under floor area. The drain shall discharge into the street or approved drainage facility.

- Unless otherwise detailed or noted, a perforated drain set in a gravel trench shall be installed around the entire perimeter of the foundation. The drain shall discharge into the street or approved drainage facility. Use only rigid pipe, flexible pipe will not be allowed.

- It shall be the responsibility of the Contractor to take proper erosion control measures. The Contractor shall be responsible for proper surface and subsurface drainage of the site. Slope all finish grading away from buildings, walks, drives or decks and provide catch basins where required.

- Finish grades shall be held down in planting areas. The Contractor shall provide and install a 6" minimum thickness of clean select top soils in these areas.

- Rough grading for slabs-on-grade shall be within 2/10th of one foot, plus or minus.

- Site grading shall be within 5/10th of one foot, plus or minus.

- All roof drainage shall be piped in a closed pipe system to street or approved drainage facility (U.O.N.).

- Builder shall provide landscape development guidelines to Buyer that shall include information on site maintenance and development and state such items as "irrigation system shall be designed to prevent saturation of soil adjacent to building".

- All utilities unless indicated otherwise shall be installed under ground. The Contractor shall be responsible to insure that all trenching within building area shall be backfilled and compacted with structural soils material free of any rocks or other sharp objects which may damage underground utilities.

- Underground piping shall be laid to a minimum 24" depth below finished grade. When utilities are placed in a common trench, all utilities shall maintain separations and coverage both vertically and horizontally, as required by applicable codes.

## DIVISION 03 - CONCRETE

### 3.01 Quality Control

- In addition to complying with all pertinent codes and regulations, comply with all applicable provisions of the latest editions of:
  - ACI 301 "Specifications for Structural Concrete for Buildings"
  - ACI 318 "Building Code Requirements for Reinforced Concrete"
  - CRSI "Manual of Standard Practice"
  - See Structural Engineer's drawings for additional requirements.

### 3.02 General Requirements

- Provide underfloor vents as per CRC R408.1. Add two 6 x 14 vents to garage. All first floor double framed areas shall be vented.

- Provide expansion and control joints in all exterior concrete slabs. Spacing of joints shall be per industry standard (U.O.N.). Verify joint layout with Architect.

- Refer to architectural, structural, mechanical, plumbing and electrical drawings for all moulds, grooves and ornamental clips, location of sleeves, inserts, etc. to be cast in concrete and for extent of depressions, curbs and ramps.

#### • Finishes:

- All interior slabs shall receive trowel smooth finish (U.O.N.).
- All driveways, sidewalks, and stairs shall receive broom-smooth finish (U.O.N.).
- Garage slabs and other interior slabs that will remain unfinished shall be treated with Lipidolith Hardner by Sonneborn, or equal.

## DIVISION 04 - MASONRY

### 4.01 Quality Control

- Precast architectural concrete columns and trims: Concrete Designs Inc. (CDI) U.O.N.
- Grout for precast concrete: ASTM A118.6, Latex Portland Cement, color to match precast concrete.
- Epoxy Grout: ANSI A108.6 and A118.3. 4.02

### 4.02 General Requirements

#### • Brick:

- Mortar joints shall be "raked" (U.O.N.). Raked joints shall be not more than 3/8" deep, and where exposed to weather, shall be tooled. Brick joints shall be concave where subject to freezing.
- Bond shall be match existing.

## DIVISION 05 - METALS

### 5.01 General Requirements

- All bolt heads and nuts that bear on wood shall have malleable iron washers if exposed or cut washers if concealed.
- Exposed welds shall be ground smooth.
- Shop paint structural steel work, except those members or portions of members to be embedded in concrete or mortar. Paint the initial 2" of embedded areas only. Do not paint surfaces which are to be welded or high strength bolted with friction type connections. After installation is completed, all welded and other abraded areas shall be touched up. On surfaces inaccessible after assembly or erection, apply two (2) coats of the specified primer.

- All exterior steel, exposed, concealed or embedded, or where called for on the Drawings, shall be thoroughly zinc-coat galvanized after fabrication by the hot-dipped method. Touch-up field welds with similar galvanizing product.
- Dissimilar Materials in contact with each other shall be protected to prevent galvanic or corrosive action. Use vinyl pressure tape, polyisobutylene tape, or similar product.
- All metals in contact with pressure treated wood shall be hot dipped galvanized, see Simpson Strong-Tie for recommended finishes for their connectors. Also see structural engineering specifications for further information.

## DIVISION 06 - WOOD AND PLASTICS

### 6.01 Quality Control:

- Materials shall meet or exceed the following standards:

#### Lumber:

- Structural lumber and their wood fasteners shall conform with relevant chapters of the CRC.

- All wood in contact with concrete or masonry or located within 8" of finish grade shall be pressure treated Douglas or Hem Fir with an approved preservative.
- All timbers 6 x 8 and larger exposed to view shall be Western Red Cedar free of heart center (FOHC), with moisture content of 20% maximum.

- Max. deflection (DL + LL) shall be: Floor with Tile = L/270

### 6.02 General Framing Requirements:

#### • Blocking:

- Block floor joists at all supports, line up double joists under all walls parallel to floor joists and space double joists under plumbing walls.
- Provide solid full width blocking or post below all structural posts - continuous to foundation.
- Provide blocking and nailers for all fixtures and fixtures as required.
- Provide blocking in walls at ceiling lines.
- Corbels, knee braces, etc., shall be construction select materials.
- At double framed floors "sleepers" shall be perpendicular to framing below.

### 6.03 Attic Ventilation Requirements:

- Provide attic and soffit ventilation as per CRC R806. Vent all double framed areas. See Roof Plan for submittals.

### 6.04 Finish Carpentry:

- All millwork and case work shall be in accordance with AIA/WWA/MAC "Architectural Wood Standards" custom or premium grade standards, latest edition.
- All cabinets and millwork shall be selected by the owner.
- Provide 30" clear above kitchen range to unprotected underside of upper cabinetry or 24" clear to metal hood as per CMC Section 916.1 & 916.2.
- Plastic laminates and solid surfacing products shall meet or exceed ANSINEMA standards L03.
- Install and anchor all cabinetry to preclude movement, overturning, or distortion of other materials or finishes. Install level and plumb. Comply with manufacturer's instructions for support of supplied units.
- Install all trim in as long of lengths as possible. All splices in finish members shall be bevel splices. Where joints within a piece are required they shall be as unapparent as possible.

## DIVISION 07 - THERMAL AND MOISTURE PROTECTION

### 7.01 Quality Control

Materials shall meet or exceed the following standards:

#### • Insulation:

- Insulation shall be installed per the California Energy Code requirements.
- Thermal Batt/Blanket Insulation: Mineral-Fiber Blanket complying with ASTM C665, Type I (blankets without membrane facing).
- Thermal insulation/blow-in blanket insulation glass fiber loose-fill complying with ASTM C764 Type I (for pneumatic) or Type II (for poured) in attic.
- Sound Insulation: Unfaced mineral fiber blanket/batt insulation complying with ASTM C665, Type I, minimum thickness equal to stud depth to entirely fill the void space, nominal 0.70 to 2.50 -pcf density.
- All plumbing walls adjacent to interior living spaces shall be sound insulated with fiberglass batts.

#### • Asphalt Shingle Roofing:

- All work shall comply with the NCRA "Roofing and Waterproofing Manual" and
- Asphalt shingles shall be applied according to manufacturer's specifications.
- The minimum performance standard for asphalt shingles shall be Elk Premium Roofing - Prestique Two or equal as approved by Owner and bear a UL Class A fire proof rating. Trim units shall include manufacturer's standard ridge and hip pieces. Color as selected by Owner (U.O.N.). Minimum pitch as per manufacturer's recommendations.
- For asphalt shingle underlayment shall be 15 lb. felt, 2 layers at pitch less than 4:12.
- Roofing nails shall be aluminum or hot dip galvanized 11 or 12 GA sharp, pointed conventional roofing nails with barbed shanks, min. 3/8" dia. head and of sufficient length to penetrate min. 3/4" into solid decking or to penetrate through plywood sheathing (U.O.N.).
- The roofing contractor shall supply to the Owner a written guarantee to repair without cost to the Owner, any leaks due to faulty materials or workmanship, which develop within 1 year from the date of acceptance by Owner of completed building. During this time period, any repair work required because of Act of God, abuse, alterations, or failure to the substrate and/or supporting structure (other than that caused by defects in the roofing work) shall be completed by the contractor and paid for by the Owner, promptly after completion of the required repair work in each instance. The roofing contractor shall furnish the manufacturer's standard limited material warranty for a minimum of 10 years from the date of completion of the roof.

#### • Flashing:

- All work shall comply with the SMACNA "Architectural Sheet Metal Manual".
- All metal flashing to conform to ASTM A653, commercial grade (zinc coated G90).
- All metal flashing shall be 26 gauge for work less than 8" wide, 20 gauge for work over 8" wide or as indicated on the drawings. Use 20 gauge minimum for clips.
- Sheet metal flashing shall be installed at all locations where different material intersect such as roof to wall, roof to roof, deck/balcony/landing to wall, penetrations into walls, chimneys and as detailed. Flash and counterflash as required to make watertight.
- The center of all flashing for all through vents and all electrical service connections, shall not be less than 16" from center of any valley. See manufacturer's printed installation instructions recommendations for roofing tile.

#### • Sheathing Paper

- Provide sheathing paper under exterior metal lath and plaster, under wood siding, under masonry veneer, under metal flashings and where indicated or detailed.
- Use Fortifiber 2 ply 60-minute Super Jumbo Tex or approved equal.
- Lapping: Horizontal Joints: Lap paper as detailed and not less than 3 inches; Wall Corners: Wrap paper to overlap not less than 12 inches each side of corner; Vertical Joints: Lap paper not less than 6 inches.
- Lap paper over head flashings and base screws, roof and waterproof membranes, and under sill flashings. Treat penetrations and other details as necessary for adequate weather protection.
- Wall openings: Individually flash all exterior openings for fixtures such as windows, doors and vents as detailed to make them water tight.

#### • Flexible Flashings

- Fortifiber system.
- Moiststop E-z seal adhesive flashing for dampproofing at all exterior door window heads and jams.
- Fortiflash 40 mil waterproof flashing for waterproofing at all horizontal plaster surfaces, horizontal penetrations, and windows.
- Moiststop Flashing for sealing around windows.

#### • Caulking and Sealants/Locations:

- Sealant Locations: Locations such as ceramic tile, plumbing fixtures, and other where mildew resistant sealant is required. Location where high degree of movement is anticipated. Joints and cracks around windows, thresholds, door frames, wall penetrations, connections and other joints necessary to seal off building from outside air and moisture. Between exterior wall sole plate and slab on grade. All joints necessary to make the building watertight and to prevent the passage of dirt, dust, wind, air or water. At interior insulated sound walls. Fire stopping at penetrations of fire rated assemblies.
- Minimum product standards for sealants shall be as follows:
  - Exterior Window and Door Frames and Masonry to Cement Plaster: Sonolastic NP2, by Sonneborn or equal. Color to match wall surface.
  - Interior Sound Walls at Sill: Tremco Acoustical Sealant or equal.
  - Wood Sole Plate to Concrete, Window Sills and Door thresholds: Dow Corning 790 Silicone Building Sealant or equal. Color: Natural Stone.
  - Painted Exterior Windows Frames to Metal Frames or Flashing: Dow Corning 999A Glazing Sealant or equal. Color: Clear.
  - Caulking for Joints in Floor Slabs on Grade: PRC Rubber Caulk 230, two-part self-leveling polyurethane, Shore A hardness 35.
  - Joint Fillers: Closed cell inert polyurethane or polyethylene as recommended by caulking manufacturer. Width or diameter of preformed backing material to be 1-1/4 to 1-1/3 times the width of the joint to be sealed. Fire stopping at penetrations of fire rated assemblies: 3M Fire Protection Products CP 25WB Caulk (U.O.N.), see details.
  - Caulking and sealants shall be installed per manufacturer's written specifications. Consult manufacturer when sealant cannot be applied within recommended temperature ranges. All exposed caulking shall be free of wrinkles, sags, air pockets, ridges and embedded impurities. After joints are completely filled, they shall be tooled to a slight, neat concave joint.
  - Sealants shall be compatible with all materials they are in contact with.

## DIVISION 08 - DOORS AND WINDOWS

### 8.01 Quality Control

Material shall meet or exceed the following standards:

#### • Wood Doors:

- Doors shall meet or exceed the standards of the AIA/IAWMAC "Architectural Wood Standards", Section 9, Custom Grade (U.O.N.).
- Wood doors shall be 1-3/4" thick solid core at exterior doors and where noted at selected interior doors, and 1-3/8" thick doors at remaining locations.
- Style & Rail Wood Doors:
  - Masonite International Corporation, molded panel series, or equal
  - Factory fit doors to suit frame-opening sizes indicated.
- Factory machine doors for hardware that is not surface applied. Locate hardware to comply with DHI-WDHS-3.
- Comply with final hardware schedules, door frame Shop Drawings, DHI A115-W Series standards, and hardware templates.
- Doors for Opaque Finish: Apply one coat of wood primer specified in Division 09 "Painting" to faces and edges of doors.

#### • Fiberglass Doors & Frames

- Performance Requirements:
  - Door opening assemblies:
    - Maximum frame spread 25 in accordance with ASTM E84, self-extinguishing in accordance with ASTM D635.
    - Fire rated assemblies: Comply with requirements of UL108, NFPA252, and ASTM E152. UL ratings indicated on drawings with doors and frames bearing rating labels.
  - Therma-Tru Corporation, Fiber-Classic Door System, or equal.
  - Door Faces: 1/16 inch minimum thickness, fiberglass-reinforced thermostat composite, wood-grained in natural northern red oak patterns, stainable and paintable.
  - Door Edges: Machinable kiln-dried pine, primed to match color of faces, lock edge reinforced with engineered lumber core, lockset area reinforced with solid blocking for hardware backup.
  - Door Bottom Edge: Moisture proof and decay-proof composite.
  - Core: Foamed-in-place polyurethane, CFC-free, density 2.0 pcf minimum, K-factor of 0.14 for minimum thermal transmittance. Standard factory sizes may be edge trimmed or end trimmed in shop or field to suit replacement door size requirements.
  - Weatherstripping: Jacketed thermostat closed-cell foam, press-fit in kerfs at jamb stops in frames. Extruded thermoplastic elastomer, finned and chambered design, press-fit into bottom edge of doors. Corner pads at bottom margin corners from jacketed thermostat closed-cell foam.
  - Hinges & Strikes: Steel, zinc-plated, brass or chrome finish. Screws plated and finished to match hardware. Minimum hinge size 4 x 4 x .098 inches. Strikes are proprietary adjustable tie, permitting in-out adjustment of door in frame, up to 3/16 inch. Confirm with Owner prior to purchasing.
  - Frames: Milled from S4 kiln-dried pine, profiled with 1/2 inch stop.

#### • Fire Ratings:

- Frame assemblies and fire rated doors shall carry equal rating. Fire rated doors and frames indicated shall carry Underwriters Laboratory Label for exposures indicated. Construct and install assemblies to comply with NFPA Standard No. 80. Hardware shall include smoke gasketing and self closures and be UL listed.

#### • Doors, General Requirements

- Accessible under-floor areas shall be provided with a minimum 16-inch by 22-inch opening unobstructed by pipes, ducts, and similar construction per CRC R408.4.
- Provide attic access opening (22" x 30" min.) readily accessible with a 30" min. clear head room above access in all attic spaces with a minimum vertical height of 30" per CRC R807. See CMC 904.11.1 for FAU's attics.
- Doors between conditioned and unconditioned spaces shall be fully weatherstripped.
- All hardware shall be located per industry recognized standards and shall comply with applicable fire and building code requirements.
- Door stops shall be furnished wherever an open door or any item of hardware thereon strikes a wall, column, or part of the building construction.
- All swinging doors shall be accurately hung to fit snug against all stops and shall hang free from hinge bind.

#### • Metal and Vinyl Windows and Sliding Glass Doors

- Metal and vinyl units shall meet or exceed ANSI/AAMA 101 specifications.
- All units shall have a nail on flange (U.O.N.).
- Frame color as selected by Owner.
- The minimum performance standard shall be Milgard.
- Wood and Clad Windows and Doors
  - Wood and clad units shall meet or exceed the following AAMA / WDMA / CSA101 / I.S.2 / A440.
  - Frame color as selected by Owner.
  - The minimum performance standard shall be "Anderson."

#### • Glazing and Windows, General Requirements:

- Provide tempered glass where required by the C.R.C. in all hazardous areas such as sliding glass doors, French doors, glass panels adjacent to doors and walking surfaces, glass panels in tub and shower enclosures, etc.
- Provide screens at all operable sash.
- All escape or rescue windows shall have a minimum net clear operable area of 5.7 square feet. The minimum net clear operable height dimension shall be 24 inches. The minimum net clear operable width dimension shall be 20 inches when windows are provided as a means of escape or rescue they shall have a finished sill height not more than 44 inches above the floor.
- U-values shall be determined in accordance to NFRC 100.
- Air infiltration shall meet the air infiltration requirements of the CEC.
- Water infiltration shall be tested in accordance with ASTM E 331.
- Window system manufacturer shall certify that its system can structurally perform to the following criteria for the local project wind conditions:
  - Maximum deflection of 1/175 of the span
  - Allowable stress with safety factor of 1.65.
- Test reports certified by an independent test laboratory must be made available upon request.
- Mirrors shall be float glazing select silvering quality, electrically deposited copper- backed mirror glass. Joint locations to be approved by Architect prior to commencement of work.
- All windows and doors shall be certified and labeled in accordance with California Energy Commission requirements and the National Fenestration Rating Council and comply with the California Energy Code compliance documentation.

# BACKYARD REMODEL

1011 VISTA OAKS CT.  
PLEASANTON, CA  
APN: 948-0025-012

## REVISIONS

PUD MODIFICATION 11.17.2025



## Architectural Specifications

JOB NO. 25.519 SHEET  
DRAWN TN  
CHECK  
DATE 06.06.2025

T2

# BACKYARD REMODEL

1011 VISTA OAKS CT.  
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## DIVISION 15 - MECHANICAL

### 15.01 General Requirements

- Mechanical and plumbing systems shown on architectural drawings are shown for location intent only. These systems shall be engineered by others. The contractor shall be responsible for proper installation, placement, and performance.
- Fire sprinkler system when required shall be "design-build" and are not a part of the architectural documents. Layout of sprinkler heads shall be submitted to the Architect for revision. Fire sprinkler plans and calculations shall be submitted to the Building Department for review and approval prior to installation. Automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13D or CRC R313.3 as a minimum.
- Anchor or strap water heater and HVAC units to structure to resist earthquake motion (CPC Section 507.2 and CMC Section 303.5).
- Water heater and HVAC units shall be accessible for inspection, service, repair, and placement without removing permanent construction (CMC Section 304.1)
- Furnaces and water heaters may be installed in or be accessible through rooms designed as bedrooms, bedrooms or wardrobe closets if installed per CMC 904.1(1) and CPC 505.1.
- Water heating and HVAC units installed in garages where they may be subjected to damage shall be suitably guarded against such damage by being installed behind protective barriers or by being elevated or located out of the normal path of vehicles. Such equipment when located in a garage shall be installed so that the pilots or burners are at least 18" above the floor level (CMC Section 304.1 & CPC 508.14).
- Warm-air furnaces installed in attics or furred spaces shall be installed as per CMC Section 904.10 and include the following:
  - A minimum 22 inch by 30 inch access but large enough to accommodate the removal of the largest component of FAU (maximum 20 feet from furnace unless passageway height is over 5 feet).
  - Continuous solid flooring not less than 24 inches wide from access to furnace.
  - A level working platform minimum 30 inches in depth along entire firebox side of furnace.
  - A permanent 110V electrical outlet and lighting fixture (controlled by switch located at required access) at or near furnace.
  - FAU shall be listed for installation in attics and on combustible flooring - clearances shall be as specified in the listing and as per CMC Section 303.
  - Provide G.S.M. pan and drain below FAU with cooling coil at attic installed furnaces.
  - Provide combustion air to HVAC units as per CMC section 701, and to water heaters as per CPC Sec. 506.
  - Installation of HVAC and plumbing systems shall insure properly balanced and quiet operation.
  - Vibration isolation of mechanical equipment shall be incorporated into the installation.
  - Provide makeup air per CMC 701.3
  - All work shall comply with the California Energy Code.

### 15.02 Heating, Ventilation and Air Condition (HVAC)

- All work shall comply to the applicable standards of the ASHRAE Handbooks and the SMACNA standards.
- All ducts penetrating R-3/U occupancy separations shall be minimum 26 gauge galvanized sheet steel on garage side (CRC R302.5.2)
- An equipment pad shall be provided for grade mounted condensers.

### 15.03 Plumbing

- American Standard Inc. plumbing products shall be the minimum performance product standard for plumbing fixtures. The Owner will select all plumbing fixtures. Water closets shall be 1.28 gallon/flush maximum (U.O.N.). Shower heads shall be 2 gallons per minute (GPM) maximum flow rate (U.O.N.), and faucets shall be 1.5 GPM, @ 60 psi.
- Waste and Vent System: All soil, waste and vent piping shall be approved ABS per local code (U.O.N.). All soil pipes penetrating or within rated fire walls shall be cast iron. All sewer pipes under driveway shall be cast iron. Provide minimum of 1/4" per foot slope for horizontal drainage pipe (CPC Section 718). Clearouts shall be installed as per CPC Section 719. Clearout locations shall be located in least visible areas. All plumbing vents shall be combined into a minimum amount of roof penetrations. All roof penetrations shall occur to the rear of the main ridge.
- Domestic Water Piping System: Water service main piping shall be one inch minimum or larger as per load and pressure requirements. Provide shut-off valve at foundation wall. Hot and cold water piping shall be copper. No water supply will be allowed under concrete building slab. All runs shall be made so that branch connections occur at future locations where fittings can be installed. System shall be as free as possible from fittings and sharp turns. Provide hose bibbs as per drawings with tee fittings above ground for future sprinklers installation at front and rear of house (U.O.N.). Provide a non-removable backflow preventor or vacuum breaker at all hose bibbs (CPC Section 603).
- Water Heating System: Water heater shall be size and type as specified in the California Energy Code. Water heater shall have R-12 insulation blanket (U.O.N.). Insulate the first 5 feet of the hot and cold water pipes with R-4 insulation. If water heater is located on a second floor or above, provide a G.S.M. pan under water heater with drain to outside. Water heaters shall be provided with a pressure relief valve as per CPC Section 505.2.
- Domestic Gas Service: All gas piping shall be new and shall be black steel or galvanized (U.O.N.). No gas piping shall be installed in or on the ground under any building or structure and all exposed gas piping shall be securely supported and located where it will be protected from physical damage (CPC Section 1211).
- Provide 1/8" rubber between all water piping where contact is eminent. 1/4" felt cushioning or equal shall be installed between pipes and any structure or framing member where contact would otherwise be eminent. In framing members: provide strip of rock wool batt, packed in place, as a seal or stop around plumbing pipes passing through members.
- Plumbing projecting through or embedded in concrete or masonry shall be protected during the placing of concrete and placed in an oversized sleeve or approved expansion wrap to allow for expansion, contraction and structural movement (CPC Section 312).
- All copper pipe connections to ferrous piping shall be made with dielectric couplings or isolation flanges.
- A hot water limitation device shall be installed at both tubs and whirlpool type bath tub. The maximum hot water temperature discharging from the bath tubs and whirlpool type bath filler shall be limited to 120 deg. F by a device that conforms to ASSE1070 or CSA B1125.3. The water heater thermostat shall not be considered a control meeting this provision (Reference CPC Sec.409.4)

## DIVISION 16 - ELECTRICAL

### 16.01 General Requirements

- Electrical systems shown on architectural drawings are shown for intent only. These systems shall be engineered by others. The contractor shall be responsible for proper installation, placement, and performance.
- Materials and equipment shall be new and listed by Underwriter's Laboratories, Inc. (U.L.) and bear their label wherever standards have been established and their label service is regularly furnished.
- Service Distribution:
  - Main electrical service shall be 200 AMP minimum (U.O.N.)
  - Main service panel electrical load calculations shall conform to CEC Section 220.
  - Install a main service disconnect as per CEC 230-70.
  - Provide grounding at service entrance to comply with CEC Section 250.
  - Branch circuit load distribution shall conform to CEC Section 210.
  - Panels and sub-panels shall not be located in closets or similar confined spaces. (CEC 110-26).
  - Aluminum wire shall not be used in electrical wiring.
  - Protection of wiring shall be as per CEC Sections 320-334.
- Receptacle Outlets:
  - Outlet boxes on opposite sides of rated walls (wall separating garage from dwelling) shall be separated by a horizontal distance of 24 inches (CEC 210).
  - Provide GFCI (GFI) protection per CEC Section 210-8(a).
  - Outlet locations shall comply with CEC Sections 210-50 and 210-52.
  - Switched outlets shall be one-half hot (U.O.N.).
- Lighting:
  - Unless otherwise scheduled, Owner shall select all lighting fixtures.
  - All light fixtures shall comply to CEC Section 410 for type, ratings, and installation.
  - Fixture locations shall comply to CEC Section 210-70 and 410.
  - Ceiling mounted junction boxes shall be capable of supporting 60# minimum (U.O.N.) and supported as per CEC Section 410-36.
  - Fixtures installed in closets shall comply to CEC Section 410-16.
  - Install switches at 47" above finished floor to top of switch box (U.O.N.).
  - Smoke Detectors: Install 110 volt smoke detectors with battery backup as per CRC R314 and conforming to NFPA 72. Install the detector in strict accordance with the manufacturer's printed installation instructions.
  - Carbon Monoxide Detectors: Locate carbon monoxide alarms as per CRC R315.
  - Inter-system bonding at the electrical service for the purposes of grounding other systems such as cable and telephone shall be required per CEC 250.8.
  - All branch circuits supplying 120-volt single-phase 15 & 20 ampere receptacle outlets installed shall be protected by an arc fault circuit interrupter and be tamper resistant per CEC 210.12 & 406.11

## DIVISION 09 - FINISHES cont'd.

- Tile:
  - Material and application shall comply to applicable sections of TCNA "Handbook for Ceramic Tile Installation" and its referenced standards.
  - Tile shall meet or exceed the following standards:
    - Quarry and Ceramic Tile: ANSI 137.1
    - Granter: ASTM C815
    - Marble: ASTM C503
    - Slab: ASTM C629
    - Limestone: ASTM C668
  - Product Application:
    - The tile shall be installed in accordance to the latest edition of TCNA "Handbook for Ceramic Tile Installation" (U.O.N.).
    - Floor tile installed over wood framed floors shall be thickset and as per TCNA F14 or thinsset over cement backer board per F-14 or Dens shield tile backer per TCNA F146.
    - Ceramic tile and grout shall be selected by the Owner.
    - Tile at showers shall extend to 12" height (minimum) (U.O.N.). Tile shall be thickset over 15# felt (U.O.N.).
    - Provide and install porcelain soap and grab at tubs and showers (U.O.N.).
    - Shower pans shall be tested with a full head of water for a period of not less than 24 hours, inspected, and repaired before pan is covered with finish materials.
    - Conform to established pattern and expansion joint locations as approved by the Owner. Expansion joints should be at 12'-0" or maximum and at all wall intersections as per TCNA E171. Allow expansion joints with slab control joints, or plywood joints and mortar bed expansion or control joints.
    - Lay out for minimum cutting of tile, start at external corners, cut at internal corners, center on floor (U.O.N.).
    - Grout joints, uniform spacing throughout.
    - Prohibit traffic on floor not less than 48 hours after setting, not less than 24 hours after grouting, and do not grout earlier than 48 hours after setting tile.
    - Prohibit work on walls, and on opposite side of wall not less than 24 hours after setting, not less than 24 hours after grouting, and do not grout earlier than 24 hours after setting tile.
    - All tile shall be sealed upon completion with appropriate products, no sooner than 48 hours after grouting.
  - Wood Flooring
    - Installation shall comply with NCFMA "Installing Hardwood Flooring Manual" and "Hardwood Flooring Finishing/Retouching Manual".
    - Material shall be in accordance to NCFMA "Grading Rules", unfinished oak shall be "Select" or better (U.O.N.). Prefinished oak shall be "Prime" grade (U.O.N.).
    - Product Application:
      - Wood flooring shall be selected by the Owner.
      - Provide expansion space at walls and other obstructions and terminations of flooring, not less than 1/2" unless otherwise shown on drawings. Unless fully concealed by trim, fill expansion space with flush cork expansion strip. Nail shoe molding or other trim to baseboard, rather than to flooring.
      - Matching wood transition strips shall be provided at the junction of wood flooring with adjacent materials. The transition strips shall be provided by the flooring manufacturer and shall provide a smooth transition from one material to another.
  - Resilient Flooring
    - Materials shall meet or exceed the following:
      - Vinyl sheet: FS L-F-175A, Type II, Grade A
      - Vinyl tile: FS SS-1-328; Type IV, Comp 1
      - Rubber tile: FS SS-1-328; Type II
      - Vinyl Wall Base: FS SS-W-40; Type II
      - Rubber Wall Base: FS SS-W-40; Type I
    - Product Application:
      - Resilient flooring shall be selected by the Owner.
      - Install in strict accordance with manufacturer's written instructions.
      - Provide particle board underlayment for all resilient flooring unless installed directly over concrete slabs.
      - Lay sheet flooring with minimum number of seams. Avoid cross seams.
      - Sheet flooring in bathrooms and kitchens shall have 4" self-cove base with metal cap (U.O.N.).
      - Install 4" vinyl or rubber wall base at other vinyl floor areas (U.O.N.).
  - Carpeting
    - Product application:
      - Carpeting shall be selected by the Owner.
      - Install in strict accordance with manufacturer's written instructions and CRI 105 standard for installation of residential carpet.
      - Lay out carpeting with minimum number of seams. Seams shall be perpendicular to traffic. Four feet minimum strip width, no more than one each side of room. Single cut centered at doorways. No seams in room field. Pile in same direction throughout.
      - Finish installation of carpet shall be free from "tacks", scraps, carpet ripples, scallops, and puckers.
      - Provide matching edge guard.
    - Painting
      - Application systems and materials shall comply to the P.D.C.A. "Architectural Specifications Manual".
      - Painting shall be included, but not limited to the following (U.O.N.):
        - All exposed metal. This includes flashing, scuppers, gutters, downspouts, louvers, gates, railings, etc. Sheet metal roof valleys, roof flashings and valleys shall be painted to match roofing material.
        - All exposed exterior wood shall be painted and back primed.
        - All precast exposed concrete shall be sealed.
        - All doors and frames shall be painted, after being hung and fitted, doors shall be painted on all six sides.
        - All gypsum board shall be painted except in garage or mechanical closets.
        - All gypsum board receiving wall covering shall be primed.
        - All exposed interior wood shall be painted, including casework where indicated.
      - Surfaces not to be painted shall include the following (U.O.N.):
        - Fire finished materials such as acoustic ceiling board, baked and porcelain enamel, plated metals, laminated plastics, vinyls, etc.
        - Stainless steel, bronze, and aluminum.
        - Do not paint any moving parts or operating units, mechanical and electrical parts, such as valve and damper operators, linkages, sensing devices, motor and fan shafts.
        - Do not paint over any code-required labels, such as Underwriters Laboratories and Factory Mutual, or any equipment identification, performance rating, name, or nomenclature plates. Neatly mask all such items, and remove masking at completion of painting.
      - Unless otherwise scheduled, the Owner shall select paint colors.
        - Paint all metal registers and grills to match adjacent surfaces (U.O.N.).
        - Paint all gutters to match fascia and paint all downspouts and vents to match adjacent surfaces (U.O.N.).
        - Kitchen and bathrooms shall receive semi-gloss enamel paint (U.O.N.)

## DIVISION 10 - SPECIALTIES

This Section not used.

## DIVISION 11 - EQUIPMENT

### 11.01 Quality Control

- All appliances will be selected by the Owner. All appliances shall be Energy Star rated.
- Gas free appliances shall be equipped with intermittent type ignition devices (except tank type water heaters).
- Provide recessed connections in wall for water and waste at clothes washer space and water shut off for refrigerator icemaker. If washer is located on a second floor or above, provide a G.S.M. pan under washer with drain to outside. Washer standpipe shall extend between 18 and 30 inches above its trap. The trap shall be between 6 and 10 inches above the floor (CPC Section 604).
- Clothes dryer exhaust duct will be limited to 14' maximum length including 2, 90° elbows and 4" minimum diameter CMC 504).
- Kitchen hood and clothes dryer ducts shall be of metal and have a smooth interior surface. Kitchen hood ducts for downdraft grill-range may be Schedule 40 PVC when installed below concrete slab floors (CMC 504.2). Dryer duct may have six feet (maximum) of approved flexible duct (CMC 504.3).
- Rooms containing bath tubs, showers, spas and similar bathing fixtures shall be mechanically ventilated in accordance with the CMC (CRC R303).
- Environmental air ducts (vent fans, range hoods, dryers, etc.) shall not terminate less than 3 feet from property line, or 3 feet from opening into the building (CMC 504.5).
- Dishwasher shall be connected to a drainage system or food waste disposer with the use of an approved dishwasher air gap fitting (CPC Section 807.4).

## DIVISION 12 - FURNISHINGS

This Section not used.

## DIVISION 13 - SPECIAL CONSTRUCTION

This Section not used.

## DIVISION 14 - CONVEYING SYSTEMS

This Section not used.

## DIVISION 09 - FINISHES

### 9.01 Quality Control

- Materials shall meet or exceed the following standards:
    - Stucco - 1 coat system
      - 1" polystyrene system shall be La-Habra-Wall (ICC-ES ER-4226) or approved equal.
      - Stucco - 3 coat system
    - Application shall be in compliance with applicable sections of ANSI A42.2 "Portland Cement and Portland Cement-Lime Plastering, Exterior (Stucco) and Interior" and ANSI A42.3 "Lathing and Furring for Portland Cement and Portland Cement-Lime Plastering, Exterior (Stucco) and Interior."
    - In addition, materials shall meet or exceed the following:
      - Portland cement: ASTM C 150, Type I, natural color.
      - Special finishing hydrated lime: ASTM C 206, Type S. Aggregates: ASTM C 144, all sand to pass No. 8 sieve.
      - Cement Plaster Finish Coat: A packaged blend of Portland cement (ASTM C 150), hydrated lime (ASTM C 206), and properly graded quality 20 mesh aggregate, with integral color and paint finish.
      - Mixes: Job-mixed cement plaster mix, Bondcrete or Mortaseal Mason's Lime with Portland Cement and Sand in accordance with ANSI A42.2, Type L.
      - Proportions:
        - Scratch Coat: 1 bag Portland cement, 3/4 to 1 bag lime to 6 cu. ft. sand.
        - Brown Coat: 1 bag Portland cement, 1 bag lime, 6 to 7 cu. ft. sand.
        - Finish Coat: 1 bag Portland cement, 2 bags lime, 7 to 10 cu. ft. sand. See drawings for location of cement plaster finish coat.
      - Maximum Slump: 2-1/2 in. using Slump test ASTM C143, modified slump cone 2 in. x 4 in. x 6 in.
      - Wall Metal Lath: At vertical surface: No. 17 gauge galvanized stucco netting meeting Federal specification QQ-L-101 with two horizontal No. 19 gauge galvanized wires at 6 inches O.C. over two layers of Grade 'D' paper (60 min.).
      - See Division 07.
      - Lath at horizontal soffits: Galvanized mesh, 3,4 lbs/sq. yd. over 1 layer of Grade 'D' paper (60 min.).
      - Staples: 14 gauge wire staples, divergent points, 3/4 inch crown, in. legs.
      - Nails (if soffit supported by wood framing): 1 3/4 inch 11 gauge, 3/8" head, 3/4" washer.
      - Stucco accessories shall meet or exceed the criteria of ASTM C1063
  - Cement Plaster, General
    - Finish texture and color shall be as approved by Owner.
    - Climate conditions: Air temperature must be 40°F, minimum and rising when applying cement plaster or exterior finish coat. Air temperature must remain above 40°F, for a minimum of 24 hours. Consult National Weather Service before beginning work. Protect cement plaster and exterior finish coat from uneven and excessive evaporation during hot, dry weather.
    - Allowable Tolerances: Maximum deviation from true plan 1/8 inch in 10 feet as measured by straight edge placed at any location on surface.
    - Field Sample: A sample panel shall be prepared approximately 2 feet by 2 feet. This sample panel will be a separate part of the project. Installation shall not proceed until the sample panel is accepted by the Architect and Owner. The sample shall show color, texture, and workmanship of finished work. The sample panel shall remain on the project for comparison purposes with the actual work.
    - Other materials where applicable:
      - Polystyrene Board and Architectural Moldings: ASTM C-578 Type I, Nominal 1 lb/c.f. cured expanded polystyrene. Flame spread and smoke development equal to or less than 24 and 450 respectively per ASTM E-84/UL listed.
      - Insulation board shall carry the seal of the RADCO testing agency.
      - Fabric: A balanced, open weave, glass fiber fabric, complying with ASTM D1682, standard mesh, as recommended for wrapping polystyrene board and moldings.
      - Primer/Adhesive Mixture: A field-mixed blend of standard polymer-based primer adhesive and Portland cement. For use as a primer and leveler over cement plaster brown coat and for use as an adhesive for fabric and polystyrene board and moldings.
      - Acrylic Resin Bonding Agent: Bonsel, Tammsway, or approved equal. For use on concrete or masonry before application of cement plaster.
      - Add Mixtures: No add mixtures or plastic cements will be allowed without approval of the Architect.
      - Synthetic Exterior Finish Coating: A 100% pure acrylic resin based, textured, factory-mixed coating having integral color, for exterior use. Minimum standards shall be Dry-Vit Systems Inc. or approved equal.
      - Curing: Wet base as necessary before application with fine fog spray to produce uniform moist condition. When required, apply bond coat to concrete base and moist cure for minimum of 24 hours before applying first coat of cement plaster.
      - Do not apply brown coat sooner than 48 hours after application of scratch coat.
      - Do not apply cement plaster finish coat sooner than 14 days after application of brown coat.
      - Inspect and repair base coats before application of finish coat.
      - Cure base coats minimum of 48 hours after application.
      - Maintain moist conditions by fine fog spray.
      - Cure finish coat for minimum of 7 days.
  - Siding
    - Fiber-Cement Siding & Soffit: Siding & soffit made from fiber-cement board that does not contain asbestos fibers, complies with ASTM C1186, Type A, Grade II, is classified as noncombustible when tested according to ASTM E136; & has a flame-spread index of 25 or less when tested according to ASTM E84.
    - The minimum performance standard for Fiber-Cement Siding shall be CertainTeed Corp. Simulated Shingle and Lap Siding: Product as specified in the drawings. Exposure as per Manufacturer's recommendation: Finish Factory Sealed. Soffit: Cedar texture, 10" wide x 12' long; Finish shall be Factory Sealed.
    - Siding Accessories: Provide starter strips, edge trim, corner cap, & other items as recommended by siding manufacturer for bldg. configuration.
    - Nails: Length as required to penetrate minimum 1-1/2 inch (32 min) into solid backing; hot-dipped galvanized or stainless steel.
    - Install in accordance with manufacturer's instructions & drawing details.
    - Roof warranty & comply with all terms necessary to maintain warranty coverage. Use trim details indicated on drawings. Touch up all field cut edges before installing. Pre-drill nail holes, if necessary, to prevent breakage.
  - Siding Installation:
    - Starting: Install a minimum 1/4 inch thick lath starter strip @ the bottom course of the wall. Apply planks horizontally with minimum 1-1/4 inch wide laps @ the top. The bottom edge of the first plank overlaps the starter strip.
    - Allow minimum 1-inch vertical clearance between roofing & bottom edge of siding.
    - Align vertical joints of the planks over framing members.
    - Maintain clearance between siding & adjacent finished grade.
    - Locate splices at least one stud cavity away from window & door openings.
    - Allow 1/8" space between both ends of siding panels that butt against trim for thermal movement; seal joint between panel & trim with exterior grade sealant.
    - Joints: Avoid joints in lap siding except at corners, where joints are inevitable stagger joints between successive courses.
    - Place fasteners no closer than 1/2 inch & no further than 2 inch from side edge of trim board & no closer than 1 inch from end. Fasten maximum 16 inch on center.
  - Completion:
    - After installation, seal all joints except lap joints of lap siding. Seal around all penetrations. Paint all exposed cut edges.
    - Finish Painting: Specified in Division 09, Section "Painting".
- Gypsum Board
  - Installation and finishing of gypsum wallboard shall comply with GA-216.
  - Fire-Resistance Ratings: Where gypsum wallboard systems with fire-resistance ratings are indicated.
  - Allowable Tolerances: Gypsum wallboard systems shall have no measurable variation in any 2-foot direction and a maximum variation of 1/8-inch in 10-feet. Shim work as required to comply with specified tolerances.
  - Fire-Rated Gypsum Wallboard: ASTM C36, Type X, 5/8-inch thick, with tapered and wrapped long edges.
  - Moisture-Resistant Gypsum Board: ASTM C630, Type X, 5/8-inch thick with tapered and wrapped long edges. Provide for exposed and concealed locations at walls of bathrooms, kitchens, and other wet spaces; do not use on ceilings.
  - Screws: ASTM C854 or ASTM C1002.
  - Metal Trim: Provide square corner bead and edge trim.
  - Texturing Material: U.S. Gypsum "USG Spray Texture Finish" or approved equal, machine light "orange peel finish".
  - Installation of Fasteners:
    - Fire-Rated Partitions: Install fasteners in accordance with CRC Table R602.
    - Non-Fire-Rated Partitions: Install fasteners in accordance with CRC R702.3.5.
    - Fire-Rated Ceilings: Install fasteners in accordance with CRC Table R60 and Gypsum Association "Fire-Resistance Design Manual".
    - Non-Fire-Rated Ceilings: Install fasteners spaced not more than 12-inches on center for screws.
    - Install screws using powered screw guns with adjustable screw-depth control head.
  - Installation of Accessories: Install corner trim at vertical and horizontal external corners and angles, and edge trim at junctions of wallboard and other materials and at exposed edges.
  - Taping and Finishing
    - Finish Levels: Unless otherwise scheduled, required finish levels for various areas shall be as follows:
      - In attics, utility rooms, and other areas not exposed to view, joints and interior angles shall have tape embedded in joint compound.
      - Where water-resistant gypsum backing board is used as a substrate for tile, joints and interior angles shall have tape embedded in joint compound and one separate coat of joint compound applied over joints.
      - Joints: Center tape over joint and embed in uniform layer of joint compound of sufficient width and depth to provide firm and complete bond.
      - Give dimples at fastener heads and marred spots on surface of wallboard one coat of joint compound and two coats of finishing compound.
      - Cut edges and openings around pipes and fixtures shall be caulked flush with sealant as specified in Section 07.
      - Install metal corner accessories at external corners. Conceal flanges of metal accessories with a minimum of two coats of compound.
      - In the completed installation, wallboard shall have plumb and straight surfaces with no waves or buckles. Joints, fastener heads, and trim flanges shall be invisible after finishing. Surfaces shall be uniformly smooth and ready for painting or other decoration.
    - Field Sample: A sample panel shall be prepared approximately 2 feet by 2 feet. This sample panel will be a separate part of the project. Installation shall not proceed until the sample panel is accepted by the Architect and owner. The sample shall show color, texture, and workmanship of finished work.

## REVISIONS

PUD MODIFICATION 11.17.2025



## Architectural Specifications

JOB NO. 25.519 SHEET  
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CHECK  
DATE 06.06.2025

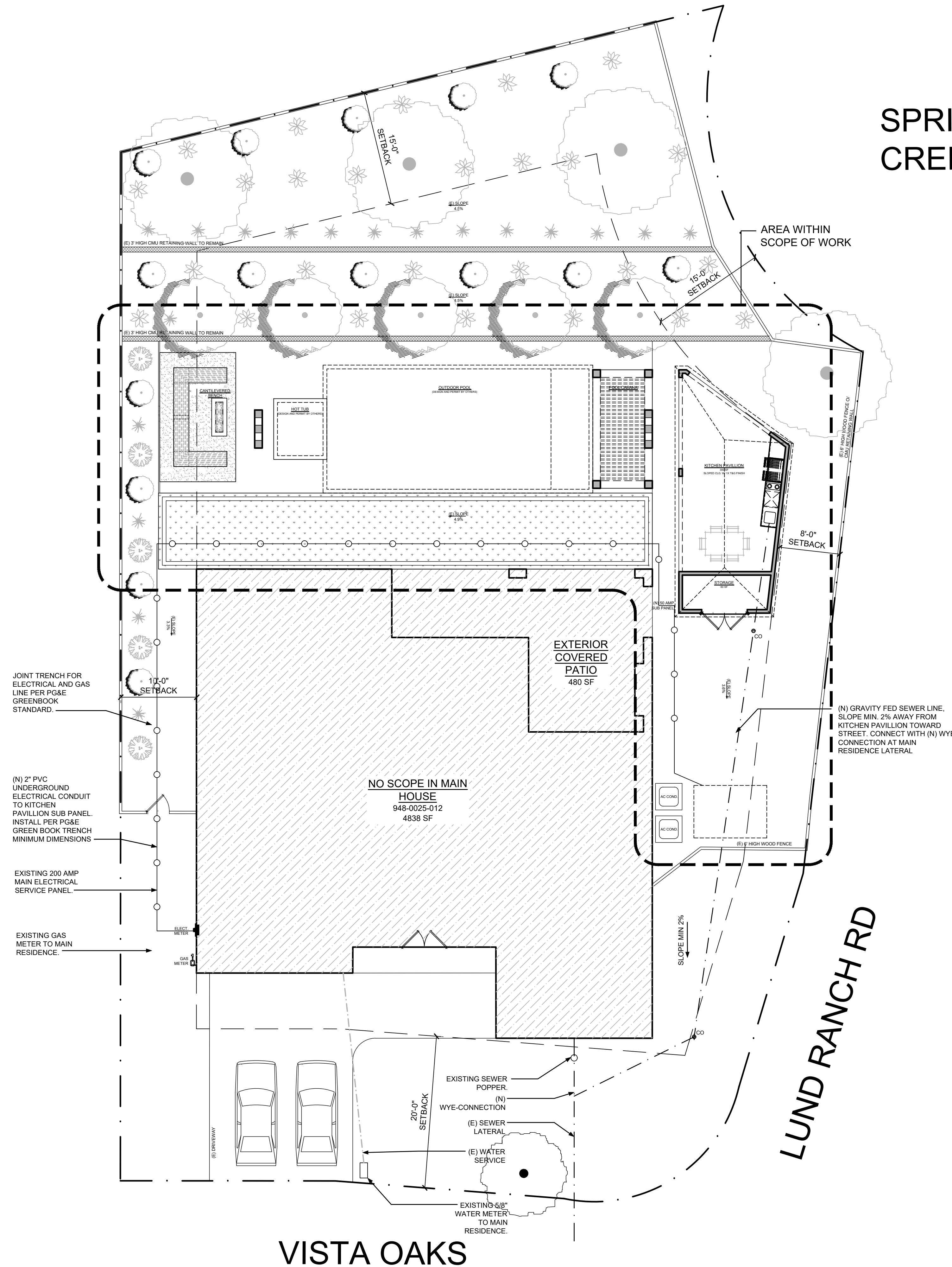
T3





**BACKYARD  
REMODEL**  
1011 VISTA OAKS CT.  
PLEASANTON, CA  
APN: 948-0025-012

**SPRING  
CREEK**



**EXISTING BUILDING INFORMATION**

YEAR OF ORIGINAL CONSTRUCTION:	2023
CONSTRUCTION TYPE:	TYPE VB, NON RATED
SPRINKLERS:	YES
EXISTING MAIN HOUSE:	2 STORY - SINGLE FAMILY DETACHED 4,838 SF
PROJECT DATA:	
LOT AREA:	12,719 SF
OCCUPANCY:	R-3/U
ZONING:	ALAMEDA

**EXISTING SITE INFORMATION**

- EXISTING LOT = 12,719 SQ. FT. (0.291 ACRES)
- EXISTING RESIDENCE = 4,838 SQ. FT.
- EXISTING GARAGE = 525 SQ. FT.
- EXISTING FLOOR AREA RATIO = 0.38 (4,838 / 12,719)
- EXISTING LOT COVERAGE = 0.26 (3,300 / 12,719)
- EXISTING IMPERVIOUS SURFACE:
  - DRIVEWAY = 880 SQ. FT.
  - PORCH + COVERED PATIO = 545 SQ. FT.
  - MAIN HOUSE/GARAGE = 2,818 SQ. FT.
  - TOTAL = 4,043 / 12,719 (0.31)

**PROPOSED SITE INFORMATION**

- EXISTING LOT = 7,242 SQ. FT. (0.166 ACRES)
- EXISTING RESIDENCE = 1,757 SQ. FT.
- PROPOSED KITCHEN PAVILION / STORAGE = 360 SQ. FT.
- PROPOSED FLOOR AREA RATIO = 0.38 (4,898 / 12,719)
- PROPOSED LOT COVERAGE = 0.28 (3,555 / 12,719)
- PROPOSED IMPERVIOUS SURFACE:
  - DRIVEWAY = 880 SQ. FT.
  - PORCH + COVERED PATIO = 545 SQ. FT.
  - MAIN HOUSE/GARAGE = 2,818 SQ. FT.
  - KITCHEN PAVILION = 360 SQ. FT.
  - POOL + POOL CABANA = 771 SQ. FT.
  - TOTAL = 5,173 / 12,719 (0.40)

**SITE NOTES**

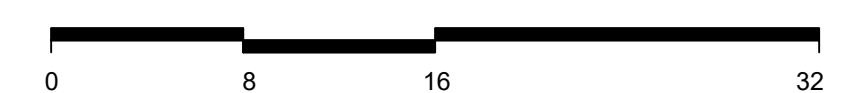
1. THIS SITE PLAN IS NOT A SURVEY. IT IS PROVIDED FOR BUILDING AND SITE WORK LAYOUT ONLY. THE CONTRACTOR SHALL VERIFY ON SITE ALL GRADES, EXISTING IMPROVEMENTS, PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, AND SUB-STRUCTURES. WHERE DISCREPANCIES OCCUR, CONTACT ARCHITECT.
2. FINISH GRADE SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING. SEE SOILS REPORT FOR ANY SPECIFIC REQUIREMENTS.
3. ALL ROOF DRAINAGE SHALL BE PIPED TO STREET OR APPROVED DRAINAGE FACILITY.
4. IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT THE SATURATION OF SOIL ADJACENT TO BUILDING.
5. WHERE DISCREPANCIES BETWEEN SOILS REPORT AND ARCHITECT'S DRAWINGS OCCUR, CONTACT ARCHITECT.
6. PROVIDE EXPANSION AND CONTROL JOINTS IN ALL EXTERIOR CONCRETE SLABS. SPACING OF JOINTS SHALL BE PER INDUSTRY STANDARD.
7. PAD GRADE UNDER BUILDING SHALL HAVE POSITIVE SLOPE TO A PERFORATED DRAIN PIPE SET IN A GRAVEL TRENCH. EXTEND PIPE TO ALL PORTIONS OF UNDERFLOOR AREA. PIPE SHALL DISCHARGE TO STREET OR APPROVED DRAINAGE FACILITY.
8. A PERFORATED DRAIN SET IN A GRAVEL TRENCH SHALL BE INSTALLED AROUND THE ENTIRE PERIMETER OF THE FOUNDATION. THE DRAIN SHALL DISCHARGE INTO THE STREET OR APPROVED DRAINAGE FACILITY. SEE SOILS REPORT FOR ANY SPECIFIC REQUIREMENTS.
9. FOR INFORMATION & SCOPE NOT NOTED SHALL BE COORDINATED BY THE CONTRACTOR OR NOTED IN THE CIVIL, LANDSCAPE, MECHANICAL, ELECTRICAL &/OR PLUMBING DRAWINGS.

**REVISIONS**

PUD MODIFICATION	11.17.2025
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**Proposed Site Plan**



**JOB NO. 25.519 SHEET**

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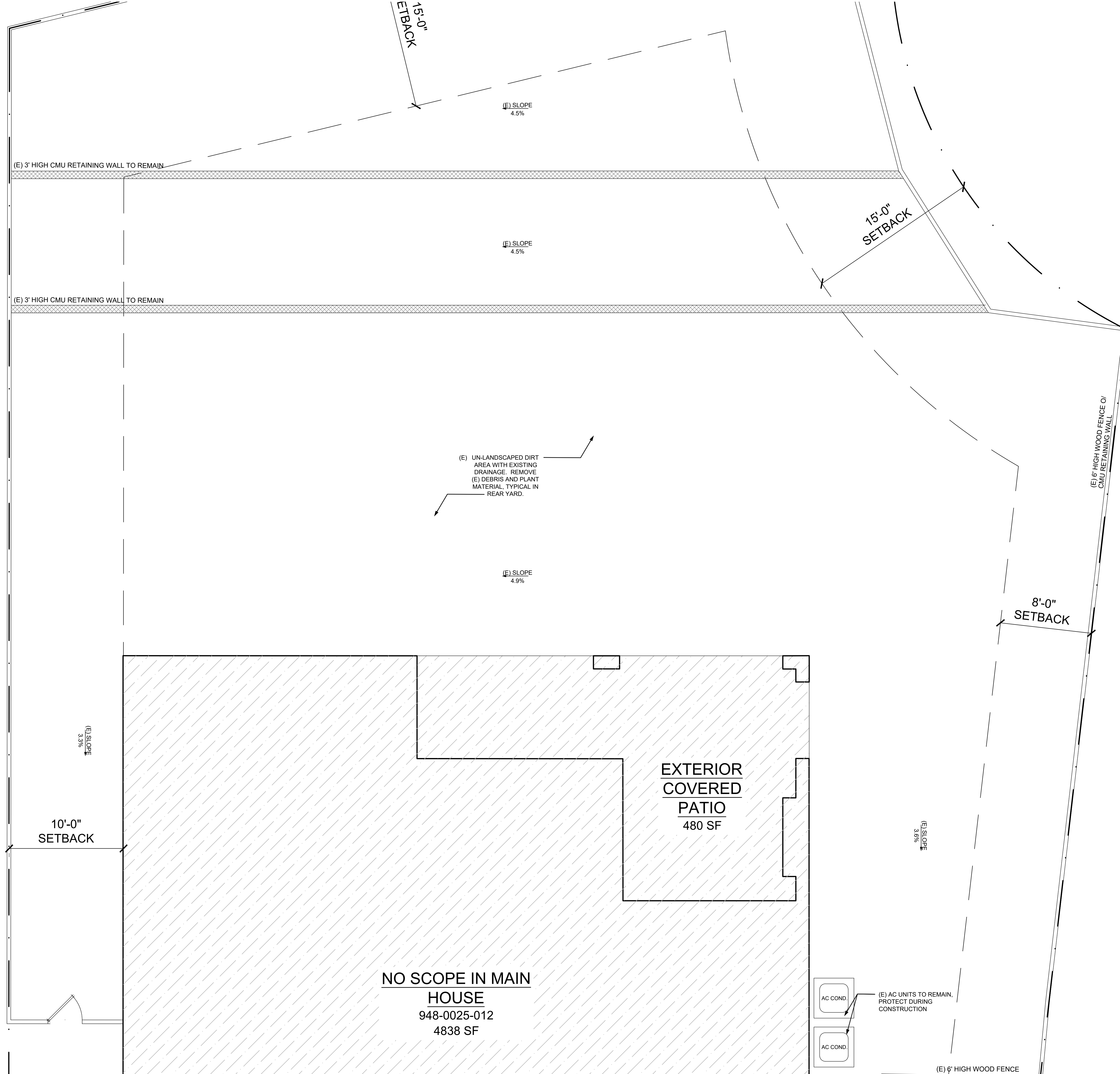
**DATE 06.06.2025**

**A0.1**



**VISTA OAKS**

**LUND RANCH RD**



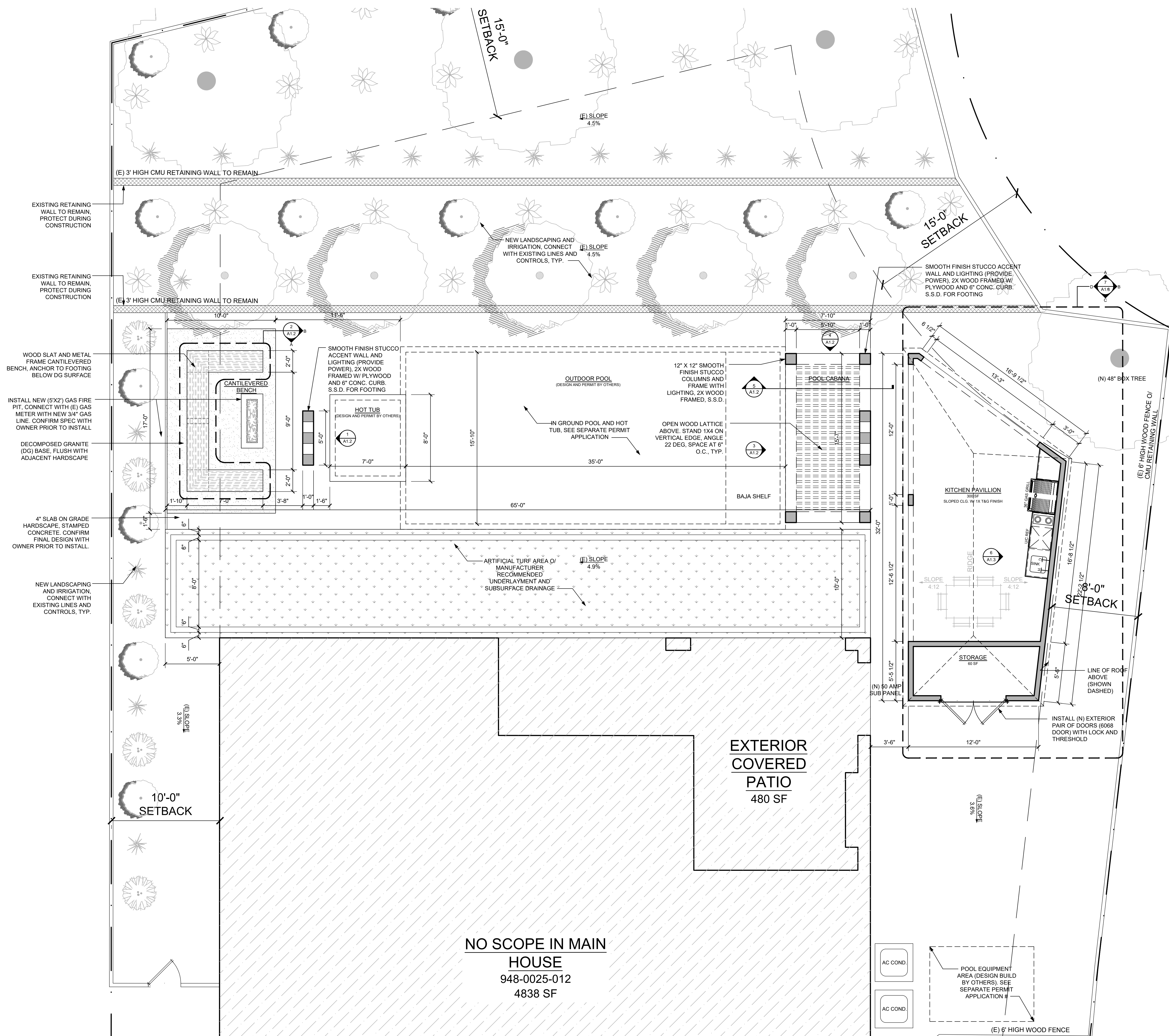
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PUD MODIFICATION	11.17.2025



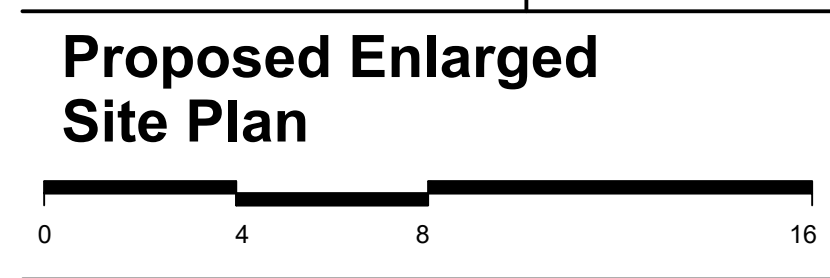
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Floor Plan**

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DATE 06.06.2025 **A0.2**

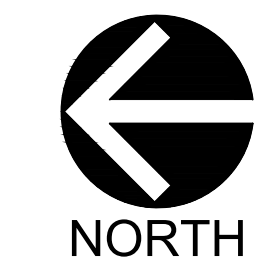




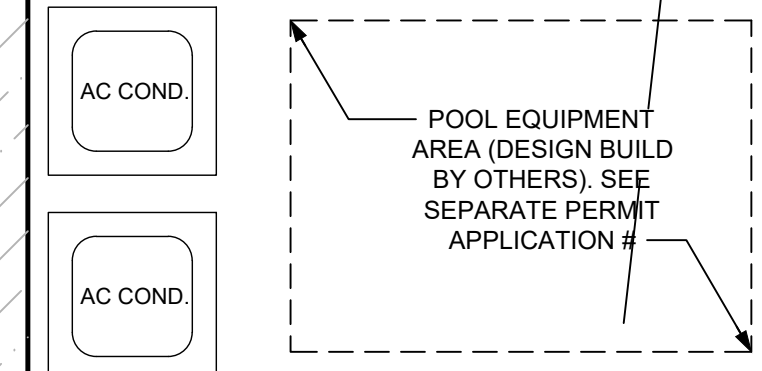
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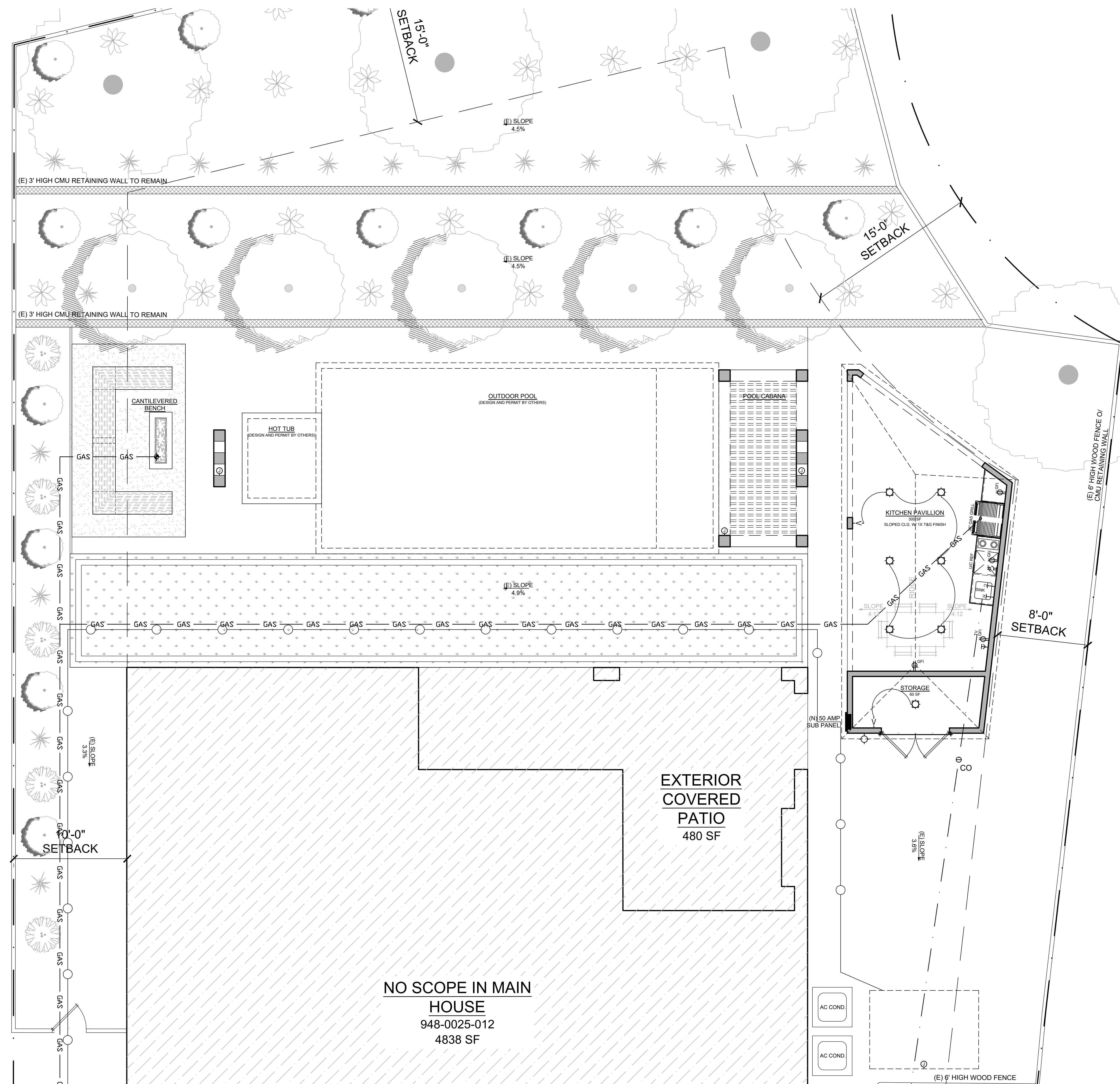
**NO SCOPE IN MAIN HOUSE**  
HOUSE  
948-0025-012  
4838 SF



(E) 6' HIGH WOOD FENCE

CR

BACKYARD  
REMODEL  
1011 VISTA OAKS CT.  
PLEASANTON, CA  
APN: 948-0025-012

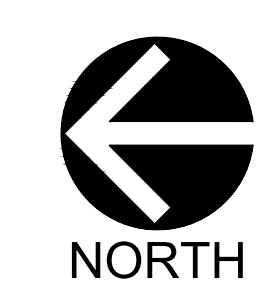


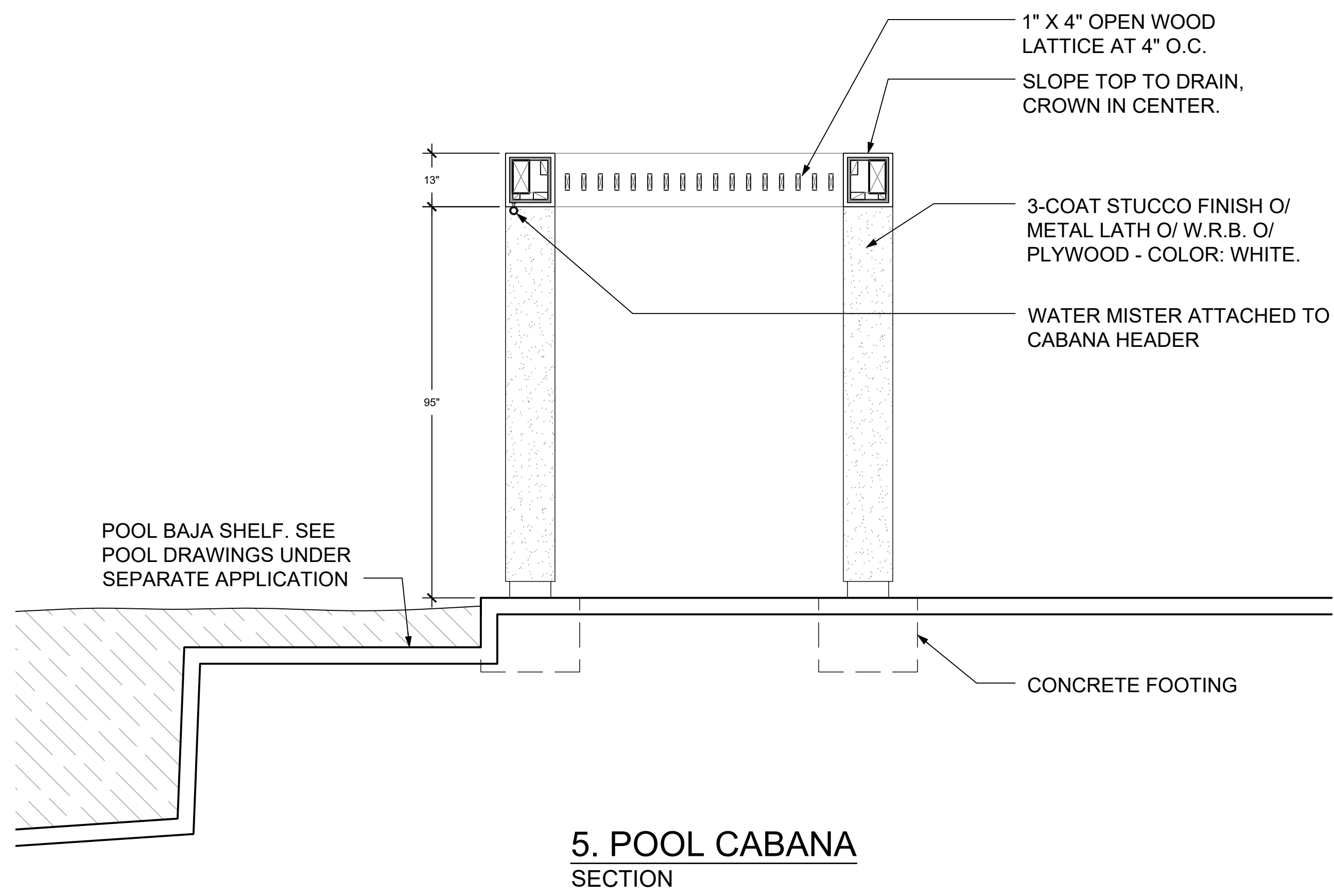
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PUD MODIFICATION	11.17.2025



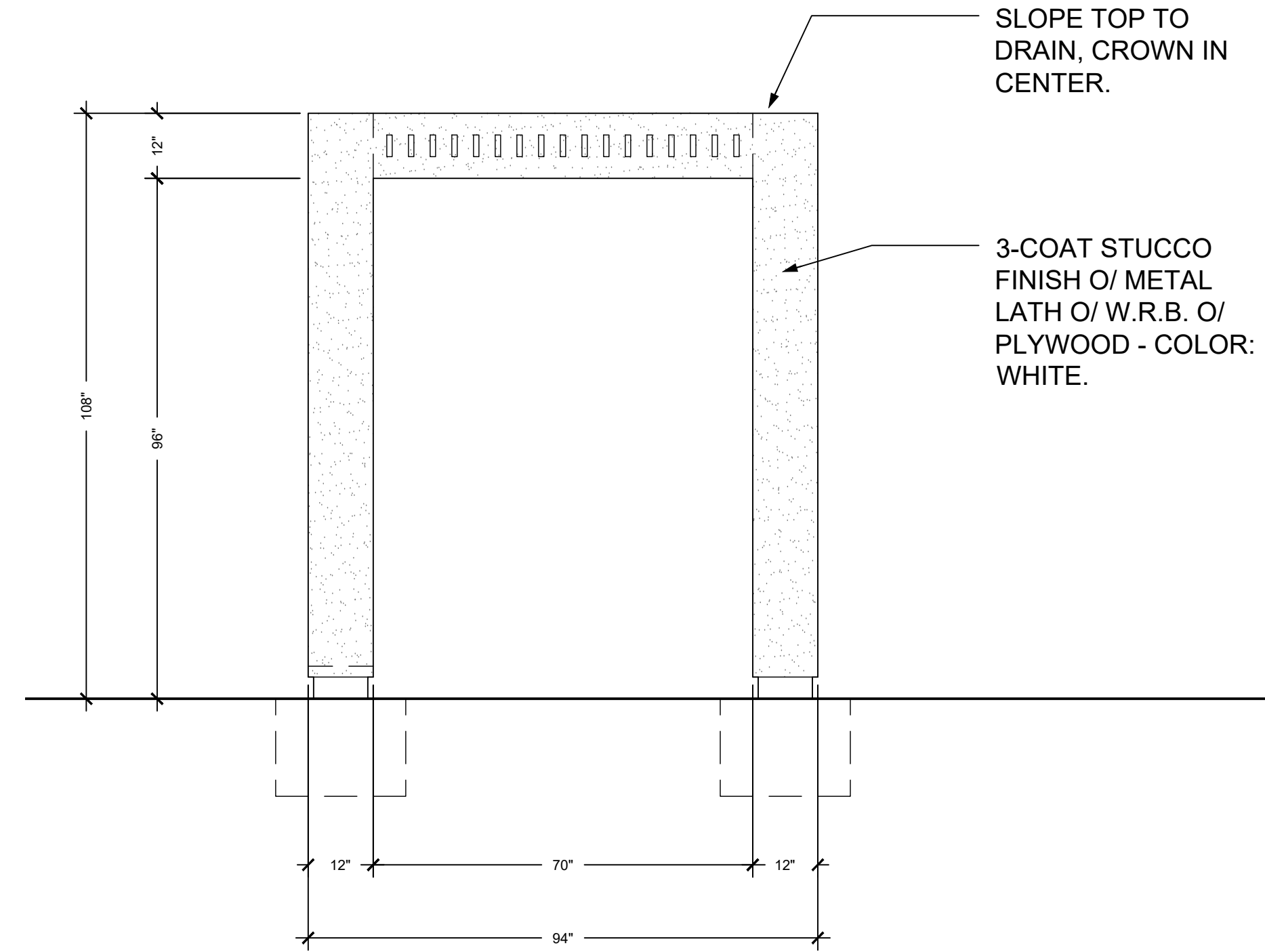
**Proposed Electrical  
and Lighting Plan**

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DATE 06.06.2025 **A1.1**

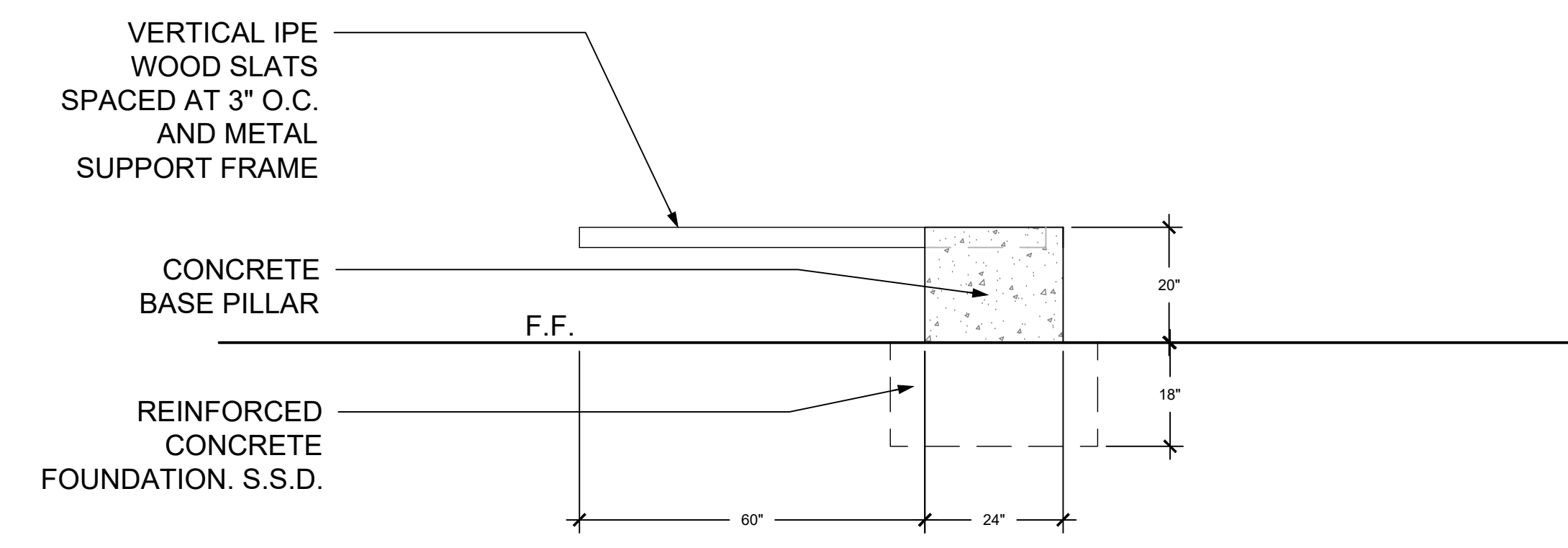




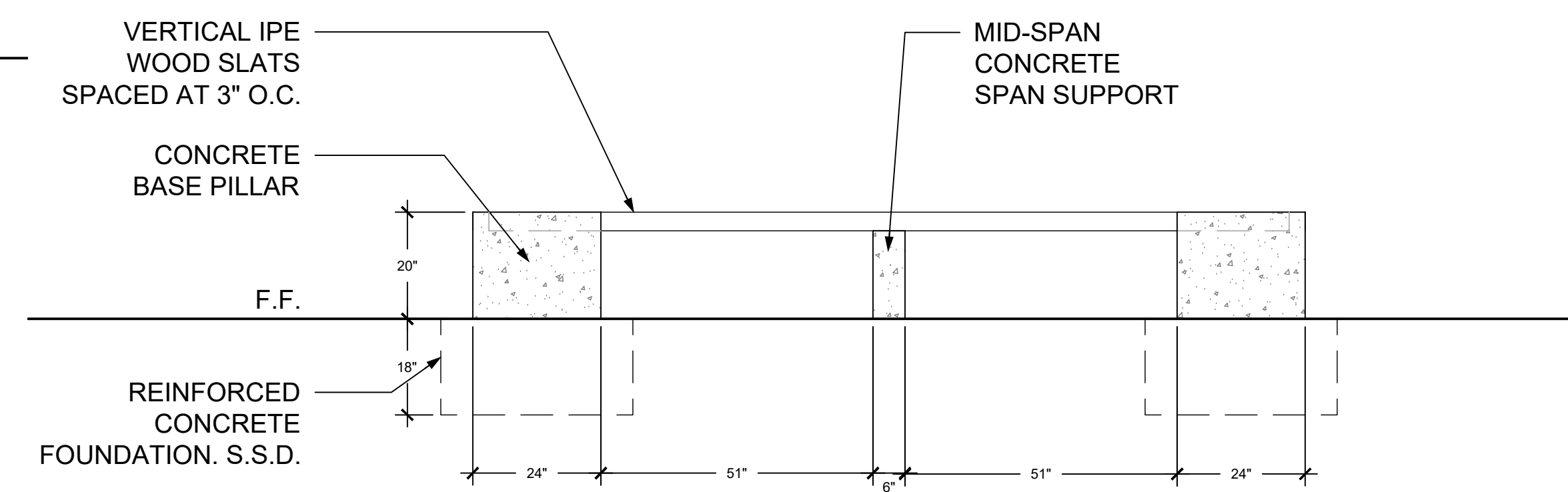
**5. POOL CABANA  
SECTION**



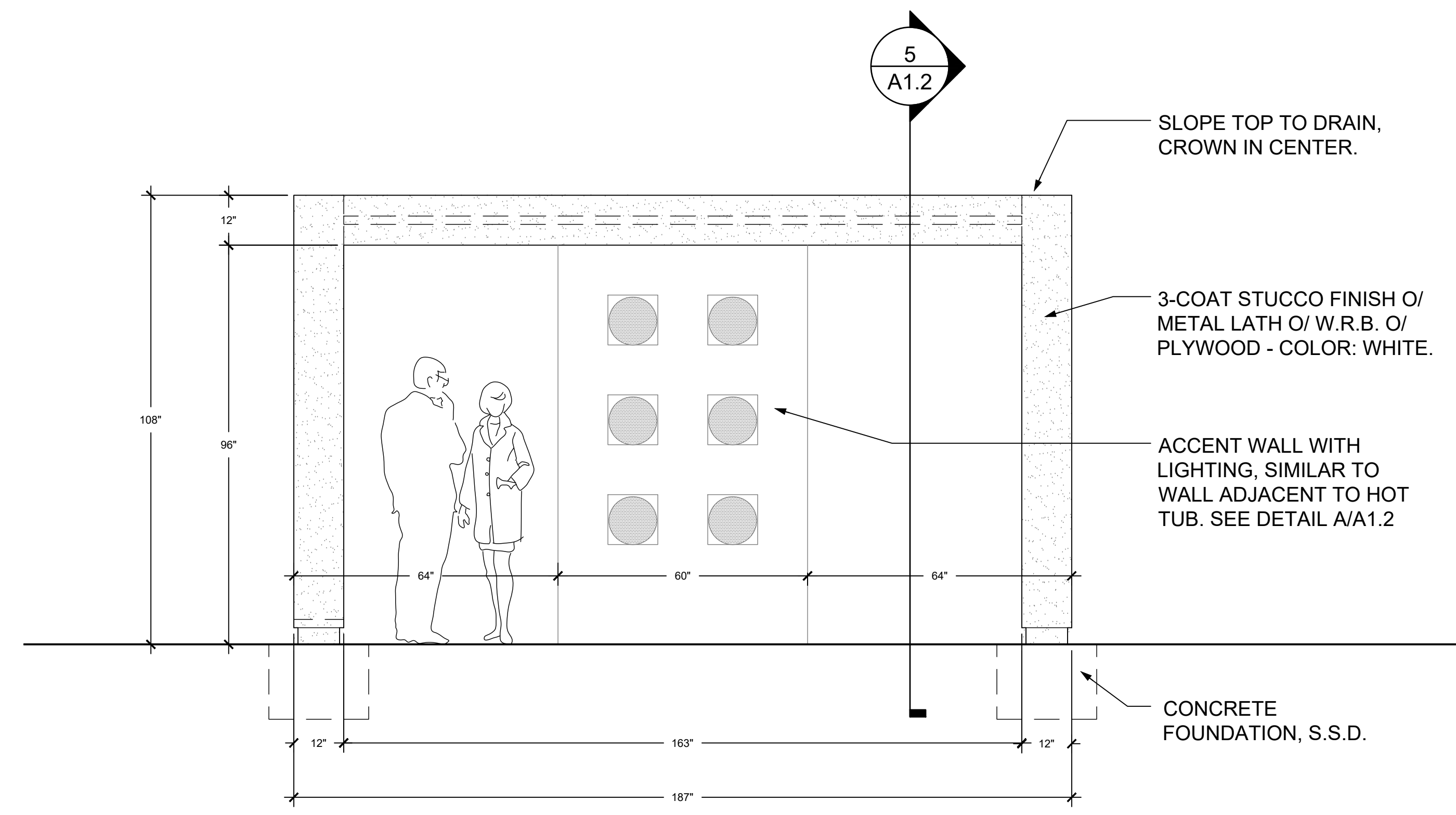
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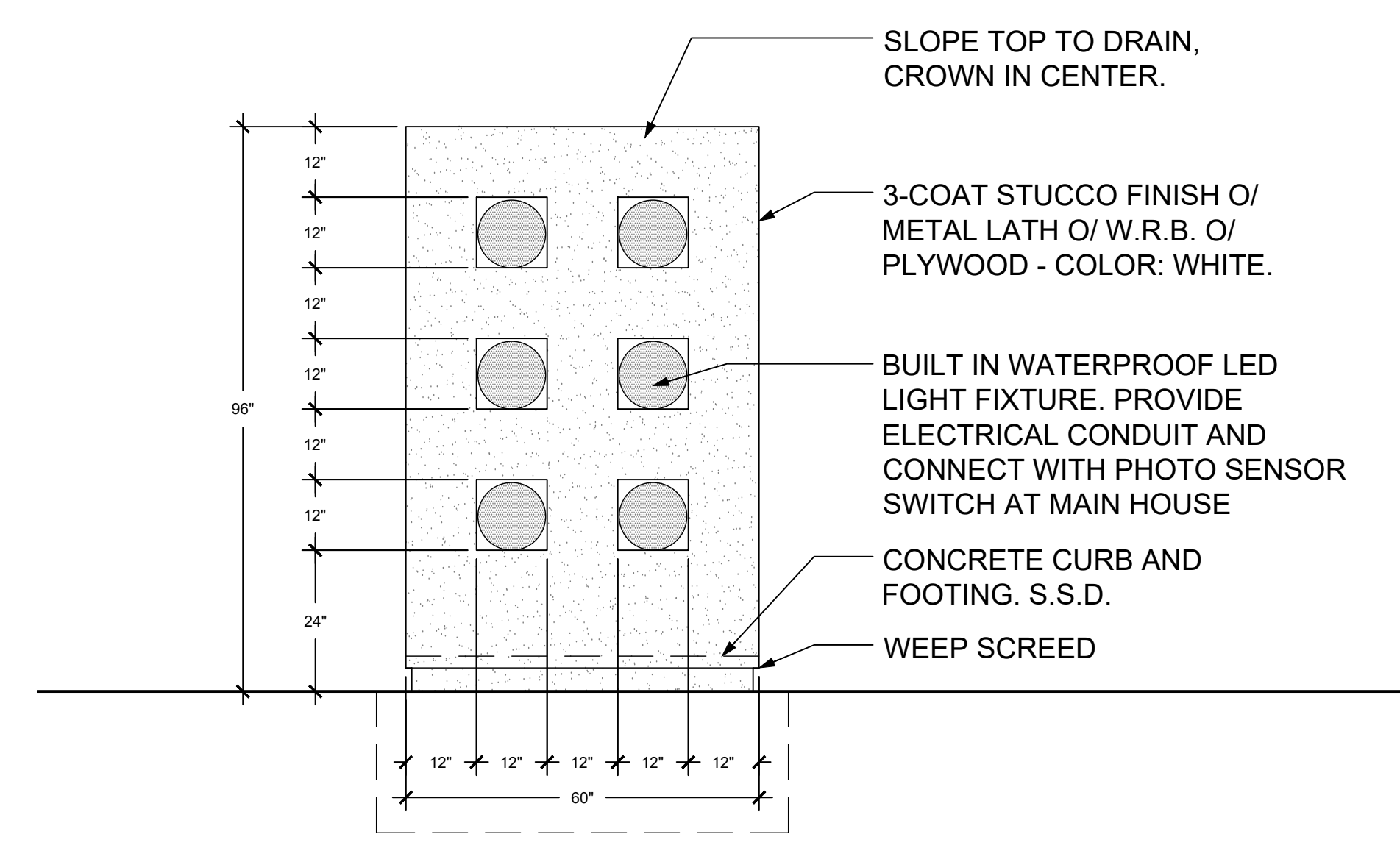
**2. EXTERIOR BENCH  
ELEVATION A**



**2. EXTERIOR BENCH  
ELEVATION B**

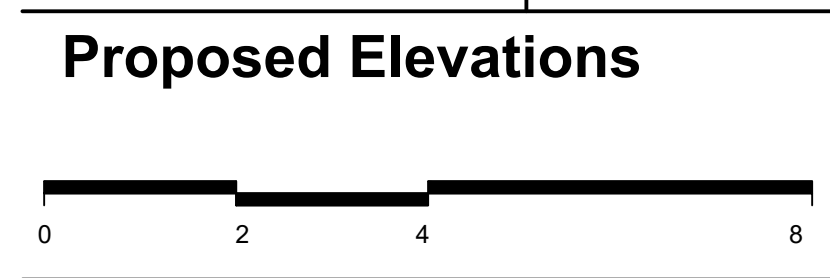


**3. POOL CABANA**



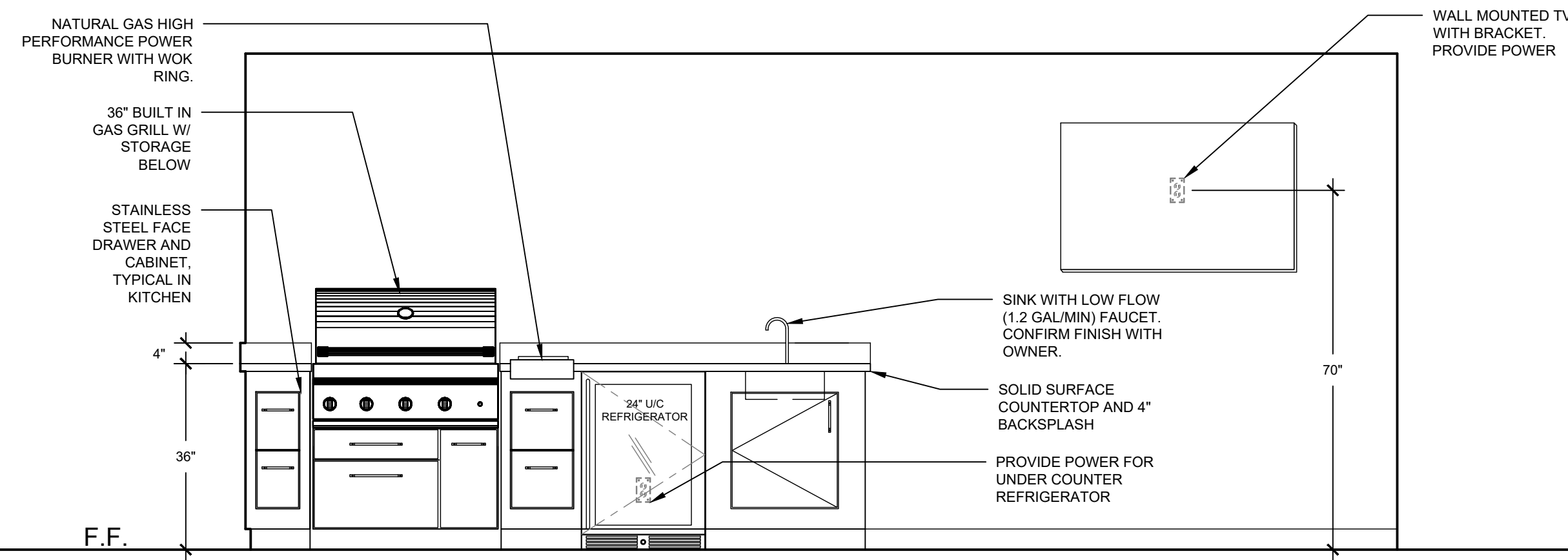
**1. EXTERIOR WALL  
ACCENT WALL**

REVISIONS	
PUD MODIFICATION	11.17.2025

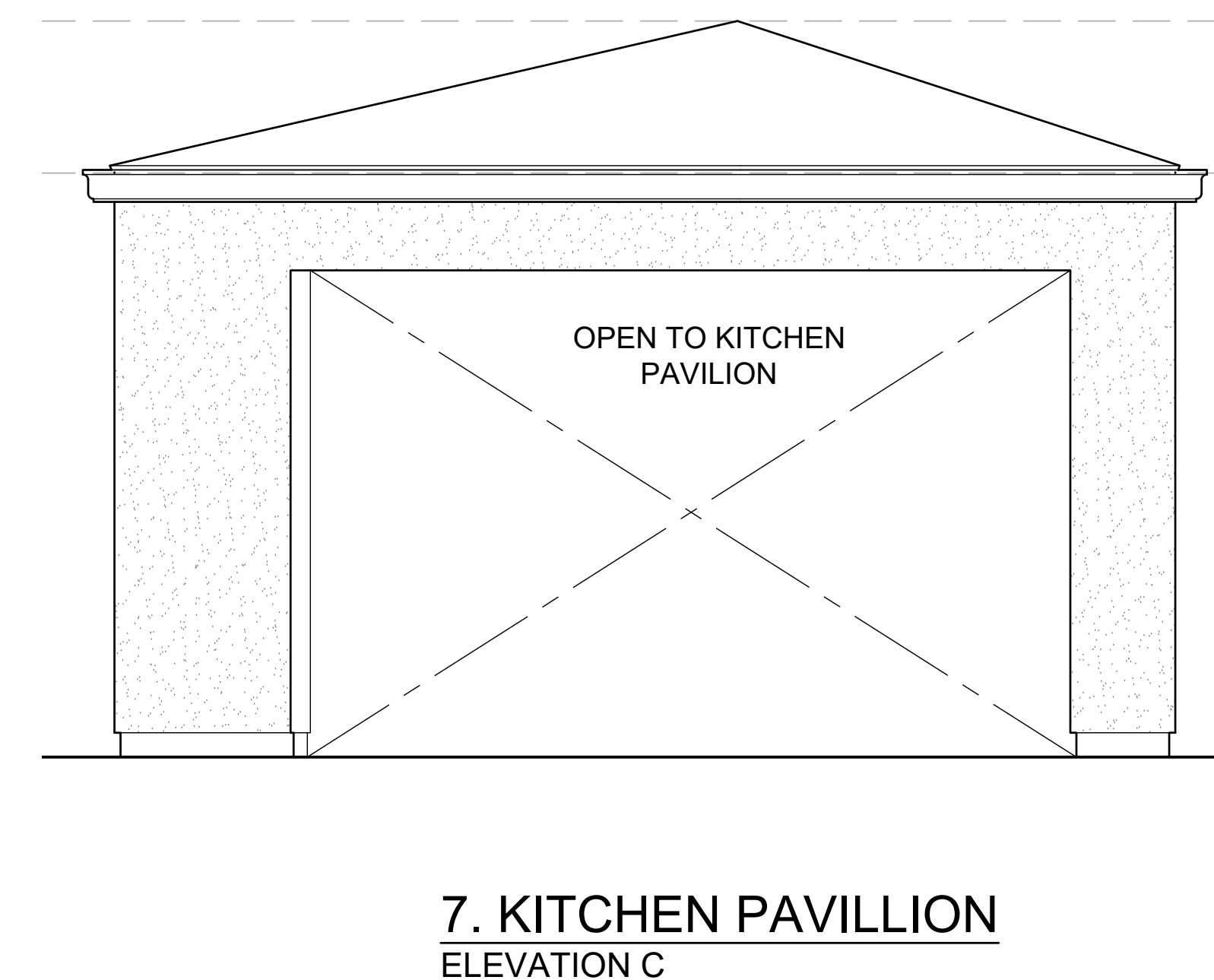
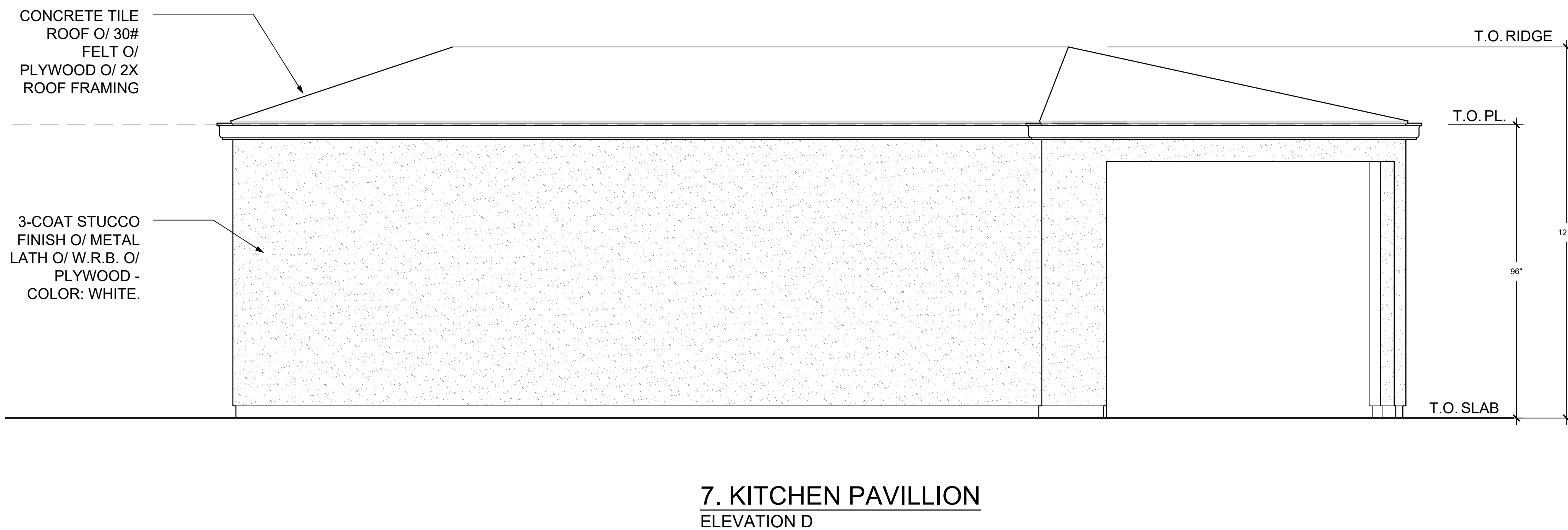
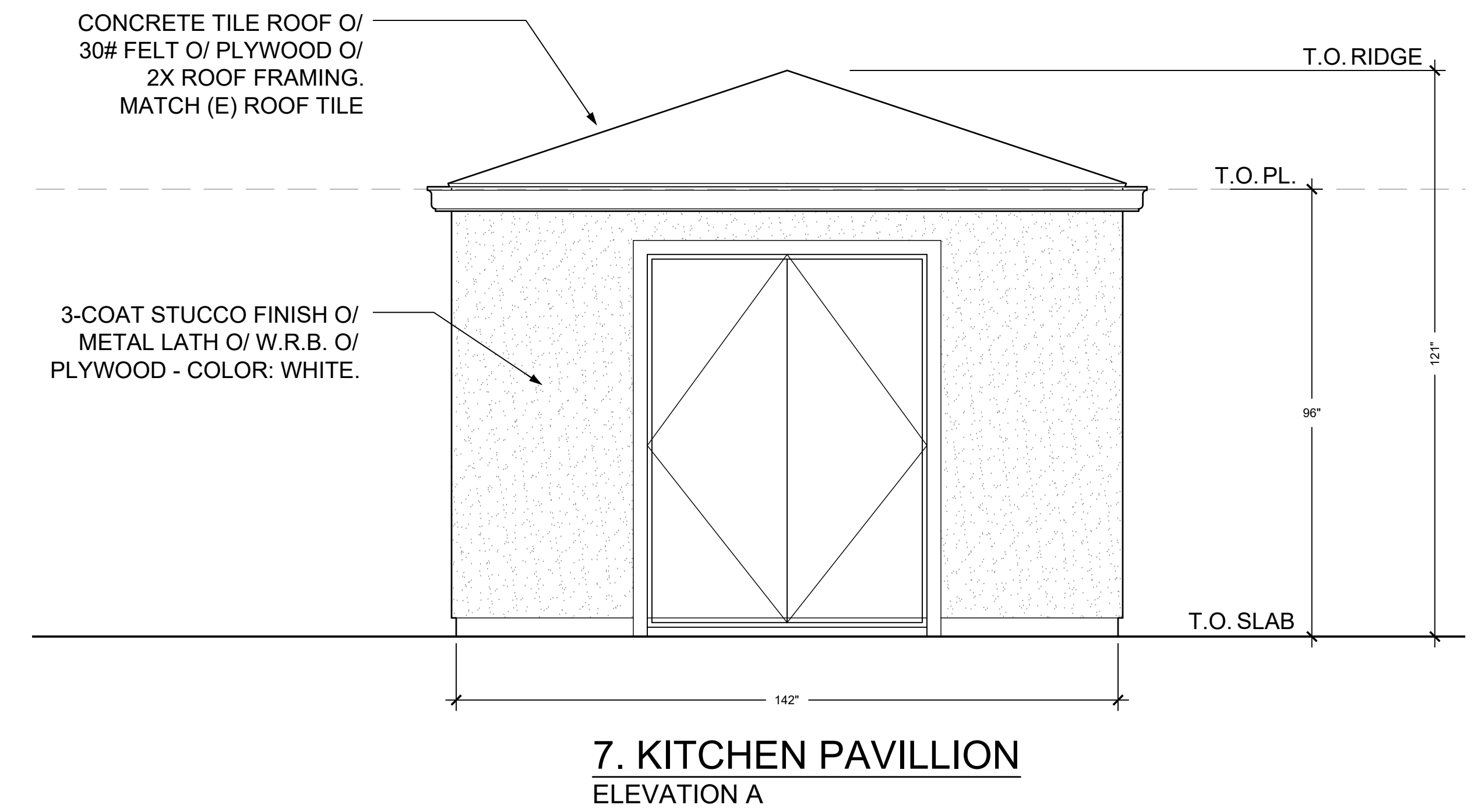
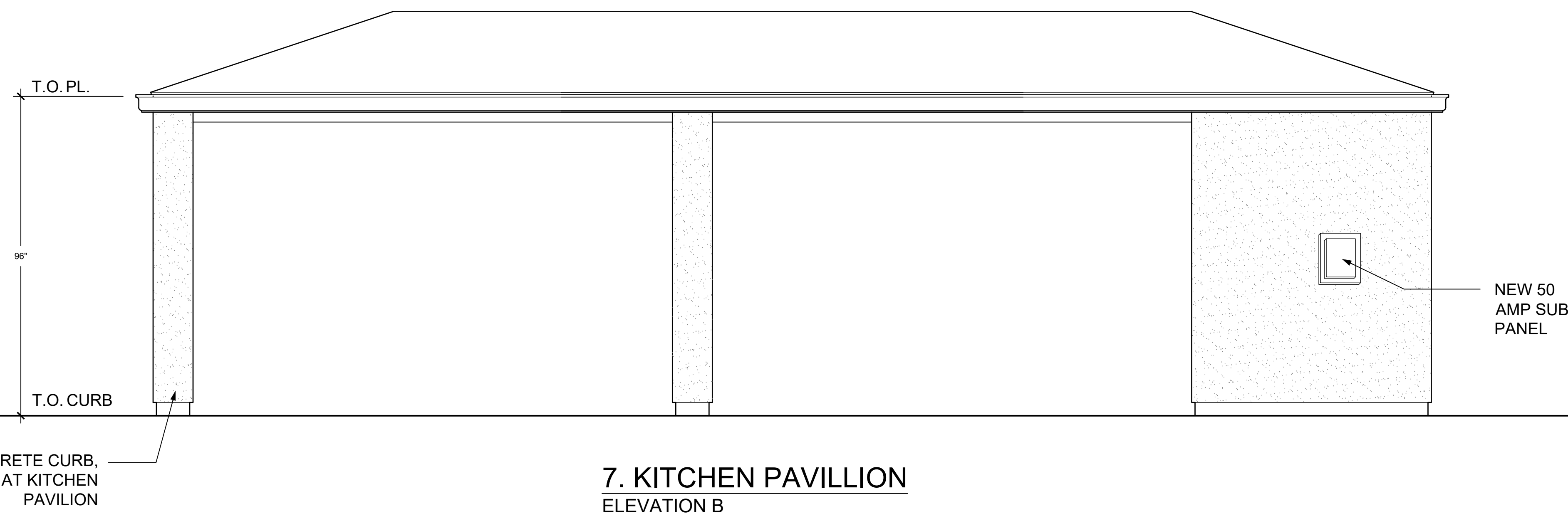


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**DATE 06.06.2025**

**A1.2**



**6. KITCHEN PAVILLION**  
INTERIOR ELEVATION



REVISIONS	
PUD MODIFICATION	11.17.2025



**Proposed Kitchen Pavilion Elevations**  
0 2 4 8

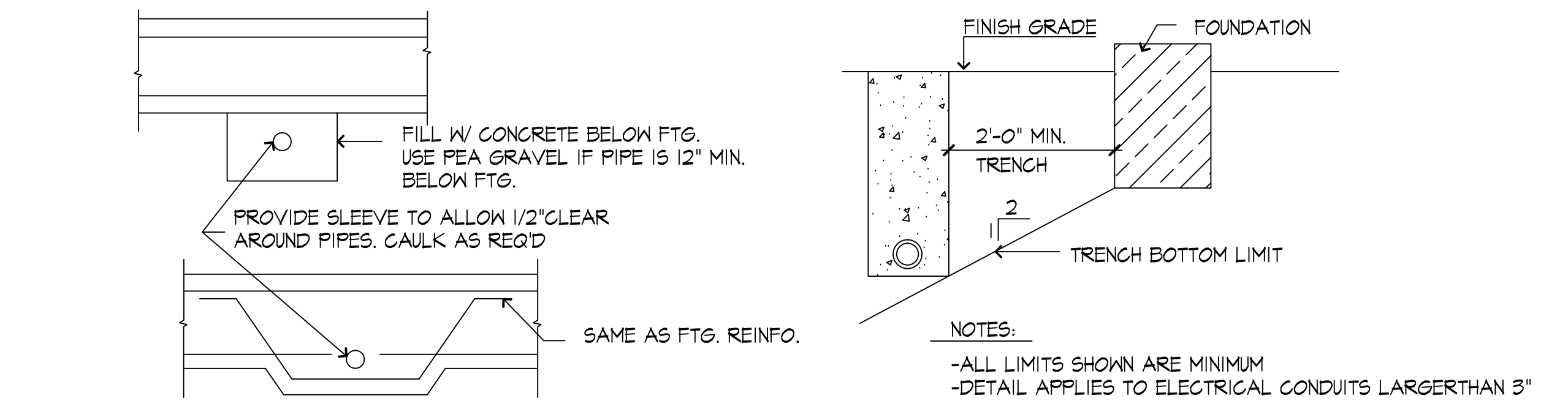
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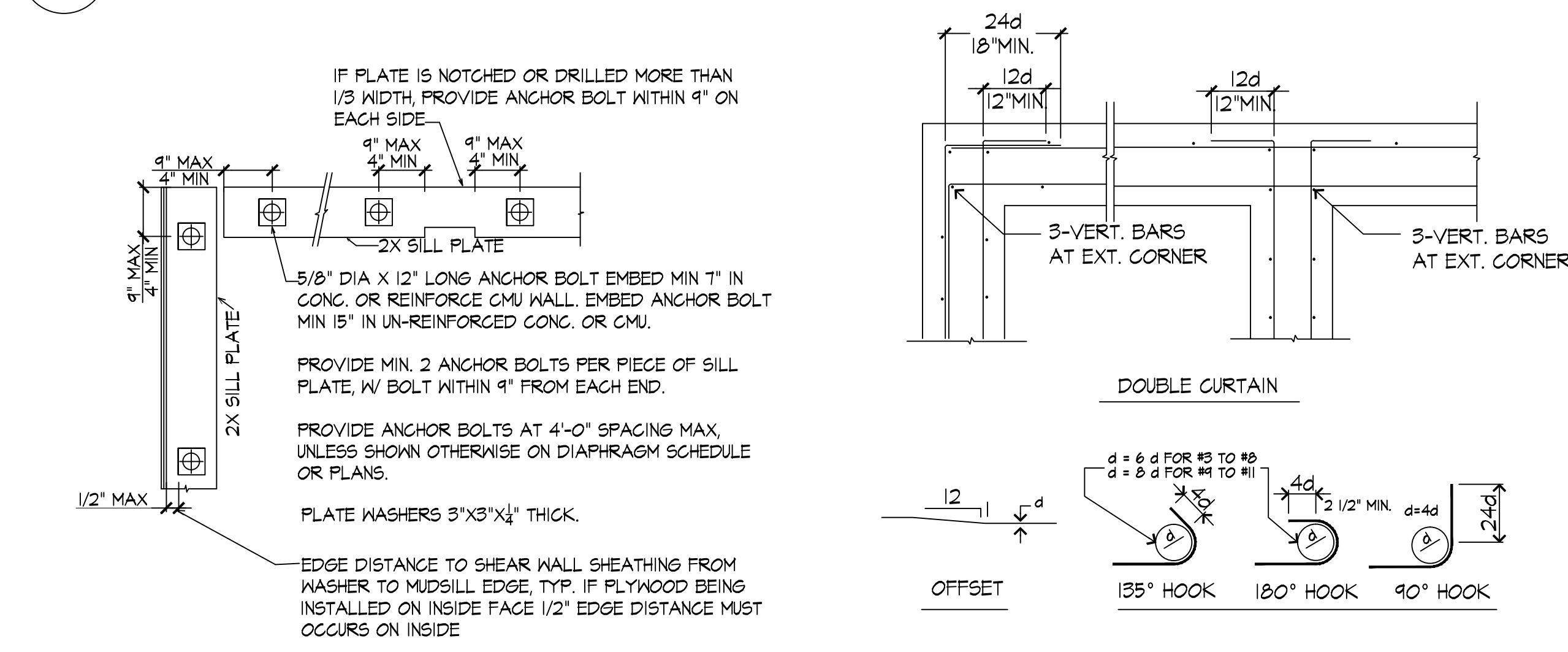
# STRUCTURAL NOTES

- All details of construction shall conform with the 2022 edition of the California Building Code (CBC).
- Where certain construction features are not fully shown, the construction shall be similar to detailed conditions shown elsewhere. Similar conditions are often described rather than drawn within the basic detail. The shop drawings shall detail all conditions.
- The General Building Contractor shall be solely responsible for all excavation procedures including lagging, shoring and the protection of adjacent property, structures, streets and utilities.
- Structural concrete shall have a 5 sack cement mix with 1-1/2" maximum aggregate and a slump of 4" +/- 1", and shall obtain a compressive strength of 2500 psi for concrete slab on grade, and 3000 psi for grade beams and piers at 28 days. Concrete shall be cured in accordance with ACI 318-19, Chapter 5. Design based on  $f'_c = 2500$  psi, no special inspection is required.
- Material for capillary break under concrete slab on grade shall be gravel or crushed rock as specified in the soil report. Rock course shall be rolled to a smooth surface. A 2" minimum layer of sand shall be placed over the sub-slab vapor barrier or membrane.
- Reinforcing steel shall be ASTM 615, deformed bars, grade 60. Minimum lap splices for bar sizes shall be as follows:  
 #3 - 2'-6" #4 - 3'-0" #5 - 3'-6" #6 - 4'-0"  
 #7 - 4'-6" #8 - 5'-0" #9 - 5'-6"  
 Minimum cover for reinforcement in concrete construction shall be as follows:  
 3" For concrete cast against and permanently exposed to earth.  
 2" For formed concrete exposed to earth or weather.  
 1-1/2" For reinforcement in beams and columns.  
 3/4" For reinforcing in slabs.  
 Also reference to the 2022 CBC Section 1907, and ACI 318-19 Chapter 12 for addition information.
- Structural steel work shall be in accordance with "Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings" of the American Institute of Steel Construction (AISC). Structural steel shall be as follows:  
 (a) Steel shapes and plates: ASTM A36  
 (b) Structural tubing: ASTM A53, Grade B or ASTM A501  
 (c) High strength bolts: ASTM A325  
 (d) Anchor bolts: ASTM A307, GRADE A  
 (e) Filler metals for welding: E70
- Shop drawing shall be provided to the Engineer for review of structural steel showing all locations, marking, quantities, material, sizes and shapes, and indicating all methods of connecting, anchoring, fastening, bracing and attaching to the work of other trades. Show details, including cuts, copes, connections, holes, threaded fasteners, and welds in accordance with AWS.
- All welding shall be done in accordance with the latest edition of the AWS code for welding in Building Construction.
- Metal connectors, holdowns, straps, etc. designated on plans are Simpson "Strong Tie". Equivalent hardware may be used. All hardware shall be installed in accordance with manufacturer's recommendation and standards.
- Unless otherwise noted, framing lumber shall be as follows:  
 (a) Posts and beams: D.F. #1 and better F.O.H.C.  
 (b) Other framing lumber: D.F. #2 and better  
 (c) Studs: Stud or better  
 (d) Mudsills: Pressure treated D.F.  
 All wood in contact with concrete or soil, and permanently exposed to the weather must be pressure treated in accordance with ANPI Standards.  
 Wood moisture content shall be at 19% maximum at time of installation and fabrication.
- Roof sheathing shall be 1/2" C-DX APA 32/16, 5 ply plywood, installed with face grain perpendicular to the framing with the end joints staggered. Nailing shall be 8d common nails @ 6" on center at panel edges and 12" on center in field.
- Plywood subflooring shall be 3/4" T & G 48/24 plywood, installed with face grain perpendicular to the framing and glue nailed with 10d common nails @ 6" on center at panel edges and 10" on center in field.
- All floor sheathing shall be glued to the joists. The field glued floor system shall be installed according to the recommendation of the American Plywood Association. Glue shall be applied to the joists and to the groove in the edge of T & G panels. Glue shall meet the requirement of the American Plywood Association Adhesive Specification and shall be applied as directed by the glue manufacturer. Glue may be applied manually or with pneumatic or electric equipment. For exterior balconies and exterior decks, use Pressure Treated plywood sheathing with galvanized nails and fasteners.
- Shear walls are shown on the plans and details:  $\nabla$ . Sheathing shall be Structural I or II CDX with APA 24/0 or better. All plywood edges and ends shall be blocked and nailed. Sheathing shall continue around window and door openings to complete trimming out of walls. Sheathing may be placed on opposite face of wall shown on the plans, provided it will be consistent with architectural plans and details, and length of the shearwall sheathed remains the same or is greater. Sheathing shall be nailed to all hold-down posts with nailing specified for edges.
- All gypsum wallboard and gypsum sheathing board shall be installed in accordance with the provisions of 2022 CBC Chapter 25, and shall be nailed to all framing member, plates and blocking. Gypsum wallboard may be applied parallel or perpendicular to the studs. Gypsum sheathing board 4" wide may be applied parallel or perpendicular to the studs. 2" wide pieces shall be applied perpendicular to the studs. Use 5d cooler nails at 6" o.c. all edges.

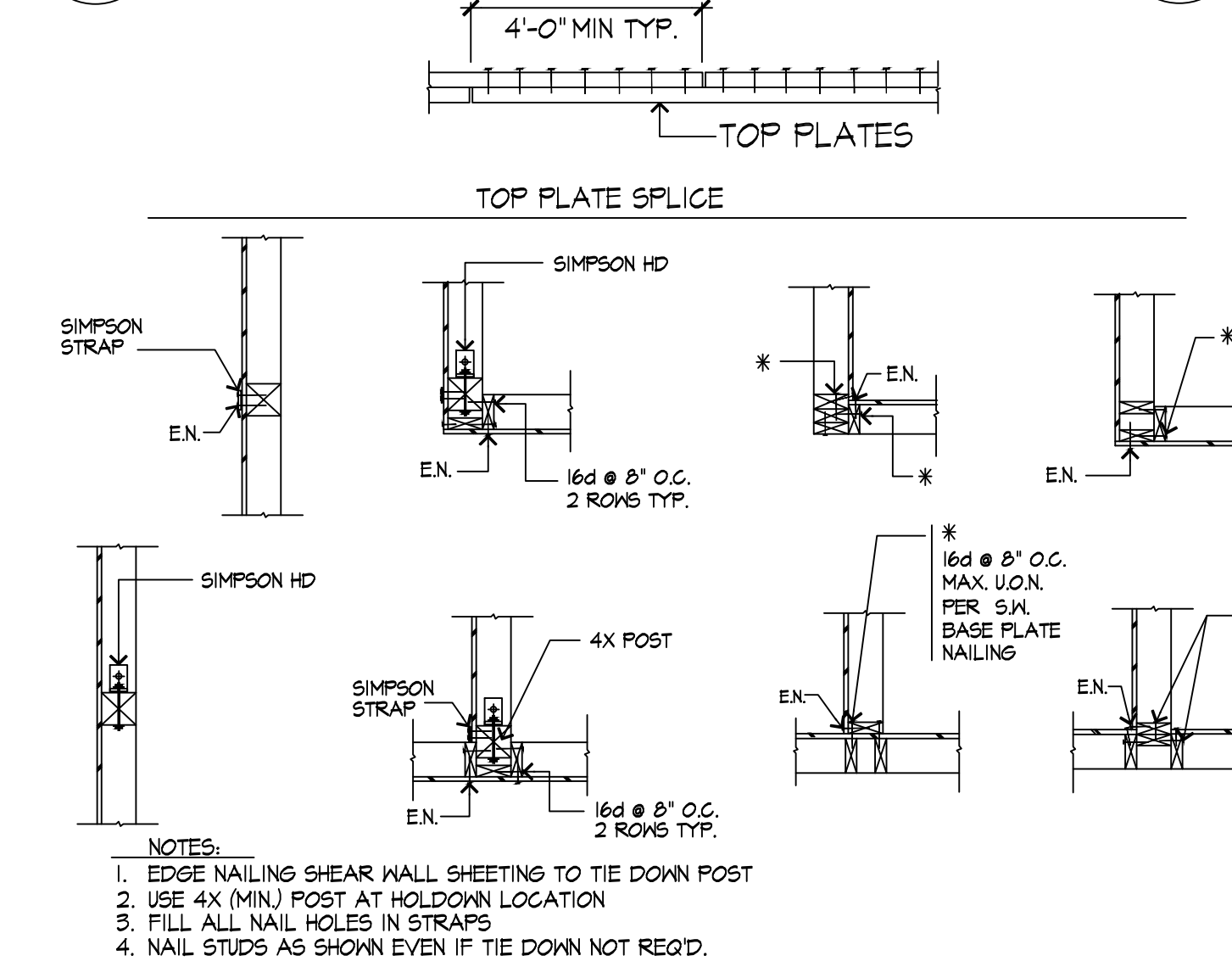
- Provide double floor joists for partition walls parallel to the floor framing. Provide solid blocking for partition walls perpendicular to the floor framing.
- Parallam beams, LSL and LVL joists must have an allowable bending stress of 2400 psi, and allowable shearing stress of 240 psi and the modulus of elasticity 2000 ksi.
- Shearwalls more than one vertical panel in height shall have either vertical or horizontal splice joints staggered. At continuous horizontal joints, the blockings shall be 3" nominal or thicker.
- All wood beam, posts, glue-laminated beams and parallam beams must be pressure treated, or graded for exterior uses.
- Contractor shall verify dimensions, property lines, location of new framing members, line of supports, locations of anchor bolts, holdowns, existing site conditions, drainage trenches, etc. prior of the construction. Should any conditions exist or result during the construction which differ from those detailed on the Structural Drawings, the Engineer shall be notified immediately.
- Dimensions that are dependent to the existing construction are approximate and subject to field change. Dimensions on the structural drawings shall be verified with the Architectural drawings. Discrepancies shall be brought to the attention of the Architect and the Engineer.
- Existing construction and related new work are shown and noted per existing drawings. Should the as-built construction differ from it shown, the contractor shall notify the Architect and the Engineer prior to continue with any related work.
- The contractor shall provide shoring to the new and existing construction through out all construction phases. The contractor is responsible for the design and construction of any temporary bracing, included but not limited to lateral force resisting elements required to resist wind, earth or earthquake forces during construction. The Engineer job site observation is not intended to include for the adequacy of the contractor's safety measures.
- If the project is revised or conditions different from those detailed are encountered during construction, the Engineer shall be notified immediately.
- Each contractor shall familiarize himself with all specified details and products relating to his work and submit written objections prior to bidding if the contractor has an objection to any detail, product and/or discrepancies between drawings and specifications.
- Construction review is not a mandatory requirement by the structural engineer office, and LYA structural engineers are not in contract with the property owner to perform such service. It is our recommendation to the property owner that to have the project structural engineer perform construction review on the structural items of the construction. The Contractor shall give the Engineer at least 48 hours notices, so that the Engineer can conduct on-site construction review.
- Larson, Yuen Associates, Inc., Structural Design Engineer, is not responsible for any other aspect of the structural design other than shown on the Structural Drawings, nor does the Engineer assume any duty to provide supervision of construction methods and processes.
- Design live load include the followings:  
 (a) Vertical Loads  
 (1) Roof: 20.0 psf  
 (b) Wind Load:  
 (1) Basic Wind Speed: 87 mph (1) Seismic :Design Catagory D  
 (2) Wind Exposure C (2) Site Class: D  
 (3) P = 18.0 psf (3) V = .326 W
- All fasteners, nails and bottom used in pressure treated lumber must be galvanized or stainless steel.
- No Soil investigation report available for engineering. New foundation are spread footings. Assume Allowable Soil Bearing Capacity = 1,500.00 psf



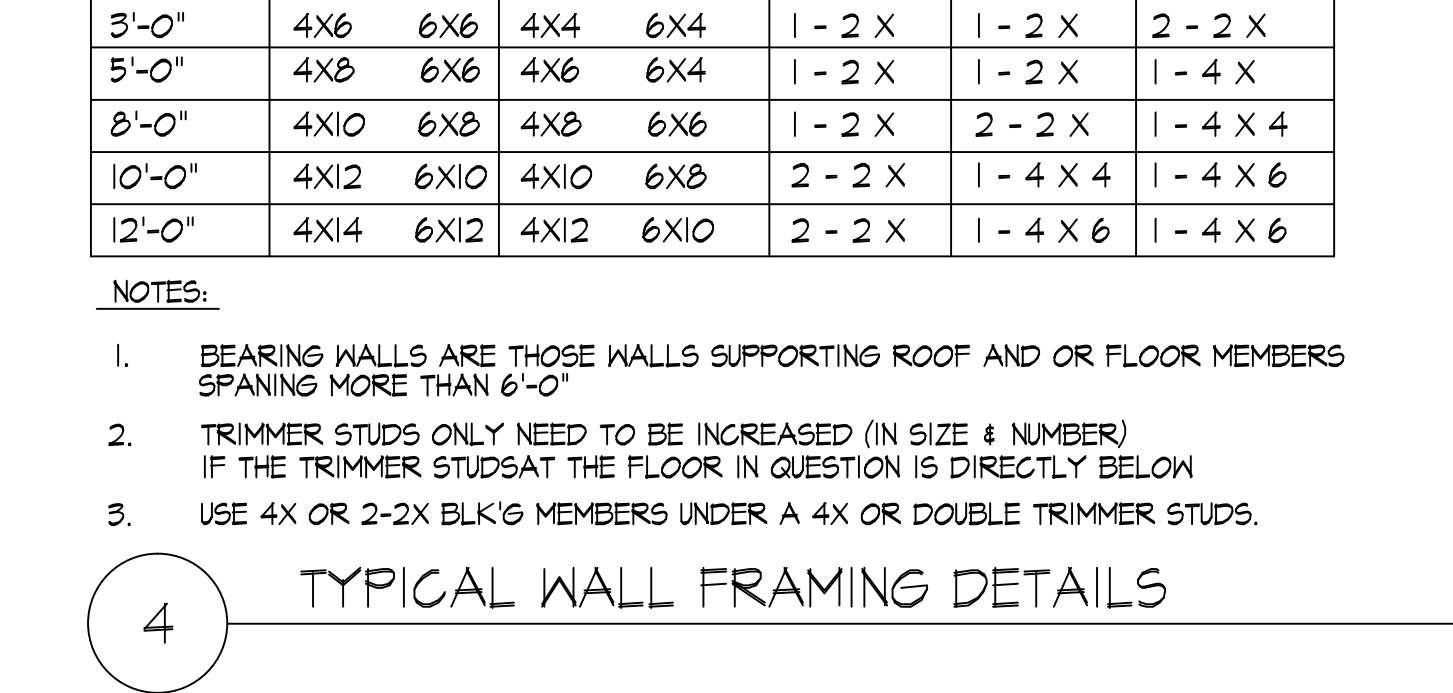
1 PIPES AND DUCTS IN FOUNDATION



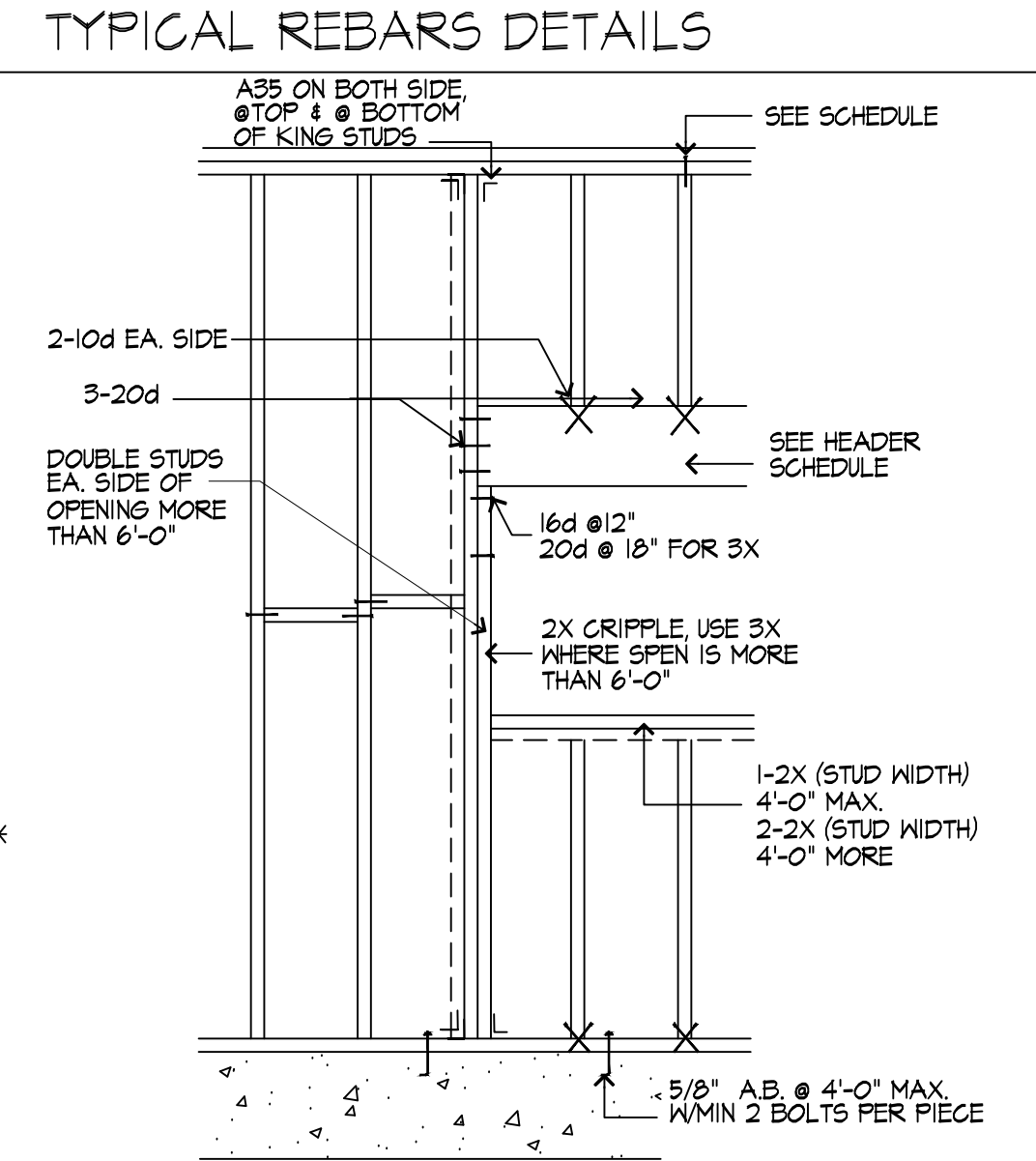
2 TYPICAL SILL PLATE DETAILS



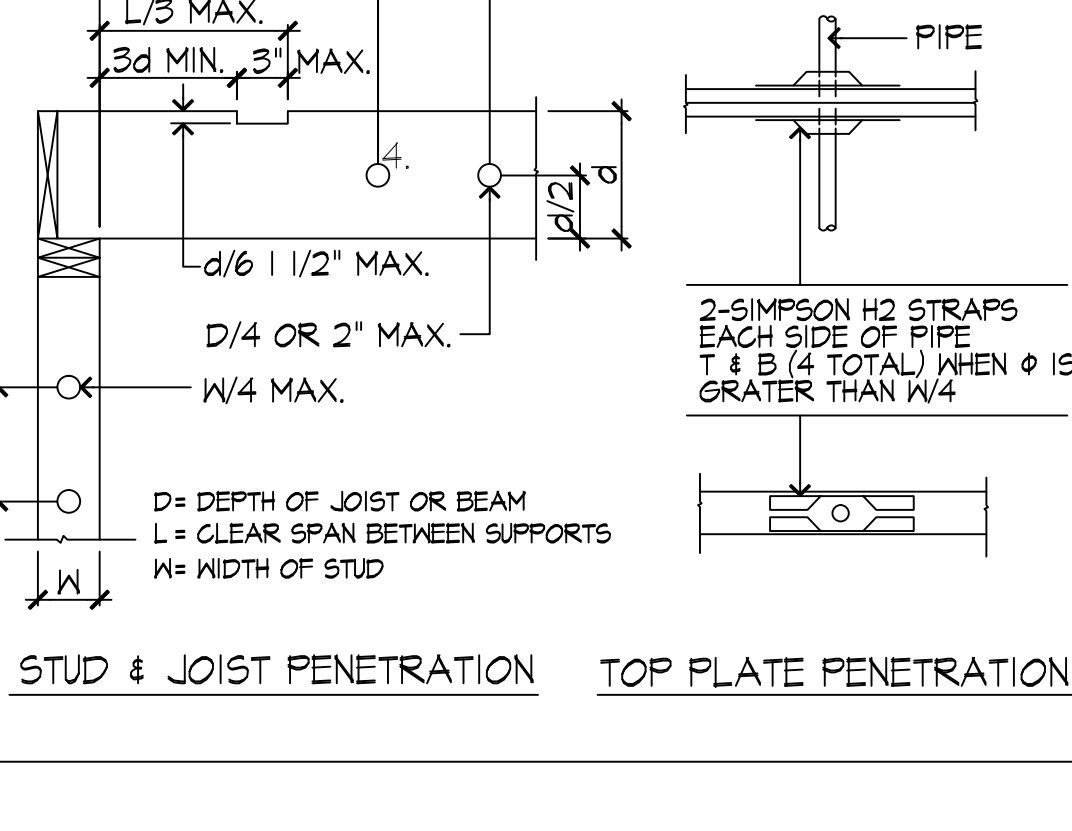
3 TYPICAL REBARS DETAILS



4 TYPICAL WALL FRAMING DETAILS



5 TYPICAL WALL FRAMING DETAILS



6 STUD & JOIST PENETRATION TOP PLATE PENETRATION

HEADER SCHEDULE (UNLESS OTHERWISE NOTED ON PLAN)

MAX.SPAN	BEARING WALL		NON-BEARING WALL		SIZE & NUMBER OF TRIM STUDS NUMBER OF FLOORS ABOVE HEADER		
	4X6	6X6	4X4	6X4	1 FLOOR	2 FLOOR	
3'-0"	4X6	6X6	4X4	6X4	1 - 2 X	1 - 2 X	2 - 2 X
5'-0"	4X8	6X6	4X6	6X4	1 - 2 X	1 - 2 X	1 - 4 X
8'-0"	4X10	6X8	4X8	6X6	1 - 2 X	2 - 2 X	1 - 4 X 4
10'-0"	4X12	6X10	4X10	6X8	2 - 2 X	1 - 4 X 4	1 - 4 X 6
12'-0"	4X14	6X12	4X12	6X10	2 - 2 X	1 - 4 X 6	1 - 4 X 6

- NOTES:
- BEARING WALLS ARE THOSE WALLS SUPPORTING ROOF AND OR FLOOR MEMBERS SPANNING MORE THAN 6'-0"
  - TRIMMER STUDS ONLY NEED TO BE INCREASED (IN SIZE & NUMBER) IF THE TRIMMER STUDS AT THE FLOOR IN QUESTION IS DIRECTLY BELOW
  - USE 4X OR 2-2X BLK'G MEMBERS UNDER A 4X OR DOUBLE TRIMMER STUDS.



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1011 Vista Oaks Ct.  
Pleasanton, CA

REVISIONS

PROJECT No. LYA # 4032

SCALE N.T.S.

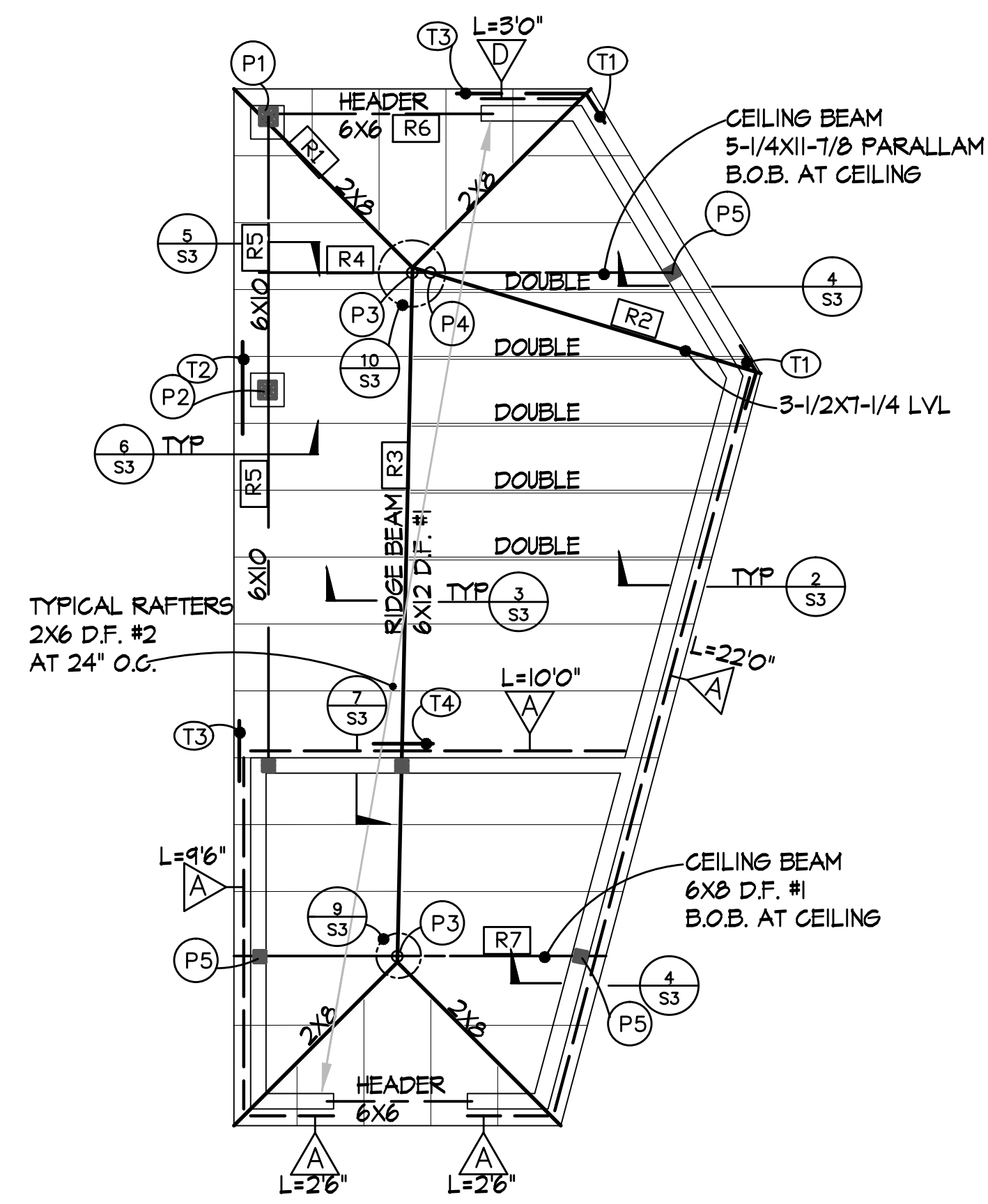
DRAWN CHECKED TMY

DATE June 2025

SHEET TITLE TITLE

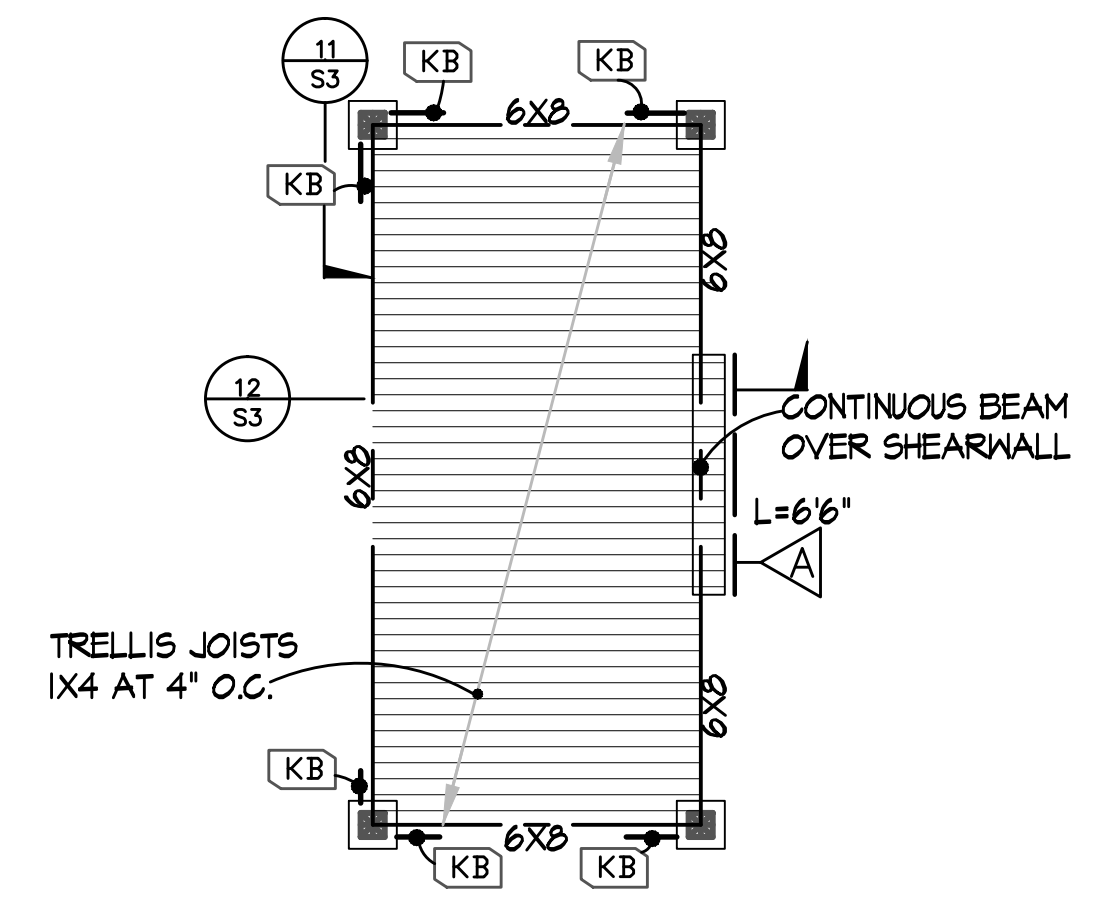
STRUCTURAL NOTES AND GENERAL DETAILS

SHEET No.



## PAVILLION ROOF FRAMING

**NOTE:**  
ALL CABANA FRAMING ARE PRESSURE TREATED OR DENSE REDWOOD LUMBERS



## POOL CABANA TRELLIS FRAMING

### Roof Framing notes:

- All headers at exterior walls and interior load bearing walls are 4x12 D.F. #1 at 2x4 stud walls, and 6x8 D.F. #1 at 2x6 stud walls, typically, unless otherwise noted on plans.
- All exterior wall, shearwall and bearing wall must be balloon framed. For wall height taller than 10 feet, use 2x6 studs at 16" on center, no vertical splice is allowed.
- Provide full width post at all beams supports. Strap beam to supporting post with Simpson TS22 straps on each face of the beam to supporting post at each ends, unless otherwise noted on plans.
- At king post, provide 4x full width post from ceiling beam or header to the roof beam. Provide Simpson "PC" cap bottom to the supporting beam. Where roof beam is parallel or perpendicular to the king post, provide Simpson "PC", otherwise use two Simpson MTS30 straps connecting the roof beam to the king post at top.
- New rafters at Kitchen Pavilion are 2x6 D.F. #2 spaces at 24" on center. Provide Simpson "LUS26" hangers from rafters to supporting beams.
- Typical roof sheathing:**  
1/2" plywood, CDX, 32/16, 5 ply, with 8d common nails at 6" on center at edges, and 12" on center in field. Plywood sheathing to be installed perpendicular to the framing.

### Lower Level and Foundation Notes:

- Holdowns shown on the foundation plan are occurs at the bottom of the designated shearwalls to foundation. Provide 4x post at all holdowns, unless otherwise noted on plans.
- Concrete slab @ Kitchen and Storage area**  
4" concrete slab, reinforce with #4 bars at 12" on center, both directions, centered in slab, over 2" sand, over 10 mil vapor retarder, over 4" thick 3/4" clean crushed rocks, and over soaked prepared subgrade compacted to 95% relative compaction. Provide 1" deep score cut on slab surface no more than 10 ft on center in both directions.
- Concrete slab @ Cabana**  
4" concrete slab, reinforce with #4 bars at 12" on center, both directions, centered in slab, over 2" sand, over 4" thick 3/4" clean crushed rocks, and over soaked prepared subgrade compacted to 95% relative compaction. Provide 1" deep score cut on slab surface no more than 10 ft on center in both directions.
- All exterior grades must be sloping away from the foundation.
- Verify all dimension with Architectural plans prior to the commence of the construction. 48tsant Hillrive

### STRAP LEGEND:

- T1 --- HORIZONTAL SIMPSON ST6224 AT CORNER TOP PLATES SPLICE.
- T2 --- HORIZONTAL SIMPSON MST48 AT BEAM SPLICE, CENTER STRAP AT SPLICE.
- T3 --- HORIZONTAL SIMPSON ST6236 FROM BEAM TO ADJACENT WALL, CENTER STRAP AT CROSS WALL.
- T4 --- HORIZONTAL SIMPSON ST6236 AT BROKEN TOP PLATES, CENTER STRAP AT POST.

### POST AND KING POST SCHEDULE

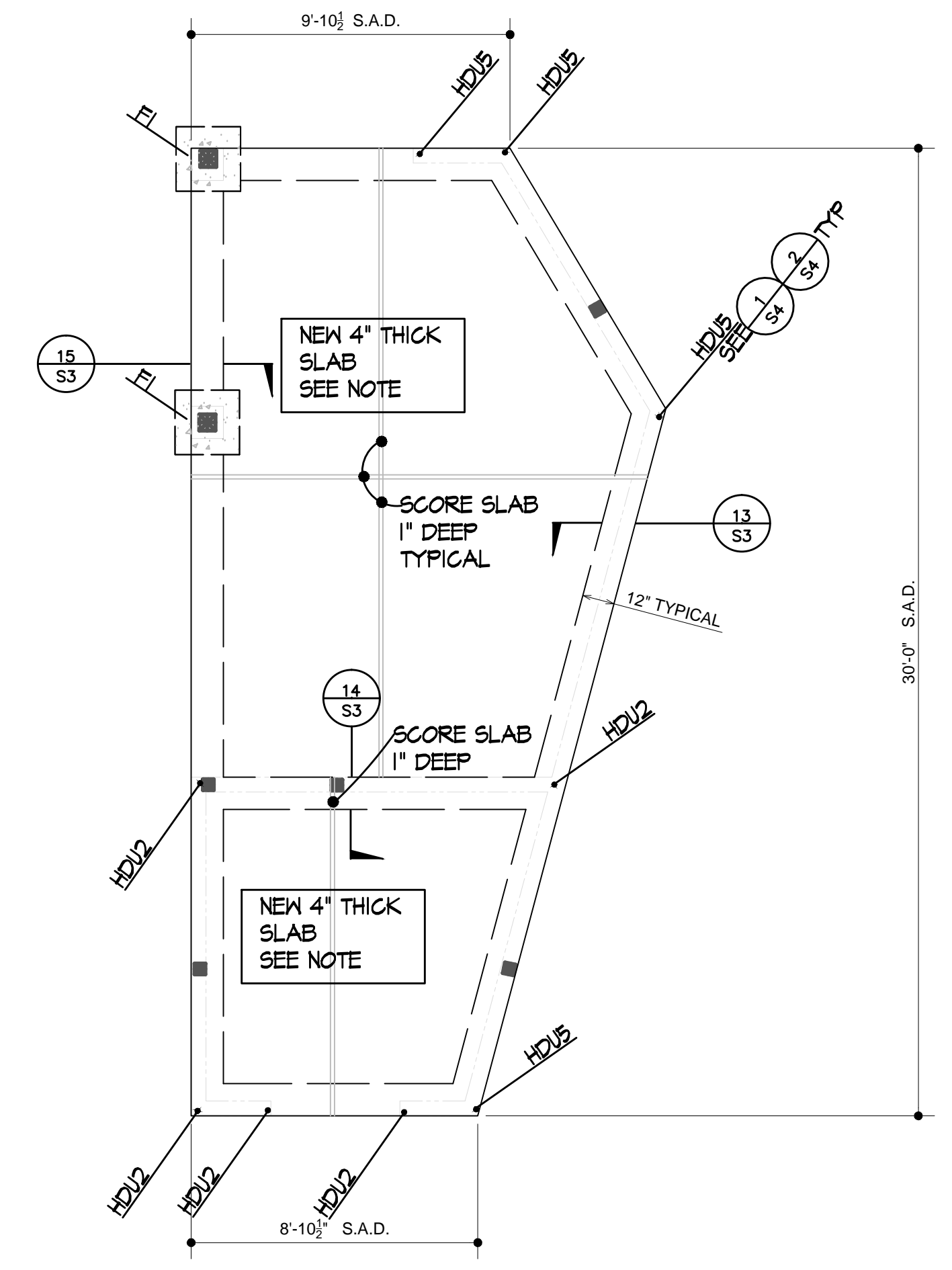
- P1 Continuous 6X6 P.T. post to beam with ECCQ cap at top, and CBSQ base at bottom.
- P2 Continuous 6X6 P.T. post to beam with CCQ cap at top, and CBSQ base at bottom.
- P3 6x6 king post with Simpson EPC cap at top and PC cap at bottom to beam or header.
- P4 4x6 king post with Simpson H7Z strap at top to hip beam, and PC cap at bottom to beam or header.
- P5 4x6 continuous post in wall at beam with Simpson LTS12 strap at top to ceiling beam, see detail 4/S4.
- P6 Continuous 6X6 P.T. post to beam with ECCQ cap at top, and MPB66Z base at bottom, see 3/S4.

**KB** 6x6 P.T. knee brace, see detail 11/S3.

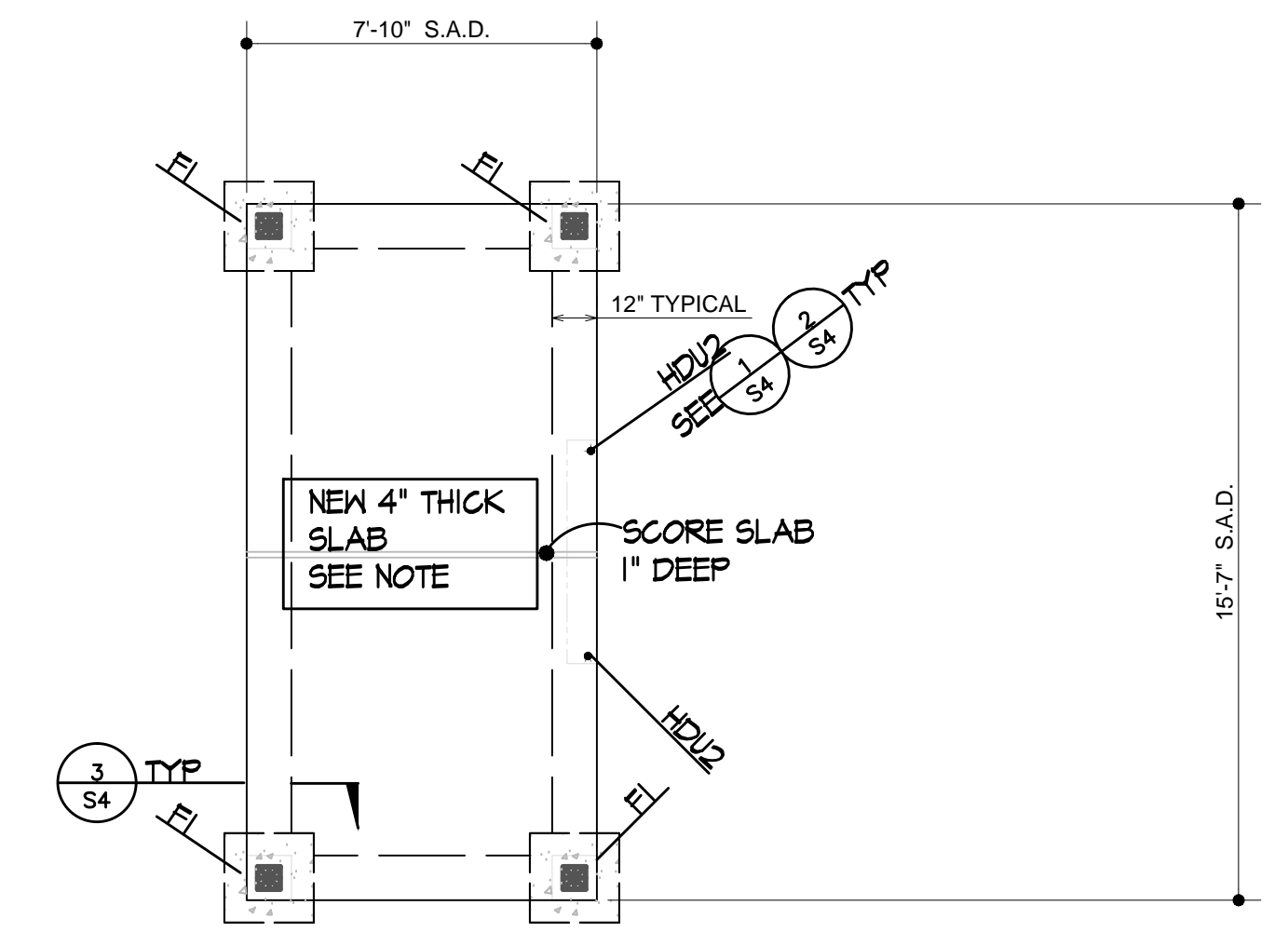
**LEGEND:**  
B.O.B. --- BOTTOM OF BEAM.  
S.A.D. --- SEE ARCHITECTURE PLAN.

### FOOTING SCHEDULE:

F1 --- FOOTING 2'0" SQUARE X 15" THICK REINFORCE WITH 3-#4 BARS EACH WAY, SEE DETAIL 3/S4 AND 15/S3.



## PAVILLION FOUNDATION



## POOL CABANA FOUNDATION



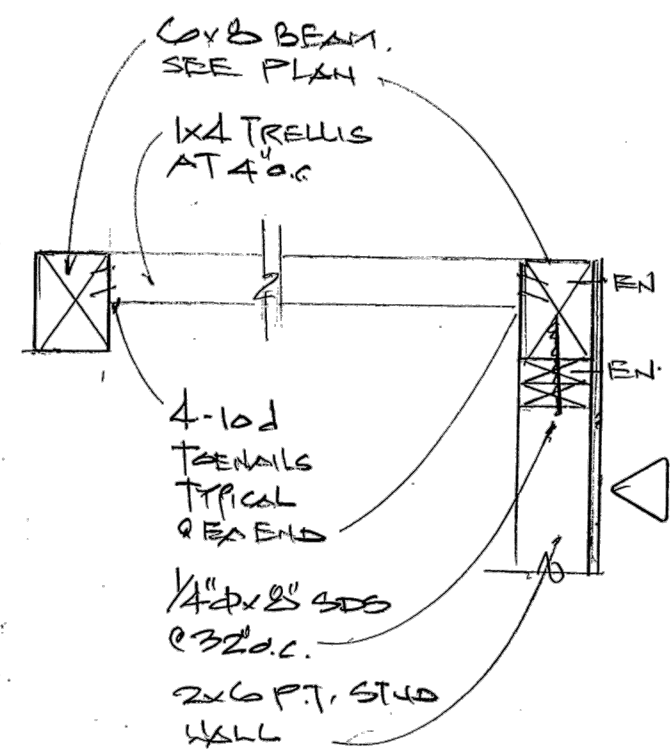
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PROJECT No. LYA # 4032  
SCALE 1/4" = 1'-0"  
DRAWN CHECKED TMY  
DATE June 2025

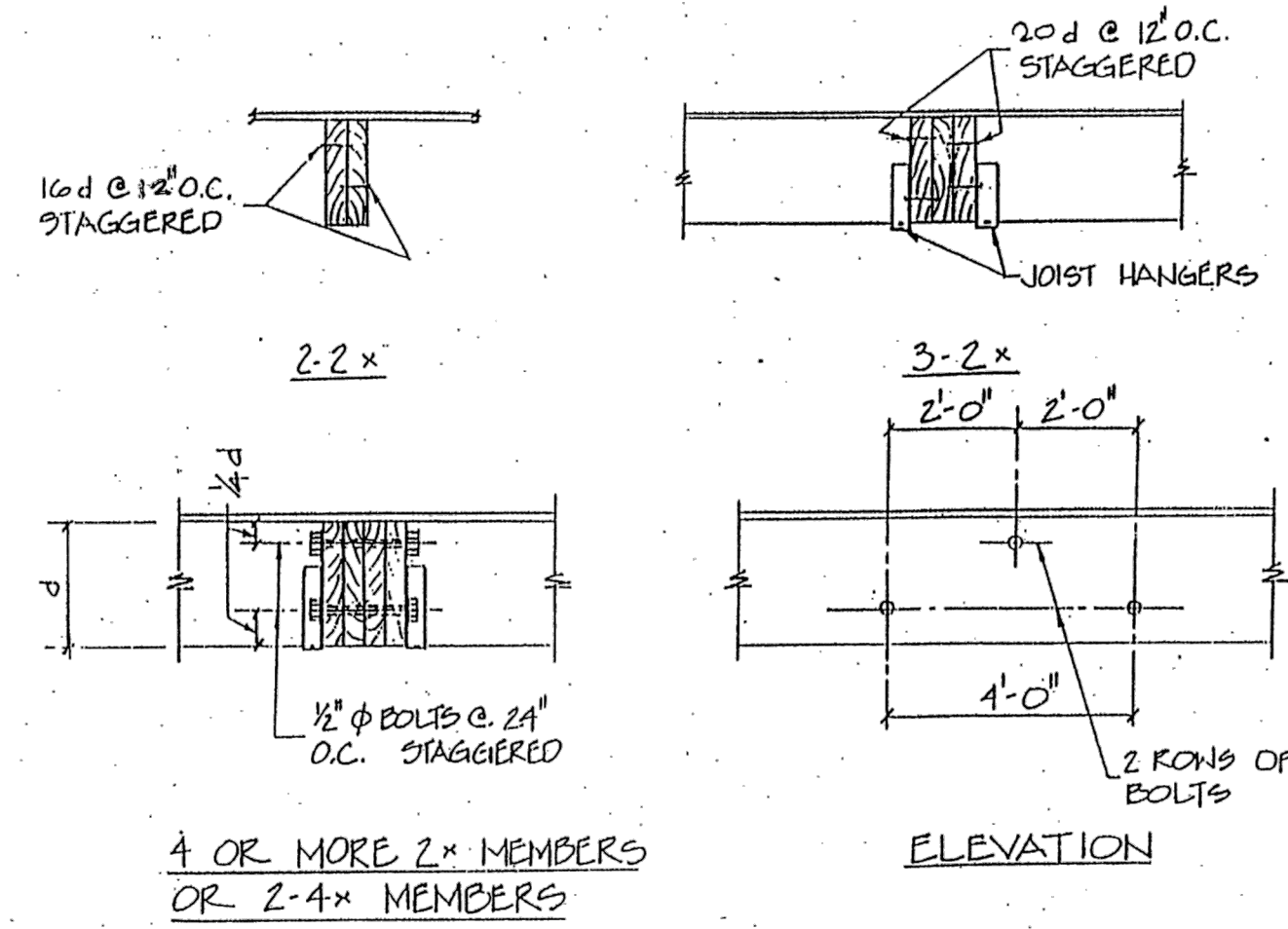
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Pavillion Roof Framing, Pool Cabana Trellis Framing and Foundation Plan  
SHEET No.



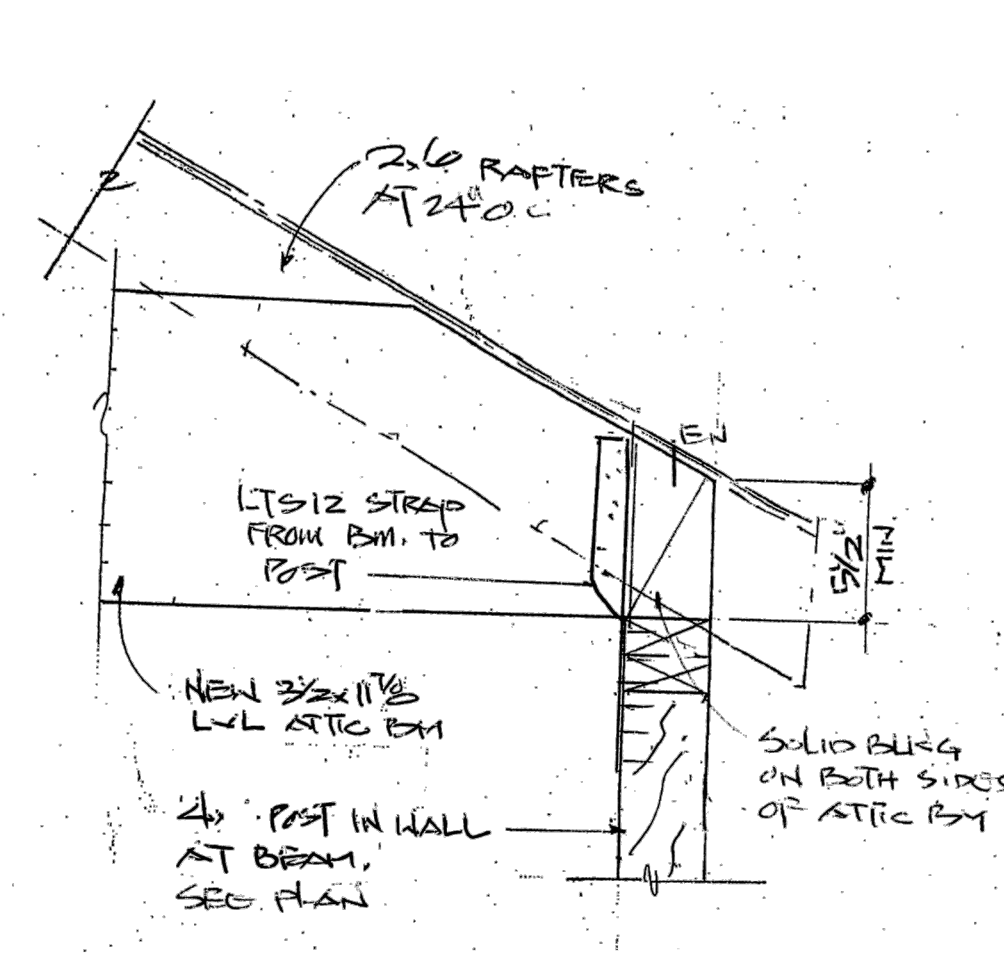
NOTES

1. LUMBERS TO BE PRESSURE TREATED OR DENSE REDWOOD
2. SEE ARCH PLAN FOR WALL WATERPROOFING AND ADDITIONAL INFORMATION.

12 TRELLIS JOISTS TO BEAM



8 TYPICAL BUILT-UP MEMBERS

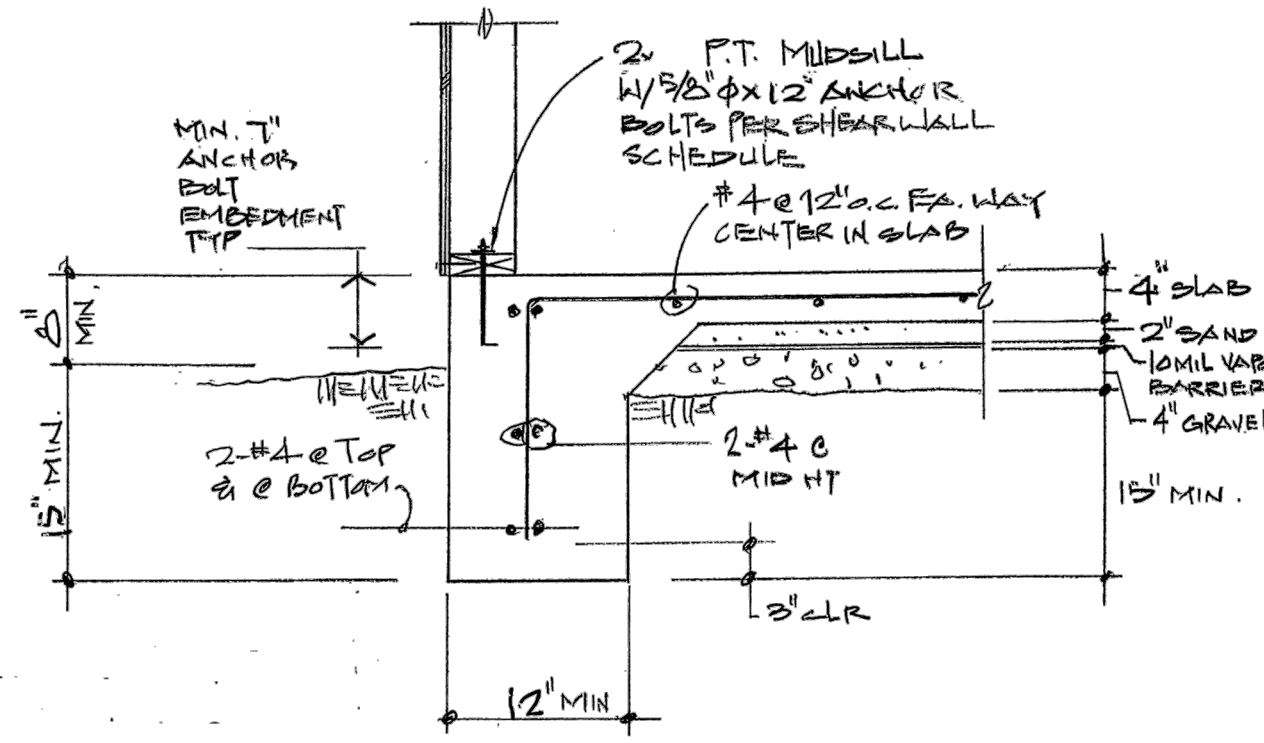


4 TAPER BEAM END OVER WALL

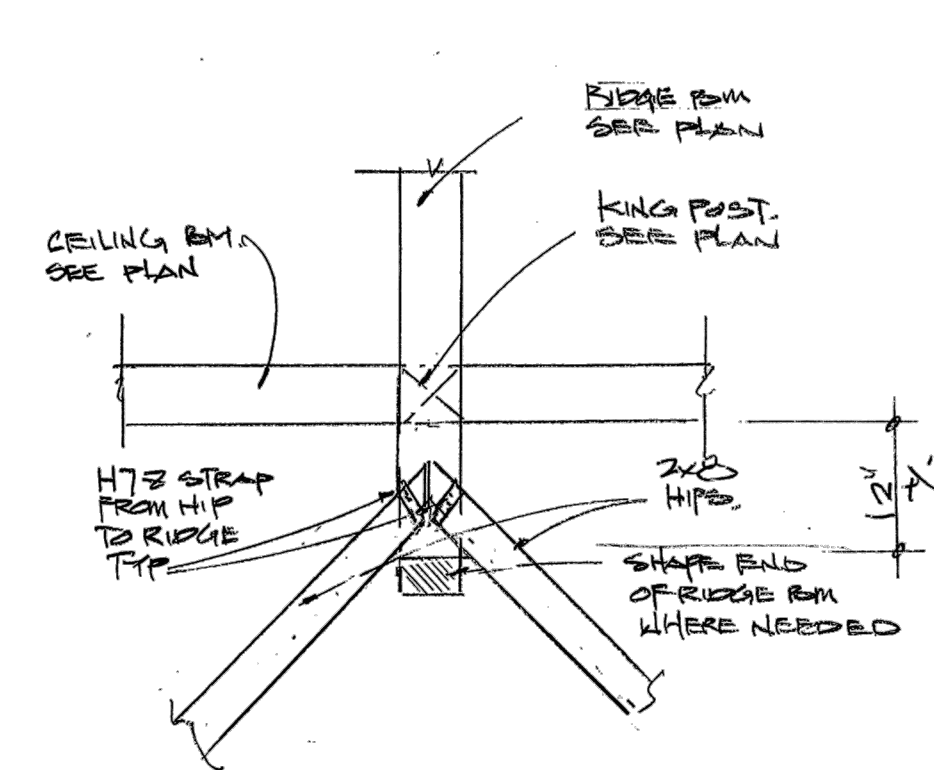
Symbol	Shear Diaphragm/ Edges Nailing	Base Plate Nailing	Sill Bolts Spacing	Rim jst/bk'g to top plate / sill connection	Allow. Shear Capacity
A	15/32" C-DX Plywd/ 8d @ 6" o.c.	6" o.c. 2x Plate	4'-0" o.c. 2x Plate	Simpson A35 @ 24" o.c.	260 lb/ft
B	15/32" C-DX Plywd/ 8d @ 4" o.c.	4" o.c. 2x Plate	2'-6" o.c. 2x Plate	Simpson A35 @ 16" o.c.	350 lb/ft
C	15/32" C-DX Plywd/ 8d @ 3" o.c. 3x stud @ plywd joint	SDS6 6" o.c. 2x plate	2'-0" o.c. on 3 x plate or 1'-0" o.c. on 2 x plate	Simpson A35 @ 12" o.c.	490 lb/ft
D	15/32" C-DX Plywd/ 8d @ 2" o.c. 3x stud @ plywd joint	SDS6 6" o.c. Staggered 2x plate	1'-6" o.c. on 3 x plate or 0'-9" o.c. on 2 x plate	Simpson A35 @ 8" o.c.	636 lb/ft

- Notes:
1. Plywood to C-DX STR II minimum, nailed directly to studs with field nailing at 12" on center. For edge nailing, refer to schedule.
  2. All nails shall be common nails, 8d or 10d as specified above.
  3. All base plate nails are 16d common nails.
  4. All nails fasten to pressure treated wood must be galvanized.
  5. All sill bolts are 5/8" diameter x 12" long galvanized with 3"x3"x1/4" thick plate washers.
  6. Pre-drill nail holes for 8d @ 2" o.c.; 10d @ 3" o.c.; 16d @ 4" o.c. or less.
  7. When no tie-down is indicated on the plans, corner studs shall be nailed to each other with 16d @ 8" o.c.
  8. Where shear wall has not been indicated, all framing nailing shall conform to table 2304.10.2 of the 2022 CBC.
  9. 20d nails to be 5'-3/8" long minimum.
  10. For shearwall with plywood on both faces, stagger plywood joints on different stud.
  11. At existing wall, upgrade anchor bolts spacing with 5/8" diameter expansion bolts with a minimum of 5" embedment as anchor bolts.
  12. Shearwall types other than A and B, foundation sill plates and all framing members receiving edge nailing from abutting panels shall not be less than a single 3x nominal member and foundation sill plates shall not be less than a single 3x nominal member.
  13. Use galvanized nails when fasten to pressure treated member. Galvanized nails shall be hot-dipped or tumbled.
  14. Plywood may be installed either horizontally or vertically. For shearwalls more than one vertical panel in height shall have either vertical or horizontal staggered spliced joints. At continuous horizontal joints, the blocking shall be 3" nominal or thicker. Flat blocking receiving 10d nails shall be 3" x 4" nominal or larger.

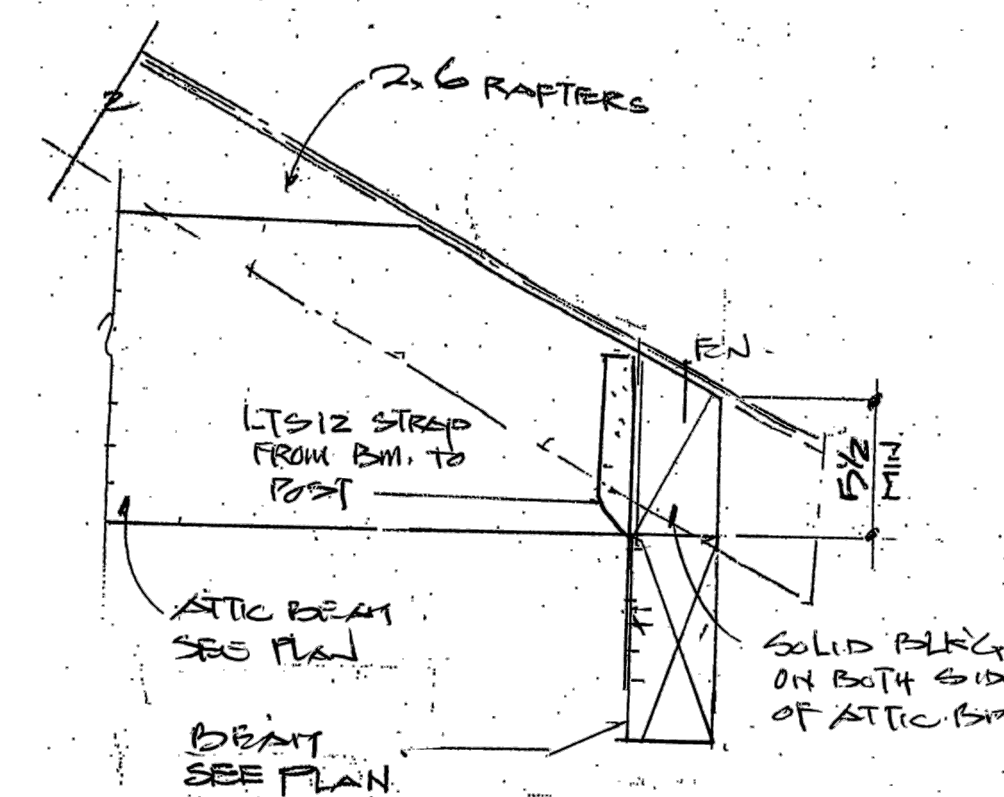
1 SHEAR WALL SCHEDULE



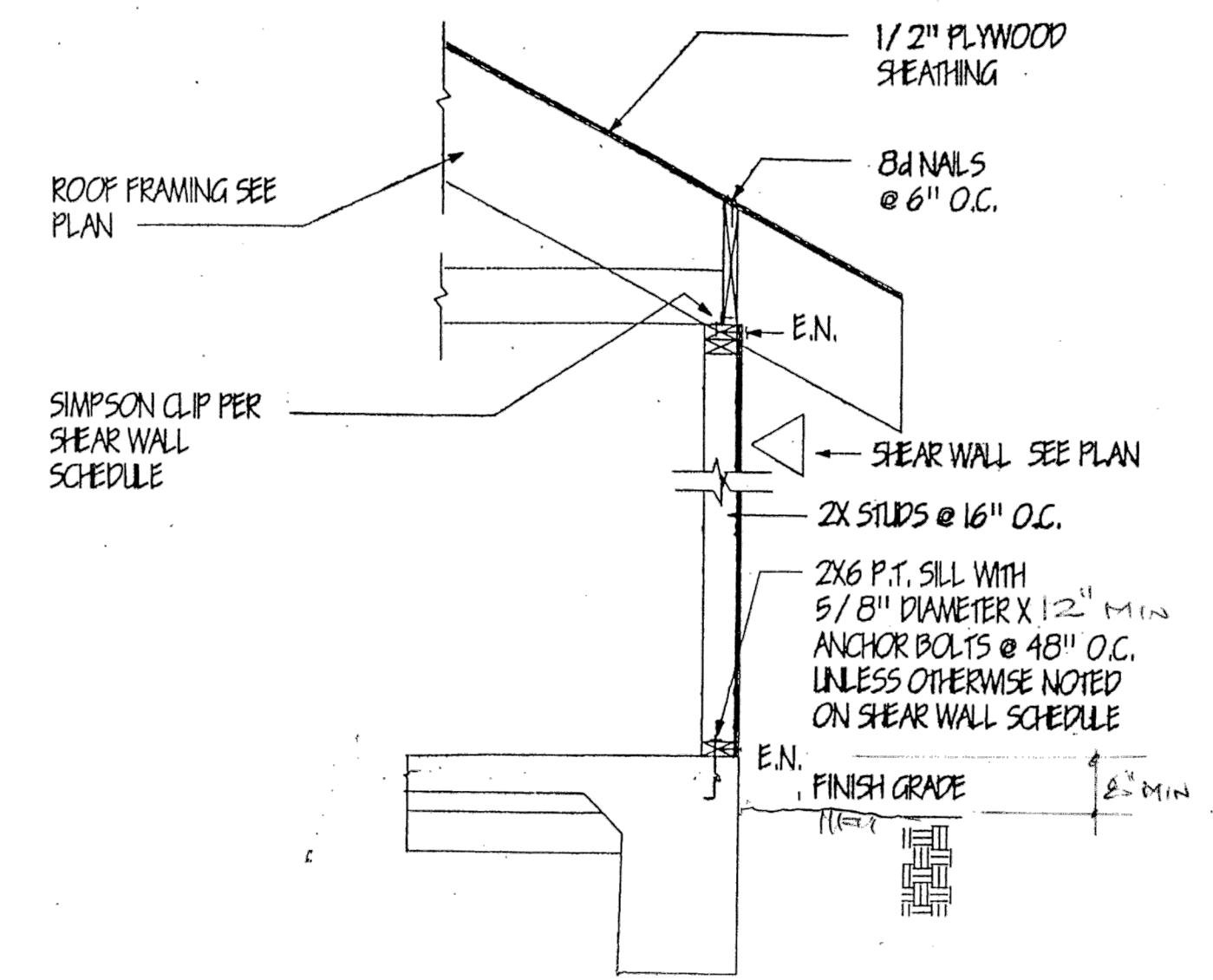
13 TYPICAL PERIMETER FOOTING DETAIL



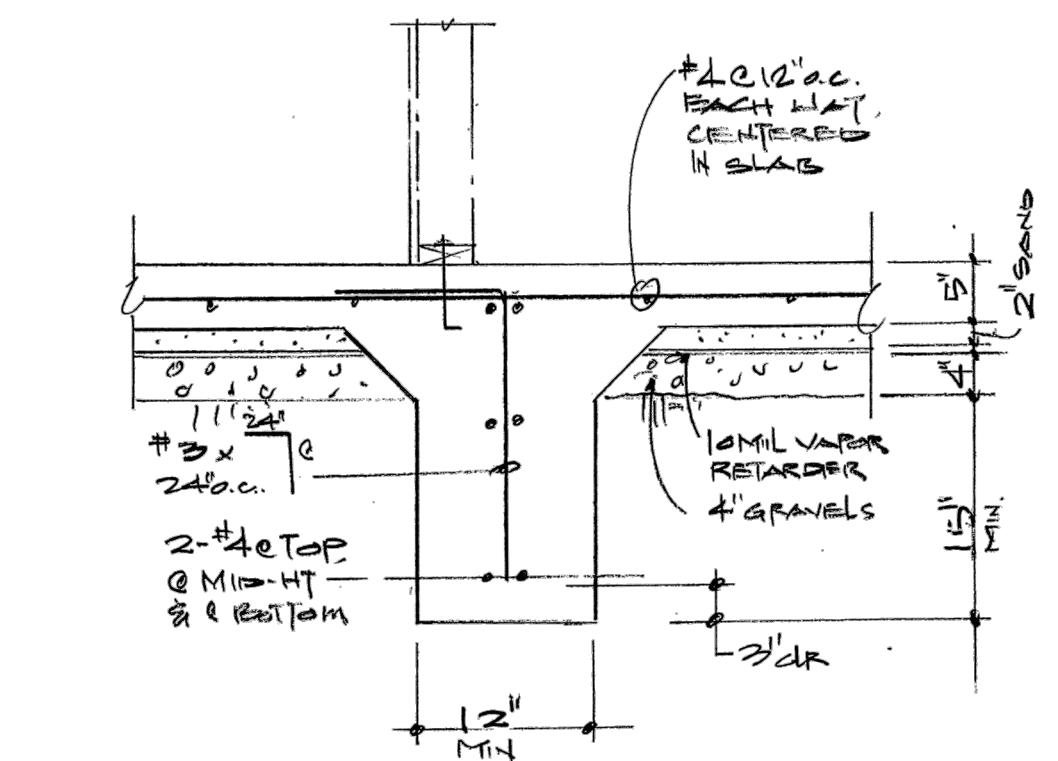
9 HIPS TO RIDGE OVER STORAGE



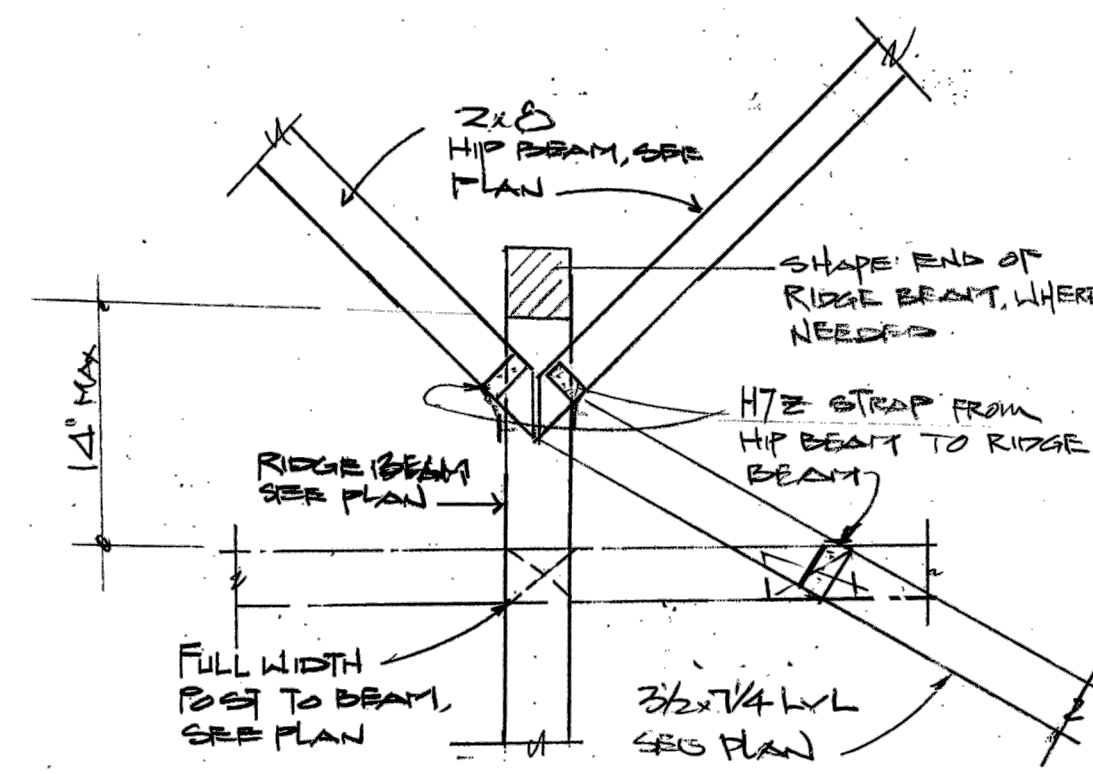
5 TAPER BEAM END OVER BEAM



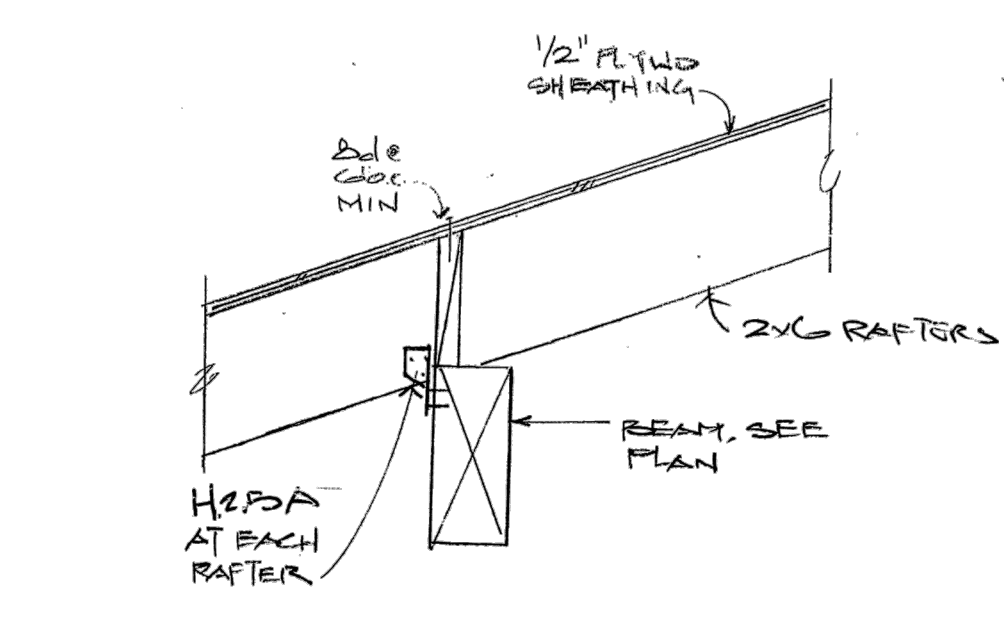
2 TYPICAL SHEAR TRANSFER DETAIL



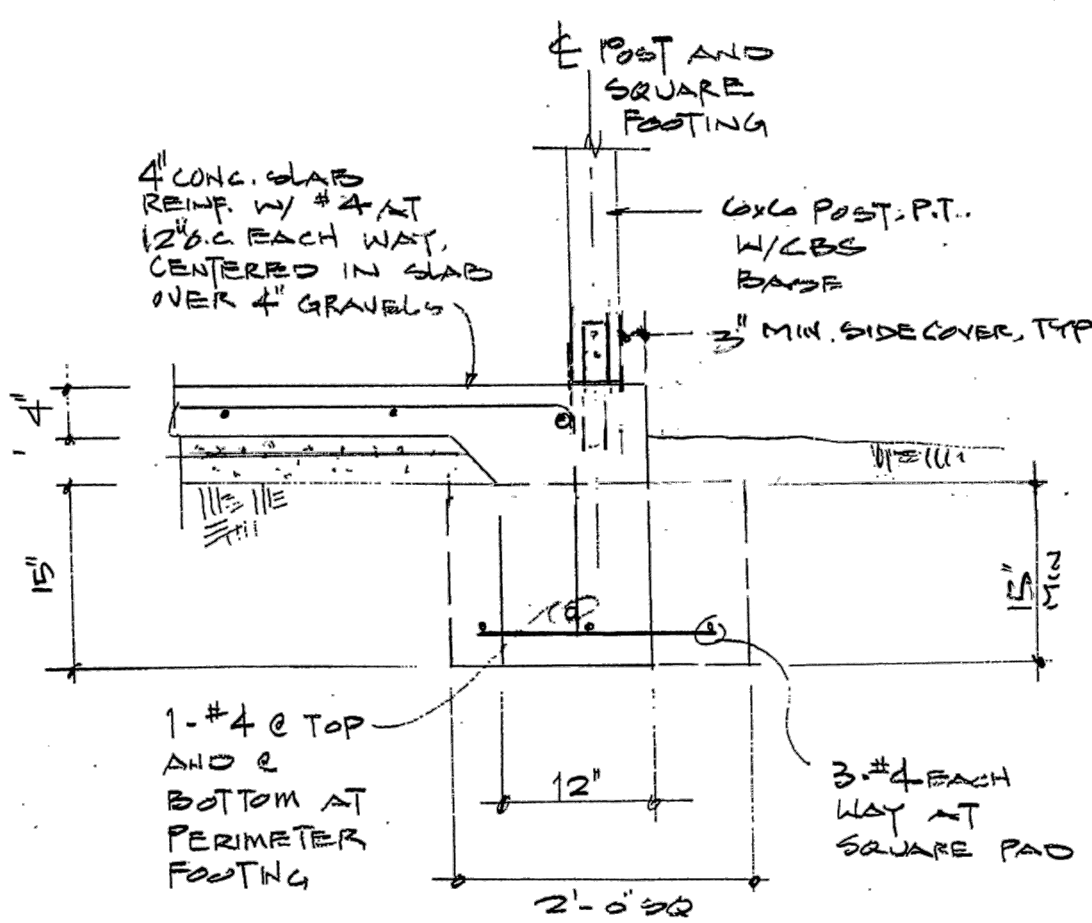
14 TYPICAL INTERIOR FOOTING DETAIL



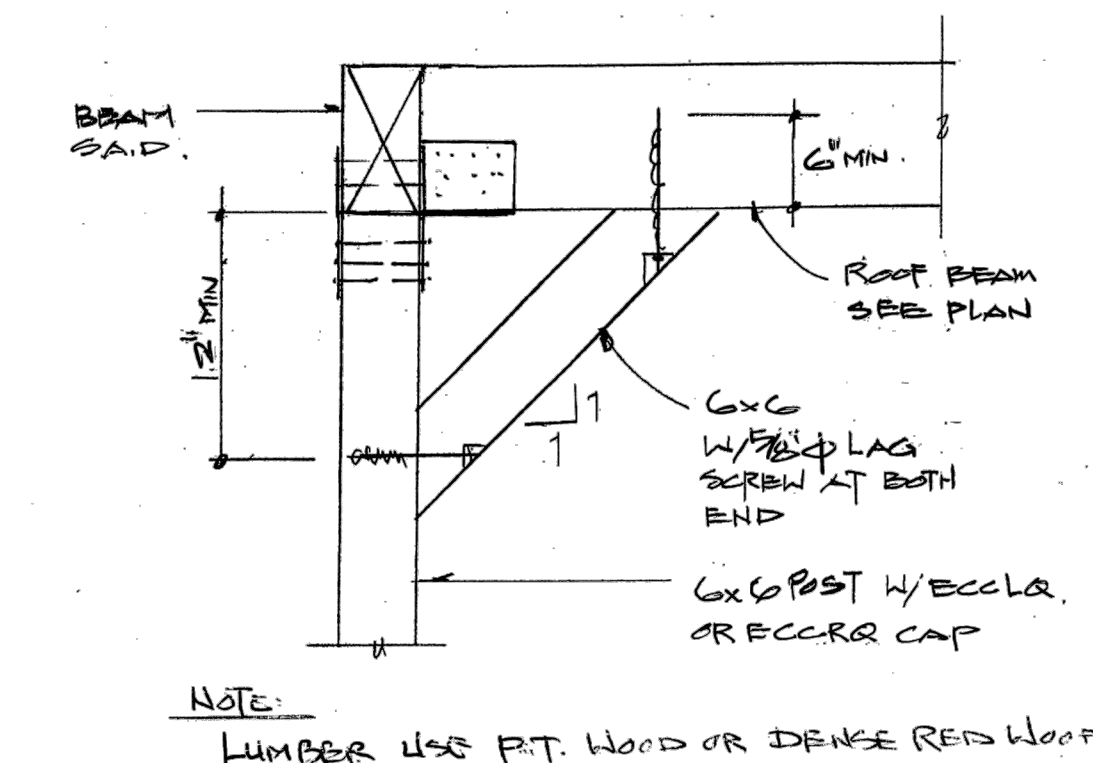
10 HIPS TO RIDGE OVER KITCHEN



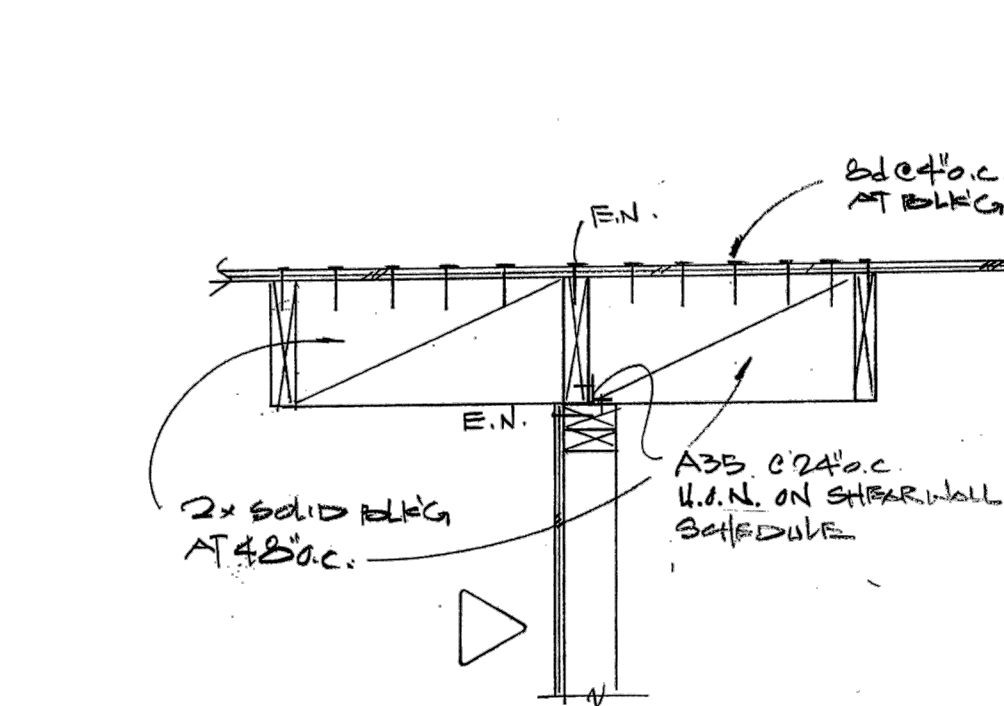
6 RAFTERS TO BEAM



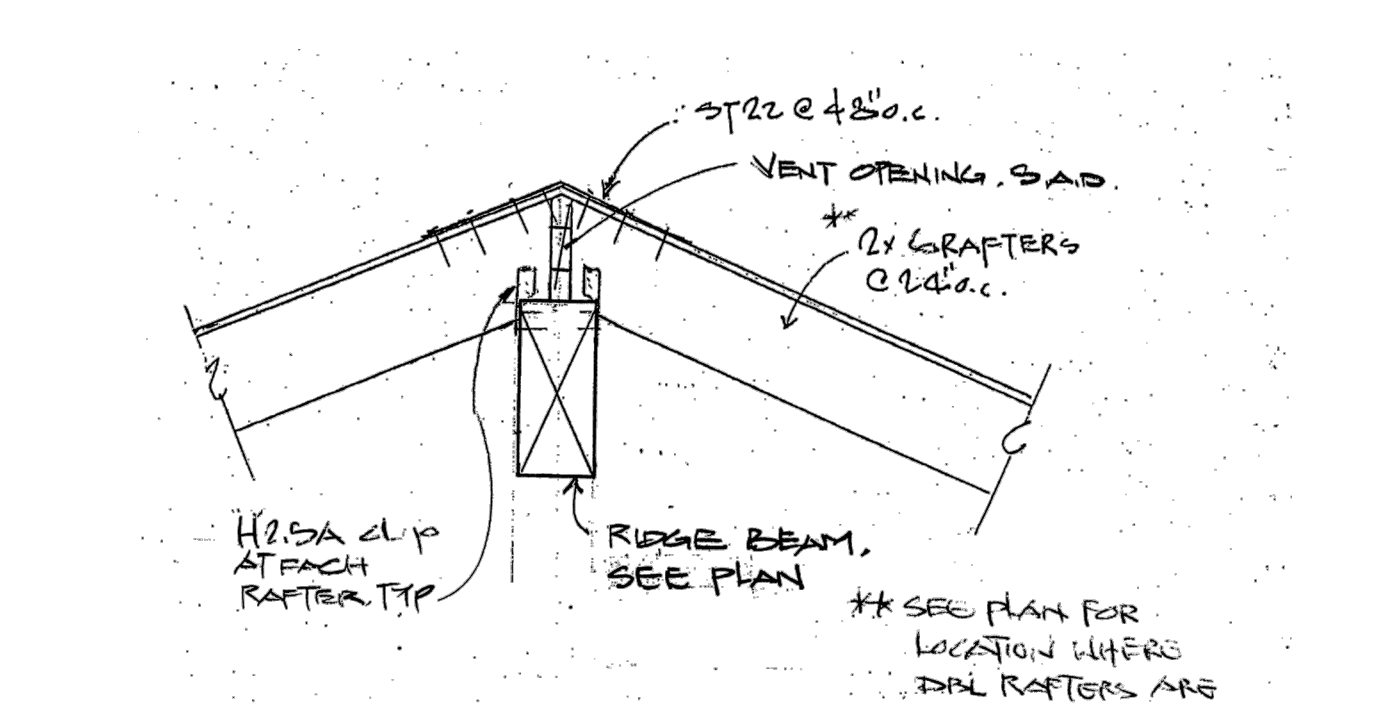
15 POST TO FOOTING AT KITCHEN PAVILION



11 DDETAIL AT KNEE BRACE



7 INTERIOR SHEAR WALL TO RAFTERS



3 DETAIL AT RIDGE



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SCALE N.T.S.

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DATE June 2025

SHEET TITLE

TITLE

DETAILS

SHEET No.

DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER*	SPACING AND LOCATION
20. 1" x 8" and wider sheathing to each bearing	Wall	Face nail
	3-8d common (2 1/2" x 0.131"); or	
	3-8d box (2 1/2" x 0.113"); or	
	3-10d box (3" x 0.128"); or	
21. Joist to sill, top plate, or girder	Floor	Toenail
	4-8d box (2 1/2" x 0.113"); or	
	3-8d common (2 1/2" x 0.131"); or	
	3-10d box (3" x 0.128"); or	
22. Rim joist, band joist, or blocking to top plate, sill or other framing below	4-8d box (2 1/2" x 0.113"); or	4" o.c., toenail
	3" x 0.131" nails; or	
23. 1" x 6" subfloor or less to each joist	3-8d box (2 1/2" x 0.113"); or	Face nail
	2-8d common (2 1/2" x 0.131"); or	
24. 2 subfloor to joist or girder	3-16d box (3 1/2" x 0.135"); or	Blind and face nail
	2-16d common (3 1/2" x 0.162")	
25. 2" planks (plank & beam - floor & roof)	3-16d box (3 1/2" x 0.135"); or	Each bearing, face nail
	2-16d common (3 1/2" x 0.162")	
26. Built-up girders and beams, 2" lumber layers	20d common (4" x 0.192"); or	32" o.c., face nail at top and bottom staggered on opposite sides
	10d box (3" x 0.128"); or	
	3" x 0.131" nails; or	
	3" x 14 gage staples, 7/16" crown	
27. Ledger strip supporting joists or rafters	And:	Ends and at each splice, face nail
	2-20d common (4" x 0.192"); or	
	3-10d box (3" x 0.128"); or	
	3-3" x 0.131" nails; or	
28. Joist to band joist or rim joist	3-16d common (3 1/2" x 0.162"); or	Each joist or rafter, face nail
	4-16d box (3 1/2" x 0.135"); or	
	4-10d box (3" x 0.128"); or	
	4-3" x 0.131" nails; or	
29. Bridging or blocking to joist, rafter or truss	4-3" x 14 gage staples, 7/16" crown	End nail
	2-8d common (2 1/2" x 0.131"); or	
30. 1/2" - 1/2"	2-10d box (3" x 0.128"); or	Each end, toenail
	2-3" x 0.131" nails; or	
	2-3" x 14 gage staples, 7/16" crown	
	2-3" x 14 gage staples, 7/16" crown	

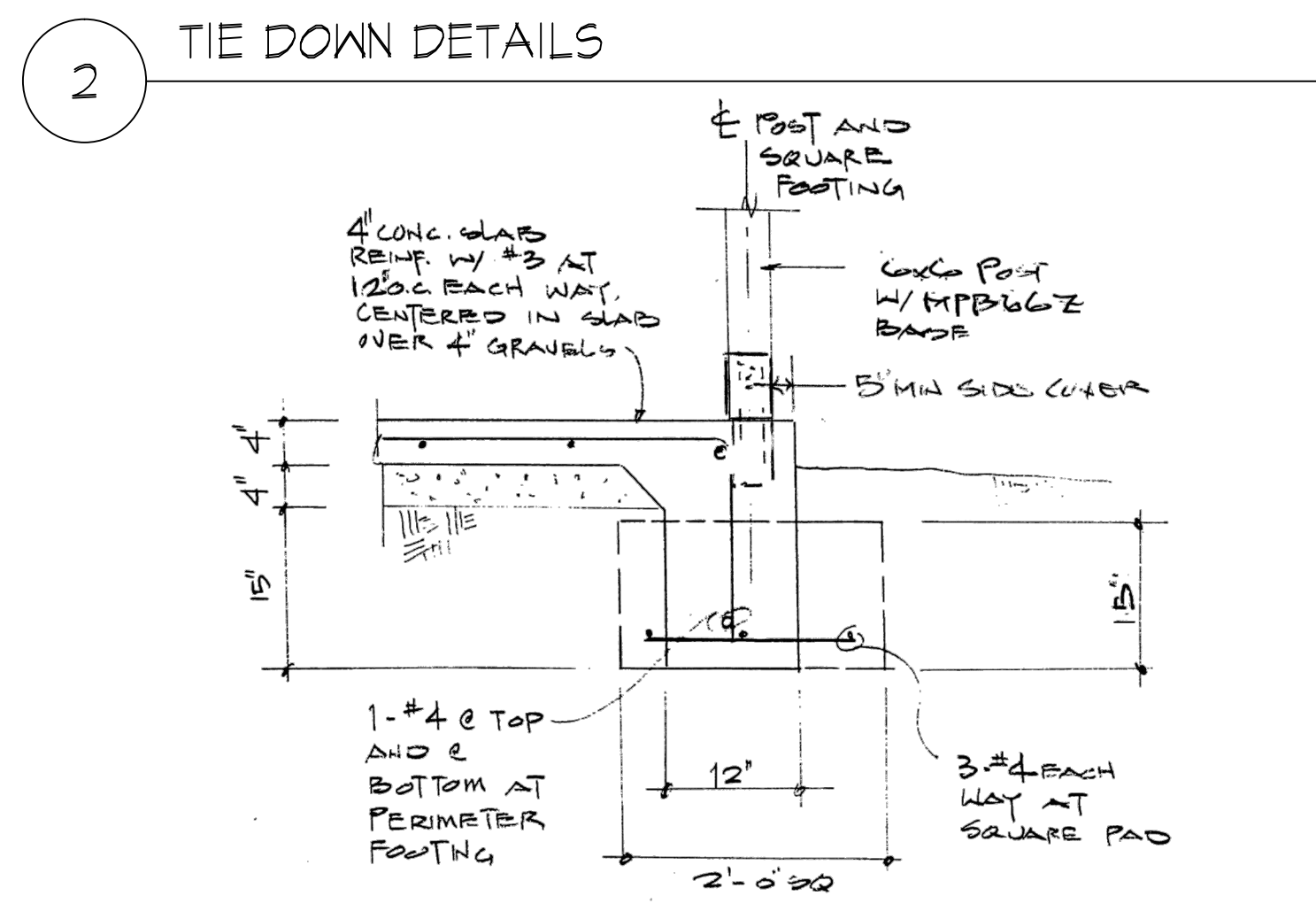
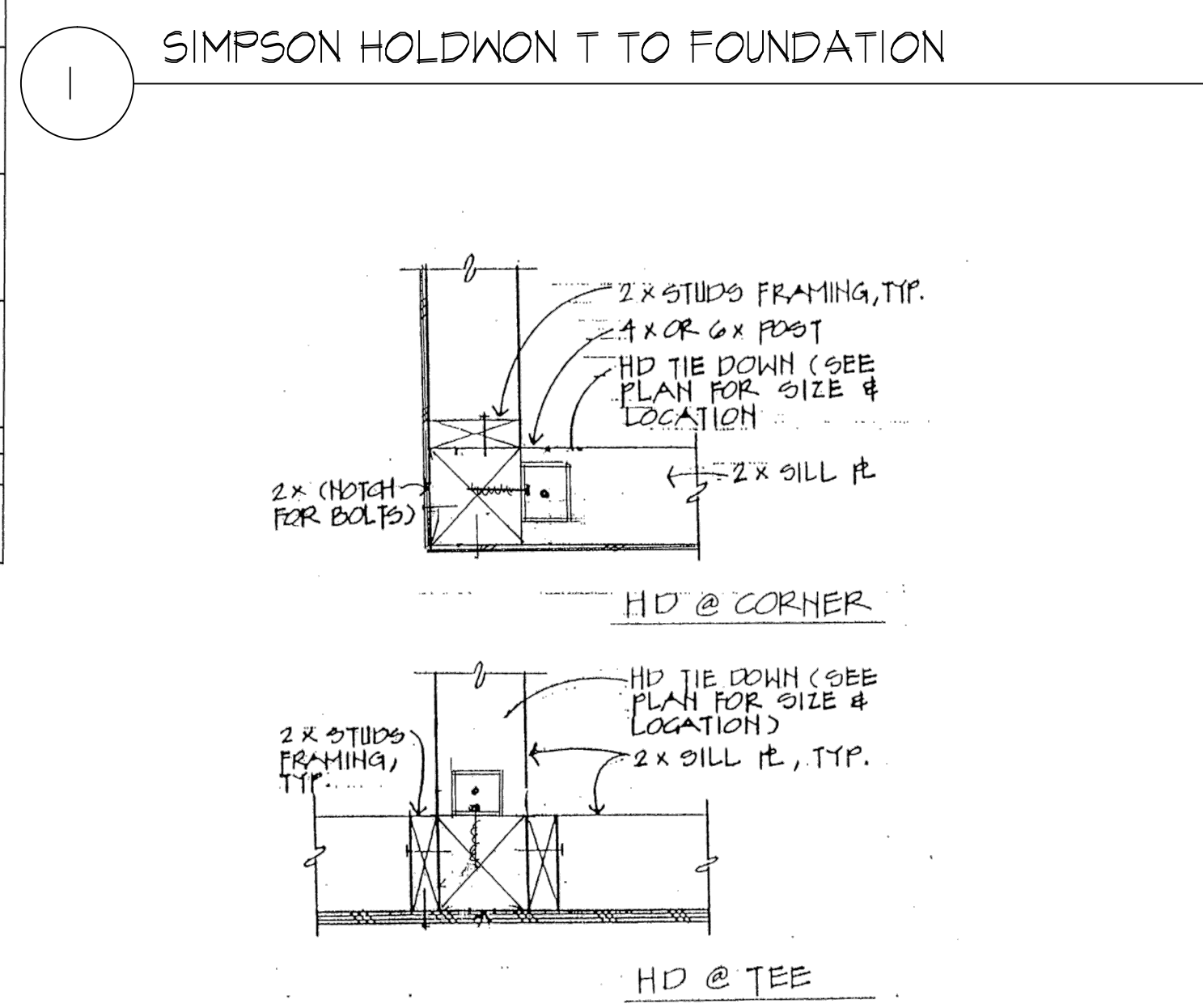
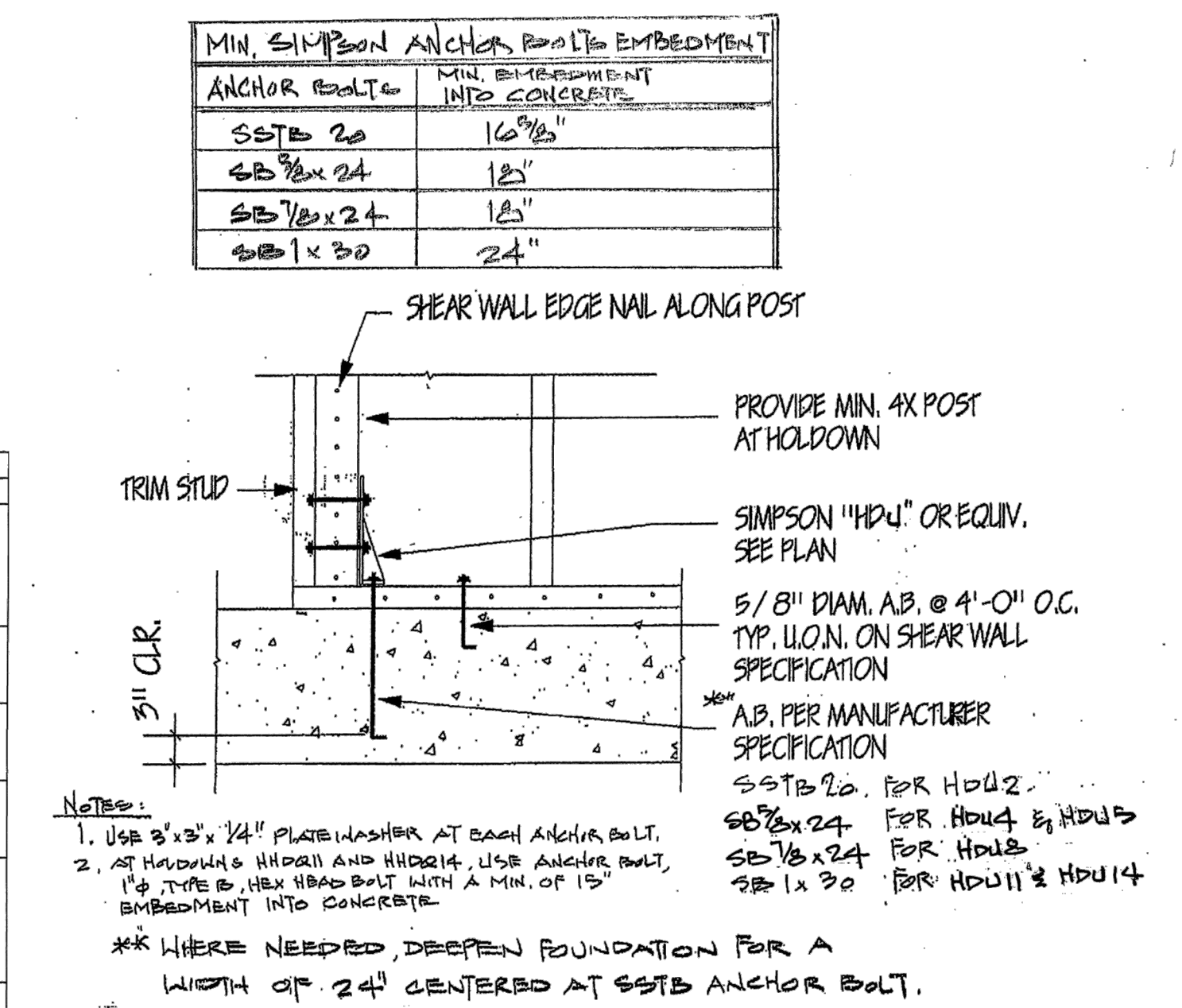
DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER*	SPACING AND LOCATION	
Wood structural panels (WSP), subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing*			
	Edges (inches)	Intermediate supports (inches)	
30. 1/2" - 1/2"	6d common or deformed (2" x 0.113"); or	6"	12"
	2 1/2" x 0.113" nail (subfloor and wall)		
	8d common or deformed (2 1/2" x 0.131" x 0.281" head) (roof) or	6"	6"
	RSRS-01 (2 1/2" x 0.113") nail (roof)		
31. 1/2" - 1/2"	1 1/2" x 16 gage staple, 7/16" crown (subfloor and wall)	4"	8"
	2 1/2" x 0.113" x 0.266" head nail (roof)	3"	3"
	1 1/2" x 16 gage staple, 7/16" crown (roof)	3"	3"
	8d common (2 1/2" x 0.131"); or	6"	12"
32. 1/2" - 1/2"	deformed (2" x 0.113") (subfloor and wall)	6"	12"
	8d common or deformed (2 1/2" x 0.131" x 0.281" head) (roof) or	6"	6"
	RSRS-01 (2 1/2" x 0.113") nail (roof)		
	2 1/2" x 0.113" x 0.266" head nail; or	4"	8"
33. 1/2" fiberboard sheathing*	2" x 16 gage staple, 7/16" crown	6"	12"
	1 1/2" x 0.120" galvanized roofing nail (7/16" head diameter); or	3"	6"
	1 1/2" x 16 gage staple with 7/16" or 1" crown		
	1 1/2" x 0.120" galvanized roofing nail (7/16" diameter head); or	3"	6"
34. 1/2" fiberboard sheathing*	1 1/2" x 16 gage staple with 7/16" or 1" crown	3"	6"
	8d common (2 1/2" x 0.131"); or	6"	12"
	deformed (2" x 0.113"); or		
	deformed (2" x 0.120")	6"	12"
35. 1/2" and less	8d common (2 1/2" x 0.131"); or	6"	12"
	deformed (2" x 0.113"); or		
	deformed (2" x 0.120")	6"	12"
	8d common (2 1/2" x 0.131"); or	6"	12"
36. 1/2" - 1"	deformed (2 1/2" x 0.131"); or	6"	12"
	deformed (2 1/2" x 0.120")	6"	12"
	10d common (3" x 0.148"); or	6"	12"
	deformed (2 1/2" x 0.131"); or	6"	12"
37. 1 1/2" - 1 1/2"	deformed (2 1/2" x 0.120")	6"	12"
	6d corrosion-resistant siding (1 1/2" x 0.106"); or	6"	12"
	6d corrosion-resistant casing (2" x 0.099")	6"	12"
	8d corrosion-resistant siding (2 1/2" x 0.128"); or	6"	12"
38. 1/2" or less	8d corrosion-resistant casing (2 1/2" x 0.113")	6"	12"
	6d corrosion-resistant siding (1 1/2" x 0.106"); or	6"	12"
	6d corrosion-resistant casing (2" x 0.099")	6"	12"
	8d corrosion-resistant siding (2 1/2" x 0.128"); or	6"	12"
39. 1/2"	8d corrosion-resistant casing (2 1/2" x 0.113")	6"	12"
	4d casing (1 1/2" x 0.080"); or	6"	12"
	4d finish (1 1/2" x 0.072")	6"	12"
	6d finish (2" x 0.092")	6"	12"

DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER*	SPACING AND LOCATION	
Wood structural panels (WSP), subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing*			
	Edges (inches)	Intermediate supports (inches)	
40. 1/2"	4d casing (1 1/2" x 0.080"); or	6"	12"
	4d finish (1 1/2" x 0.072")	6"	12"
	6d casing (2" x 0.099"); or	6"	12"
	6d finish (2" x 0.092")	6"	12"
41. 1/2"	(Panel supports at 24 inches)	6"	12"
	3-16d box (3 1/2" x 0.135"); or	3"	3"
	4-8d common (2 1/2" x 0.131"); or	3"	3"
	3" x 0.131" nails; or	3"	3"
42. 1/2"	3-14 gage staples, 7/16" crown	3"	3"
	2-16d common (3 1/2" x 0.162"); or	3"	3"
	3-16d box (3 1/2" x 0.135"); or	3"	3"
	3-10d box (3" x 0.128"); or	3"	3"
43. 1/2"	3-3" x 0.131" nails; or	3"	3"
	3-3" x 14 gage staples, 7/16" crown	3"	3"
	2-16d common (3 1/2" x 0.162"); or	3"	3"
	3-16d box (3 1/2" x 0.135"); or	3"	3"
44. 1/2"	3-10d box (3" x 0.128"); or	3"	3"
	3-3" x 0.131" nails; or	3"	3"
	3-3" x 14 gage staples, 7/16" crown	3"	3"
	2-16d common (3 1/2" x 0.162"); or	3"	3"
45. 1/2"	3-16d box (3 1/2" x 0.135"); or	3"	3"
	3-10d box (3" x 0.128"); or	3"	3"
	3-3" x 0.131" nails; or	3"	3"
	3-3" x 14 gage staples, 7/16" crown	3"	3"
46. Stud to top or bottom plate	3-16d box (3 1/2" x 0.135"); or	16" o.c. face nail	
	4-8d common (2 1/2" x 0.131"); or	16" o.c. face nail	
	4-10d box (3" x 0.128"); or	16" o.c. face nail	
	4-3" x 0.131" nails; or	16" o.c. face nail	
47. Top plates, laps at corners and intersections	3-3" x 14 gage staples, 7/16" crown	16" o.c. face nail	
	2-16d common (3 1/2" x 0.162"); or	16" o.c. face nail	
	3-16d box (3 1/2" x 0.135"); or	16" o.c. face nail	
	3-10d box (3" x 0.128"); or	16" o.c. face nail	
48. 1" brace to each stud and plate	3-3" x 0.131" nails; or	16" o.c. face nail	
	3-3" x 14 gage staples, 7/16" crown	16" o.c. face nail	
	2-16d common (3 1/2" x 0.162"); or	16" o.c. face nail	
	3-16d box (3 1/2" x 0.135"); or	16" o.c. face nail	
49. 1" x 6" sheathing to each bearing	3-10d box (3" x 0.128"); or	16" o.c. face nail	
	3-3" x 0.131" nails; or	16" o.c. face nail	
	3-3" x 14 gage staples, 7/16" crown	16" o.c. face nail	
	2-16d common (3 1/2" x 0.162"); or	16" o.c. face nail	

For SI: 1 inch = 25.4 mm.  
 a. Nails spaced at 6 inches at intermediate supports where spans are 48 inches or more. For nailing of wood structural panel and particleboard diaphragms and shear walls, refer to Section 2305. Nails for wall sheathing are permitted to be common, box or casing.  
 b. Spacing shall be 6 inches on center on the edges and 12 inches on center at intermediate supports for nonstructural applications. Panel supports at 16 inches (20 inches if strength axis in the long direction of the panel, unless otherwise marked).  
 c. Where a rafter is fastened to an adjacent parallel ceiling joint in accordance with this schedule and the ceiling joint is fastened to the top plate in accordance with this schedule, the number of toenails in the rafter shall be permitted to be reduced by one nail.  
 d. RSRS-01 is a Roof Sheathing Ring Shank nail meeting the specifications in ASTM F1667.  
 e. Tabulated fastener requirements apply where the ultimate design wind speed is less than 140 mph. For wood structural panel roof sheathing attached to gable-end roof framing and to intermediate supports within 48 inches of roof edges and ridges, nails shall be spaced at 4 inches on center where the ultimate design wind speed is greater than 130 mph in Exposure B or greater than 110 mph in Exposure C. Spacing exceeding 6 inches on center at intermediate supports shall be permitted where the fastening is designed per the AWC NDS.  
 f. Fastening is only permitted where the ultimate design wind speed is less than or equal to 110 mph.  
 g. Nails and staples are carbon steel meeting the specifications of ASTM F1667. Connections using nails and staples of other materials, such as stainless steel, shall be designed by acceptable engineering practice or approved under Section 104.11.

4 NAILING SCHEDULE

DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER*	SPACING AND LOCATION
1. Blocking between ceiling joists, rafters or trusses to top plate or other framing below	Roof	Each end, toenail
	4-8d box (2 1/2" x 0.113"); or	
	3-8d common (2 1/2" x 0.131"); or	
	3-10d box (3" x 0.128"); or	
Blocking between rafters or truss not at the wall top plate, to rafter or truss	3-3" x 0.131" nails; or	Each end, toenail
	3-3" x 14 gage staples, 7/16" crown	
	2-8d common (2 1/2" x 0.131")	
	2-3" x 0.131" nails	
Flat blocking to truss and web filler	2-3" x 14 gage staples	End nail
	2-16d common (3 1/2" x 0.162")	
	3-3" x 0.131" nails	
	3-3" x 14 gage staples	
2. Ceiling joists to top plate	16d common (3 1/2" x 0.162") @ 6" o.c.	Face nail
	3" x 0.131" nails @ 6" o.c.	
	3" x 14 gage staples @ 6" o.c.	
	4-8d box (2 1/2" x 0.113"); or	
3. Ceiling joist not attached to parallel rafter, laps over partitions (no thrust) (see Section 2308.7.3.1, Table 2308.7.3.1)	3-8d common (2 1/2" x 0.131"); or	Each joist, toenail
	3-8d common (2 1/2" x 0.131"); or	
	3-3" x 0.131" nails; or	
	3-3" x 14 gage staples, 7/16" crown	
4. Ceiling joist attached to parallel rafter (heel joint) (see Section 2308.7.3.1, Table 2308.7.3.1)	3-16d common (3 1/2" x 0.162"); or	Face nail
	4-10d box (3" x 0.128"); or	
	4-3" x 0.131" nails; or	
	4-3" x 14 gage staples, 7/16" crown	
5. Collar tie to rafter	Per Table 2308.7.3.1	Face nail
	3-10d common (3" x 0.148"); or	
	4-10d box (3" x 0.128"); or	
	4-3" x 0.131" nails; or	
6. Rafter or roof truss to top plate (See Section 2308.7.5, Table 2308.7.5)	4-3" x 14 gage staples, 7/16" crown	2 toenails on one side and 1 toenail on opposite side of rafter or truss
	3-10d common (3" x 0.148"); or	
	4-10d box (3" x 0.128"); or	
	4-3" x 0.131" nails; or	
7. Roof rafters to ridge valley or hip rafters; or roof rafter to 2-inch ridge beam	4-3" x 14 gage staples, 7/16" crown	End nail
	2-16d common (3 1/2" x 0.162"); or	
	3-16d box (3 1/2" x 0.135"); or	
	3-10d box (3" x 0.128"); or	
8. Stud to stud (not at braced wall panels)	3-3" x 0.131" nails; or	16" o.c. face nail
	3-3" x 14 gage staples, 7/16" crown	
	16d common (3 1/2" x 0.162"); or	
	10d box (3" x 0.128"); or	
9. Stud to stud and abutting studs at intersecting wall corners (at braced wall panels)	3" x 0.131" nails; or	16" o.c. face nail
	3" x 0.131" nails; or	
	3-3" x 14 gage staples, 7/16" crown	
	16d common (3 1/2" x 0.162")	
10. Bull-up header (2" to 2" header)	16d common (3 1/2" x 0.162")	16" o.c. each edge, face nail
	16d box (3 1/2" x 0.135"); or	
	3" x 0.131" nails; or	
	3-3" x 14 gage staples, 7/16" crown	
11. Continuous header to stud	16d common (3 1/2" x 0.162")	16" o.c. each edge, face nail
	16d box (3 1/2" x 0.135"); or	
	3" x 0.131" nails; or	
	3-3" x 14 gage staples, 7/16" crown	
12. Top plate to top plate	16d common (3 1/2" x 0.162")	16" o.c. face nail
	10d box (3" x 0.128"); or	
	3" x 0.131" nails; or	
	3" x 14 gage staples, 7/16" crown	
13. Top plate to top plate, at end joints	8-16d common (3 1/2" x 0.162"); or	Each side of end joint, face nail (minimum 24" lap splice length each side of end joint)
	12-16d box (3 1/2" x 0.135"); or	
	12-10d box (3" x 0.128"); or	
	12-3" x 0.131" nails; or	
14. Bottom plate to joist, rim joist, band joist or blocking (not at braced wall panels)	12-3" x 14 gage staples, 7/16" crown	16" o.c. face nail
	16d common (3 1/2" x 0.162")	
	16d box (3 1/2" x 0.135"); or	
	3" x 0.131" nails; or	
15. Bottom plate to joist, rim joist, band joist or blocking at braced wall panels	3" x 14 gage staples, 7/16" crown	16" o.c. face nail
	2-16d common (3 1/2" x 0.162"); or	
	3-16d box (3 1/2" x 0.135"); or	
	4-3" x 0.131" nails; or	
16. Stud to top or bottom plate	4-3" x 14 gage staples, 7/16" crown	Toenail
	3-16d box (3 1/2" x 0.135"); or	
	4-8d common (2 1/2" x 0.131"); or	
	4-10d box (3" x 0.128"); or	
17. Top plates, laps at corners and intersections	4-3" x 0.131" nails; or	End nail
	4-3" x 14 gage staples, 7/16" crown	
	3-16d box (3 1/2" x 0.135"); or	
	3-10d box (3" x 0.128"); or	
18. 1" brace to each stud and plate	3-3" x 0.131" nails; or	Face nail
	3-3" x 14 gage staples, 7/16" crown	
	2-16d common (3 1/2" x 0.162"); or	
	3-16d box (3 1/2" x 0.135"); or	
19. 1" x 6" sheathing to each bearing	3-10d box (3" x 0.128"); or	Face nail
	3-3" x 0.131" nails; or	
	3-3" x 14 gage staples, 7/16" crown	
	2-16d common (3 1/2" x 0.162"); or	



3 POST / FOOTING AT CABANA



**LYA**  
Larson, Yuen Associates, Inc.  
Structural Design Engineers

1007 Almanor Lane  
Lafayette, CA 94549  
1-925-284-1807  
FAX 1-925-284-1957

Tung  
Residence  
Backyard  
Remodel

1011 Vista Oaks Ct.  
Pleasanton, CA

REVISIONS

PROJECT No. LYA # 4032

SCALE N.T.S.

DRAWN CHECKED  
TMY

DATE June 2025

SHEET TITLE

TITLE

DETAILS

SHEET No.



January 9, 2026

Via email

Tim Nystrom  
 NYS Architecture  
 [REDACTED]  
 Napa, CA 94558

**Subject:                   Planned Unit Development Minor Modification (PUD-25-02M)  
 Proposed Reduction of Street-Side Yard Setback  
 1011 Vista Oaks Court**

**Effective Date:       January 25, 2026**

Dear Mr. Nystrom:

Thank you for your application as described above. The City of Pleasanton Planning Division reviewed your request for a Planned Unit Development Minor Modification and is unable to support the request as detailed below. As such, PUD-25-02M is denied by the Zoning Administrator.

Notice of the Minor PUD Modification was sent to neighboring residents on December 30, 2025, and no public comments were received at the time this letter was prepared.

**Project Description:**

Application for a Planned Unit Development Minor Modification to the approved PUD development plan (PUD-25) to reduce the accessory structure street side yard setback from 20 feet to eight feet to accommodate a new kitchen pavilion at 1011 Vista Oaks Court.

**Property Background:**

The zoning for the subject property, 1011 Vista Oaks Court, is PUD-LDR/RDR/OS-PHS/WO (approved by ordinance 2133). The Planned Unit Development (PUD), referred to as Lunch Ranch II (PUD-25), was originally approved by the City Council in 2016. In 2021, a modification (PUD-25-01M) was made to the home designs in the PUD; however, no other changes were made to the original PUD-25 Conditions of Approval.

The PUD has an extensive history, including an initial project in 2002 that was iterated upon and modified in 2007 and again in 2008. The Lunch Ranch II project, which was eventually approved, underwent a series of hearings before the Planning Commission and City Council in 2015 and 2016.

Ultimately, when approved, the PUD included a set of Conditions of Approval (COA), including development standards for future development on the lots. COA 14 outlines the development standards and notes that the standards largely align with those of the R-1-6,500 district, with some exceptions, including those for accessory structures. The PUD intentionally increased the R-1-6,500 setbacks for accessory structures requiring 10 feet from any rear yard property line, 10 feet from any interior side

yard property line, and 20 feet from any street side corner property line.

The subject property is considered a corner lot as it has streets/access along both the north-west side (Vista Oaks Court) and the south-west side (Lund Ranch Road/Spring Creek Terrace connected/connected by an Emergency Vehicle Access (EVA) roadway), as shown in Exhibit A below. As such, the minimum street-side setback along the south-west side of the subject property for accessory structures is 20 feet as outlined in COA 14. This setback is the standard for accessory structures for other homes along Lund Ranch Road and Spring Creek Terrace that have their side yard along either street (e.g., 1012 Vista Oaks Ct, 2192 Countryside Ct, 2175 Shadow Creek Ct, etc.).

**Exhibit A**



**PUD Minor Modification Findings for Denial:**

**1. Whether the plan is in the best interests of the public health, safety, and general welfare**

The Zoning Administrator finds that the proposed PUD Minor Modification to reduce the street-side yard setback for an accessory structure is not in the best interests of the public health, safety, and general welfare.

Street-side setbacks within PUD-25 were intentionally increased beyond the standard R-1-6,500 requirements to provide a meaningful visual buffer between accessory structures and public streets, preserve a sense of openness and rural character, and maintain a cohesive and uncluttered residential streetscape along Lund Ranch Road and Spring Creek Terrace. These setbacks were designed to ensure that accessory structures remain visually subordinate to the primary residence, allow for substantial landscaping and open space along street frontages, and prevent the appearance of development crowding the public right-of-way.

Reducing the required street-side setback from 20 feet to eight feet would place the proposed kitchen pavilion substantially closer to the street than allowed under the approved PUD and would alter the established visual relationship between private development and the public/common area. At this reduced distance, the structure would be more prominent when viewed from Lund Ranch Road and Spring Creek Terrace, increasing its apparent mass and scale relative to the street and diminishing the open, landscaped corridor that characterizes this portion of the neighborhood.

The reduced setback would also limit the opportunity for meaningful landscaping between the structure and the street, resulting in a harder, more built appearance and weakening the visual transition from the roadway to the residential lot. This change would detract from the rural and semi-open character envisioned for PUD-25 and would create the perception that private accessory development is encroaching into what is expected to be a shared visual and spatial buffer along the street edge.

Additionally, the closer proximity of the structure to the roadway may affect visual sightlines, particularly along a corridor that includes an EVA roadway and serves as a secondary circulation route. Collectively, these visual and spatial impacts would be inconsistent with the approved PUD design framework and the anticipated streetscape character of Lund Ranch Road and Spring Creek Terrace.

Because the requested modification would undermine these established objectives, the Zoning Administrator is unable to make this finding.

## **2. Whether the plan is consistent with the City's General Plan and applicable PUD standards**

The Zoning Administrator finds that the proposed PUD Minor Modification is not consistent with the development standards and intent of the approved PUD-25, which implements the City's General Plan for this area.

While the PUD generally aligns with the R-1-6,500 district standards, COA 14 deliberately imposed more restrictive setback requirements for accessory structures, including a 20-foot street-side yard setback for corner lots. These standards were adopted following extensive review and deliberation during multiple Planning Commission and City Council hearings and were intended to apply uniformly throughout the development.

Reducing the required street-side setback for this property to eight feet would conflict with the adopted PUD standards and weaken the consistency and predictability established by the PUD.

Accordingly, the Zoning Administrator is unable to make this finding.

## **3. Whether the plan is compatible with previously developed properties in the vicinity**

The Zoning Administrator finds that the proposed PUD Minor Modification is not compatible with the surrounding development within PUD-25.

The subject property is a corner lot with frontage along both Vista Oaks Court and Lund Ranch Road/Spring Creek Terrace. Other similarly situated properties within the PUD are expected to comply

with the 20-foot street-side setback standard for accessory structures. Other similarly situated properties include, but are not limited to, 1012 Vista Oaks Court, 2192 Countryside Court, and 2175 Shadow Creek Court.

Allowing a reduction to eight feet would result in an accessory structure being located substantially closer to the street/EVA than would be permitted on comparable lots, creating a potentially inconsistent development pattern and altering the established visual character of the neighborhood.

Therefore, the Zoning Administrator is unable to make this finding.

#### **4. Whether grading and site conditions justify the requested modification**

The Zoning Administrator acknowledges that the subject property is generally flat with a minor slope across the lot and that the proposed kitchen pavilion would not create grading, utility, or engineering constraints. However, the absence of physical constraints does not constitute a special circumstance warranting modification of the established PUD development standards.

The subject lot is similar in size, width, and configuration to other corner lots within PUD-25 that are subject to and are expected to comply with the same street-side setback requirements.

As such, site conditions do not justify deviation from the approved standards, and the Zoning Administrator is unable to make this finding.

#### **5. Whether streets, buildings, and other manmade structures are designed and located to complement the established streetscape**

The Zoning Administrator finds that the proposed placement of the accessory structure would not complement the established streetscape envisioned by PUD-25.

The 20-foot street-side setback requirement was intentionally adopted to provide adequate separation between accessory structures and public streets, allow for landscaping, and to maintain a consistent residential edge along Lund Ranch Road, Spring Creek Terrace, and the EVA. Locating the proposed kitchen pavilion only eight feet from the street-side property line would significantly diminish this buffer and disrupt the visual rhythm of development along these streets.

Accordingly, the Zoning Administrator is unable to make this finding.

#### **6. Whether adequate public safety measures have been incorporated into the plan**

While the proposed accessory structure could be constructed in compliance with applicable building and fire codes, the requested setback reduction raises broader safety considerations related to proximity to the street, sightlines, and neighborhood character that were addressed through the original PUD standards.

Because these considerations are not adequately mitigated by the proposed PUD Minor Modification, the Zoning Administrator is unable to make this finding.

PUD-25-02M, 1011 Vista Oaks Court  
January 9, 2026

## **7. Whether the plan conforms to the purposes and intent of the PUD District**

The Zoning Administrator finds that the proposed PUD Minor Modification does not conform to the purposes and intent of the PUD District.

PUD-25 was approved following a lengthy planning process that resulted in specific and intentionally conservative development standards for accessory structures. To date, no modifications to the street-side yard setback standards have been approved within the PUD. Approving a reduction from 20 feet to eight feet, which is less than even the 10-foot interior side yard standard, would set a precedent for future development and incrementally erode the integrity of the PUD framework.

Therefore, the Zoning Administrator is unable to make this finding.

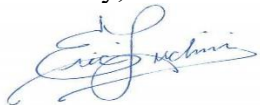
Because the Zoning Administrator cannot make the required findings for approval of a PUD Minor Modification, the request to reduce the accessory structure street-side yard setback from 20 feet to 8 feet for 1011 Vista Oaks Court is denied.

Any interested party may file an appeal of this denial within 15 days of the date of denial.

Further, per Pleasanton Municipal Code section 18.144.010, the City Council may elect to review this action within 15 days following the date of denial, or at its next regular meeting (January 20, 2026), whichever is later. Therefore, denial of the PUD Modification is effective on **January 25, 2026**, unless appealed prior to that time.

If you have any questions, please do not hesitate to contact me at (925) 931-5612 or via email at [eluchini@cityofpleasantonca.gov](mailto:eluchini@cityofpleasantonca.gov)

Sincerely,



Eric Luchini  
Senior Planner/Zoning Administrator

**RECEIVED**

02-23-26

PUD-25-02M

CITY OF PLEASANTON  
PLANNING DIVISION**EXHIBIT B****APPEAL OF DENIAL – PUD-25-02M****1011 Vista Oaks Court, Pleasanton**

Dear Mayor and Members of the City Council:

This letter formally appeals the Zoning Administrator’s denial of PUD-25-02M dated January 9, 2026, regarding a proposed reduction of the street-side yard setback for a detached kitchen pavilion at 1011 Vista Oaks Court.

The appeal is based on the project as designed and submitted, as shown on Sheets A1.0 through A1.3 of the approved DR package

**1. The Project Is Low-Profile, Open, and Visually Subordinate**

The proposed kitchen pavilion is a 300-square-foot, detached accessory structure with open sides, columns, and lattice elements. The structure has a low plate height and shallow roof slope, with an overall height substantially below that of the primary residence.

As shown on the elevations, the pavilion is intentionally designed to remain visually light and subordinate, avoiding the appearance of a solid mass adjacent to the street.

**2. Site Conditions Are Distinct From Other Corner Lots**

While the subject property is technically a corner lot, it differs materially from others cited in the denial. The street-side frontage abuts an Emergency Vehicle Access roadway, separated from the pavilion by existing retaining walls, landscaping, and grade changes.

This configuration creates a wider visual buffer than typical street-facing side yards and limits the relevance of direct comparisons to other corner parcels within the PUD.

**3. Streetscape Character Is Preserved Through Design, Not Distance Alone**

The submitted plans show that the visual character along Lund Ranch Road and Spring Creek Terrace is maintained through:

- Existing and new retaining walls
- Continuous landscaping and tree placement
- An open, transparent accessory structure design

Together, these elements preserve openness and visual continuity consistent with the intent of PUD-25.

#### **4. No Public Safety Impacts Are Created**

The denial acknowledges that the structure complies with applicable building and fire codes. The plans demonstrate that the pavilion does not obstruct sightlines, encroach into the EVA, or interfere with circulation or emergency access.

No specific public safety deficiency is identified in the denial, nor is one evident from the project design.

#### **5. Approval Can Be Conditioned to Prevent Precedent**

Approval may be expressly conditioned to the design shown in the submitted plans, including footprint, height, openness, and landscaping. Such conditions would ensure that approval is site-specific and non-precedent-setting, preserving the integrity of the PUD framework.

#### **Conclusion**

For the reasons stated above, the proposed Minor PUD Modification is consistent with the intent of PUD-25, compatible with the surrounding development, and protective of public health, safety, and welfare.

We respectfully request that the City Council grant this appeal and approve PUD-25-02M as designed, subject to any reasonable conditions deemed appropriate.

Respectfully submitted,

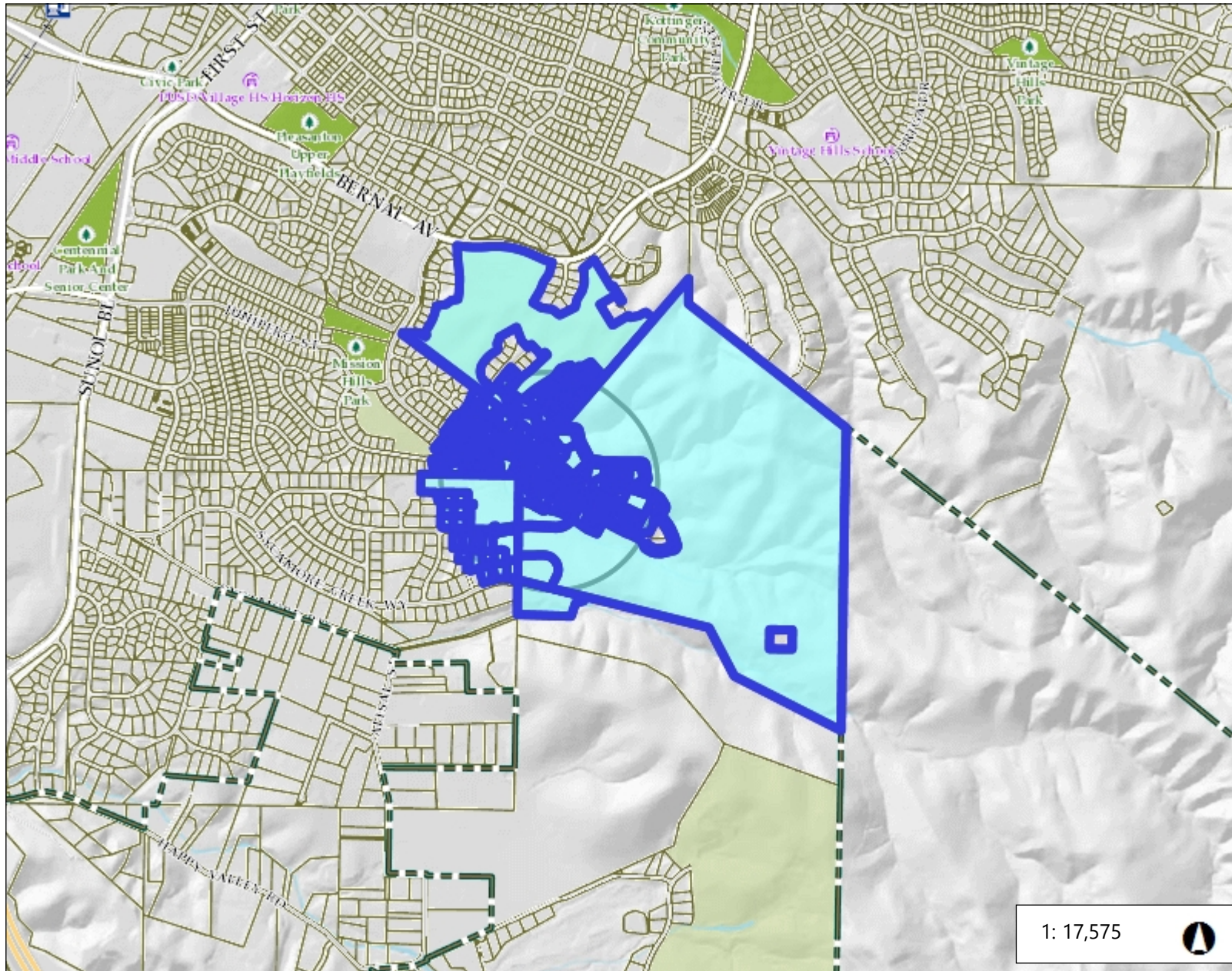
*Tim Nystrom*

8. The dwelling units covered by this approval shall be constructed to encourage telecommuting by providing telecommunications infrastructure such as cabling for DSL service, wiring for total room access, etc. The project applicant or developer shall show the infrastructure on the building permit plan set prior to issuance of a building permit.
9. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the project's compliance with the ordinance checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
10. Any excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No temporary stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
11. Unless otherwise shown on the approved landscape plan, all trees used in landscaping shall be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons.
12. Backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened so as to minimize visual impacts. When feasible, these devices shall be installed by the property line with the most landscape screening to minimize visual impacts and/or shall be painted forest green, or an equivalent color, unless otherwise allowed by the Director of Community Development. The location of all backflow prevention devices, above ground irrigation controls, and above ground irrigation meters and the means to screen these devices shall be subject to the review and approval of the Director of Community Development before installation and shall be shown on the site plan, landscape plan, and utility plans submitted for the issuance of building permits and shall be clearly marked "above ground" on the plans.
13. The location of any above-ground pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
14. Lots 1 through 43 of the PUD Development Plan shall be subject to the following uses and site development standards:
  - a. The permitted and conditional uses of the R-1-6,500 (One Family Residential) District as described under Chapter 18.32 of the Pleasanton Municipal Code.





- b. Development Standards for Primary Structures: The following building setback and height standards shall apply to the primary structures and additions to primary structures including attached second units on these lots:
- Front Yard Building Setback – 25 feet to front entry garage or 15 feet to side entry garage.
  - Street Side Yard Building Setback – 10 feet (5 feet to fence).
  - Interior Side Yard Building Setback – 5 feet minimum (total 16 feet between houses).
  - Rear Yard Building Setback – 30 feet.
  - Maximum Height – 35-feet measured from the lowest to highest points on the building excluding chimneys.
  - Maximum Floor Area Ratio (FAR) – 40% or 5,500 square feet, exclusive of garage area (if garage area is less than 600 square feet), whichever is less. The floor area for enclosed accessory structures will be included in the floor area ratio.
- c. Development Standards for Open Accessory Structures, e.g., Swimming Pools and Spas including, Arbors, Trellises, Open Patios, etc.
- Rear Yard Setback – 10 feet.
  - Interior Side Yard – 10 feet for the structure, 5-feet for the swimming pool and spa equipment.
  - Street Side Yard for Corner Lots – 20 feet, 10-feet for the swimming pool and spa equipment.
  - Maximum height – One-story and 15 feet, measured from the lowest to highest points on the building, excluding chimneys which may have a maximum height of 20 feet.
  - May be attached to the primary structure or to an accessory structure.
- d. Development Standards for Enclosed Accessory Structures including Detached Second Units:
- Rear Yard Setback – 10-feet.
  - Interior Side Yard – 10-feet.
  - Street Side Yard for Corner Lots – 20-feet.
  - Maximum height – One-story and 15-feet, measured from the lowest to highest points on the building, excluding chimneys which may have a maximum height of 20 feet. Second units located above a garage may exceed the 15-foot height limit, but may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

(Note: The floor area for enclosed accessory structures shall be included in the sites' floor area ratios.)

- e. Architectural projections and/or bay windows shall conform to the definitions and standards described under Section 18.84.120 of the Pleasanton Municipal Code.
  - f. All building heights shall be measured from the lowest to the highest points of the structure. Projections above the maximum building height for primary and accessory structures may be allowed provided that they conform to the definitions and development standards of Section 18.84.150 of the Pleasanton Municipal Code.
15. During construction, if the City is under declared drought conditions, all water used for dust control shall be recycled.
  16. Homeowners shall limit irrigated lawn area to 25 percent of total landscaped area in rear/back yards.
  17. Prior to building permit approval, the project applicant or developer shall submit a comprehensive fencing plan with the fence designs and their locations with the tentative map application for review and approval by the Director of Community Development.
  18. Fences between 6 and 8 feet in height, which are proposed to be constructed after building occupancy, shall be subject to the review and approval by the Director of Community Development according to the standards of the Pleasanton Municipal Code.
  19. The project developer shall survey the heights of the structures to certify their conformance to the approved building height as shown on Exhibit B. Said verification shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Department of Community Development before the first framing or structural inspection of each building on each lot by the Building Division. The certification shall allow for the installation of finished roof materials.
  20. Prior to building permit approval for the residential units, the project developer shall submit plans that provide automatic opening sectional roll-up garage doors on the garages of the houses covered by this approval. Unless otherwise approved by the Director of Community Development, the door design and material shall conform to the PUD development plan.
  21. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. Prior to building permit approval for the residential units, the project developer shall submit a final lighting plan, and include drawings and/or manufacturer's



**Legend**

-  Fire Station
-  School
-  Park
-  Parcels

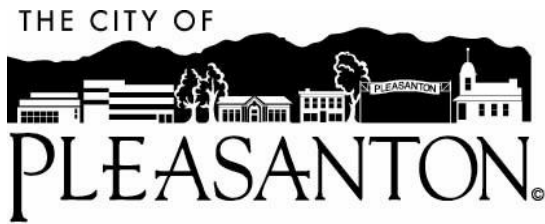
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**Notes**

Notes



# Planning Commission Agenda Report

March 25, 2026  
Item 6

- SUBJECT:** P26-0123: Consider and provide a recommendation to City Council to approve proposed amendments to Chapter 18.110 of the Pleasanton Municipal Code and adoption of new policies related to applications for wireless facilities (macro towers, small cells, and modifications to existing towers).
- APPLICANT:** City of Pleasanton
- PURPOSE:** Update the ordinance and policies related to the processing of applications for personal wireless facilities
- LOCATION:** Citywide
- EXHIBITS:**
- A. Draft Resolution
  - Attachment 1. Draft Ordinance
  - Attachment 2. Policy on “Macro” Wireless Telecommunications Facilities
  - Attachment 3. Policy on Collocations and Modifications to Existing Wireless Facilities Submitted as Eligible Facilities Requests
  - Attachment 4. Policy on Small Wireless Facilities

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## STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider and provide a recommendation to the City Council to amend Chapter 18.110 of the Pleasanton Municipal Code, adopt a resolution establishing three new policies related to wireless facilities, and find the project exempt from the California Environmental Quality Act (CEQA).

## EXECUTIVE SUMMARY

Many areas within Pleasanton suffer from inadequate wireless phone, voice, and data services, which negatively impacts residents, businesses, and visitors. The lack of cellular coverage also compromises the ability for the public to communicate and receive alerts and information in the event of an emergency, particularly in situations where PG&E disrupts power service leaving residents unable to rely on their home’s internet provider. Over the last few months, staff has performed a comprehensive review of the City’s current wireless rules and processes and determined that a significant contributor to the lack of cellular coverage has been the City’s existing wireless ordinance, which is outdated and overly restrictive, and so has discouraged wireless providers from locating facilities in Pleasanton.

Staff has worked closely with specialized telecommunications counsel to draft a new ordinance and policies addressing the three major types of wireless projects: new large or “macro”

facilities, small cell wireless facilities (“small cells”), and modifications to existing macro facilities. The goal of the attached draft ordinance and policies is to improve coverage throughout Pleasanton while maintaining standards related to appropriate siting and aesthetics. If adopted by the City Council, the new policies will also provide staff with the ability to begin work on the Cellular Lease Revenue Program Development which the Council identified as a priority in August 2025.

## **BACKGROUND**

### Regulatory Background

Local authority over wireless communications facilities exists at an often-complex intersection between state law, federal law, changes in technologies and public policies. Laws and regulations impact not only what aspects of wireless projects may be regulated by municipalities, but how, when, and even for what purpose.

The proposed policies establish the regulatory process for all requests for the City’s regulatory authorization to construct, install, operate, collocate, modify, relocate, remove, or otherwise deploy wireless facilities within the City’s territorial and jurisdictional boundaries, consistent with the overarching regulatory framework established by federal and state law.

Key points regarding federal and state laws:

- 1) Cities are prohibited from denying any telecommunications carrier the ability to provide service and meet their coverage needs, except in limited circumstances where a denial is supported by substantial evidence in a written record, such as when a proposed wireless facility would have a significant impact on the environment, historic resources, or community aesthetics that cannot be mitigated, or where the applicant has failed to comply with applicable, competitively neutral regulations.
- 2) Cities are prohibited from denying applications based on health concerns associated with radio frequency (RF) emissions so long as the facility complies with the standards set by the Federal Communications Commission (FCC). To ensure compliance, the City requires all applicants to submit an RF emissions report which is then reviewed for the City by an independent expert.
- 3) Strict presumptively reasonable timing requirements (commonly referred to as a “shot clock”), are placed on the City’s decision-making. If the City fails to render a decision on a wireless application within the specified timelines, which range from 60 to 150 days depending on the application type, the application may be deemed approved.<sup>1</sup>

For a more robust discussion of the legal and technological developments relevant to the city’s ability to regulate wireless facilities, see Section 1 in each of the policies (attached).

In recent months, staff from the City Attorney’s Office, City Manager’s Office, Community and Economic Development, and Public Works Departments have worked collaboratively to review

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<sup>1</sup> The shot clock begins to run the day after an application is submitted. The shot clock may be tolled (paused) in limited circumstances, such as when an application is incomplete, but only if the locality notifies the applicant of the application’s deficiencies within a specified number of days. The tolling period ends once the applicant resubmits in response to the incomplete notice. The locality and applicant may also agree in writing to voluntarily toll the shot clock for mutually agreeable periods.

and recommend comprehensive updates to the existing Wireless Ordinance and related policies. A key observation is that the existing framework is outdated, and in its current form includes regulations scattered in various places, and that collectively are out of step with current state and federal regulation. The existing policies are also overly restrictive, and as a result, many parts of Pleasanton have very poor wireless coverage. For example, under the City's current rules, wireless facilities are not allowed to be located in any residential zoning district or within any zoning district if the facility is proposed within 200 feet of any dwelling unit, park, school, or senior care facility. The result is that there are large areas within Pleasanton where facilities are prohibited or otherwise infeasible.

With increased dependence on cellular technology and mobile devices in everyday life, these deficiencies impact residents and businesses, and impair the ability of emergency services to receive and communicate in the event of an emergency. Secondly, in light of the City's current financial challenges, the City Council identified the Cellular Lease Revenue Program Development as a Council priority. The updated ordinance and policy would create additional opportunities for siting wireless facilities on City-owned property that could generate lease revenue. As lessor of these properties, the City would have considerable latitude to determine where these types of facilities should be located and the most appropriate design for each site.

The following sections of this report outline the content of the proposed ordinance and policies, and present staff's recommendation that the Planning Commission recommend their approval to City Council.

## **DISCUSSION**

The City retained specialized telecommunications counsel (attorney David Nagele of Coastal Tower Law, PC) to help navigate the complexity of these laws and to draft a new ordinance along with policies covering the three different types of wireless applications:

- 1) "Macro" wireless facilities (e.g., freestanding towers and support structures, or rooftop or building-mount cell sites, which typically provide a coverage radius of 1 to 3 or more miles depending on terrain, vegetation, and other factors);
- 2) Small cell wireless facilities (e.g., small units attached to streetlight and utility poles which typically provide coverage within a few hundred feet); and
- 3) Modifications to existing wireless facilities.

### Amendments to Wireless Ordinance (PMC Chapter 18.110)

The proposed amendments will repeal and replace Chapter 18.110 of the municipal code. Instead of providing detailed regulatory standards for wireless facilities within the ordinance, the new ordinance refers to and incorporates three policies that can be adopted by the City Council by resolution. Given the complex and continually evolving nature of federal and state laws concerning wireless, this approach provides the City with the ability for the policies to be adapted more flexibly over time and remain in step with regulatory changes and technology as well.

### Wireless Facilities Policies

Below is a brief description of each technology followed by the key components in each policy. Each policy is compliant with the requirements of state and federal law, and integrates

requirements, such as locational preferences, preferences for the types of support structures, and installations that are encouraged, discouraged or prohibited, and aesthetic requirements to ensure that new facilities are well-sited and as visually unobtrusive as possible.

**Macro Wireless Facilities**

Macro wireless facilities are large scale cellular towers with antennas that are designed to provide cellular coverage over a large geographic area. They are considered the backbone of the cellular network provided by carriers such as AT&T, T-Mobile, and Verizon.

Macro facilities can take a variety of forms, including free standing towers or other support structures (such as monopoles or faux-tree structures) and mounted on rooftops and buildings. An important concept in design of macro facilities is the use of “stealth” approaches, which are ways to conceal or disguise to reduce their visual impact. Examples of stealth approaches include concealment techniques such as faux-tree towers, integration into a building’s design (such as within church steeples), and installed behind existing building features (mechanical screens on a rooftop that already conceal HVAC equipment). Below are examples of four existing macro facilities in Pleasanton.





- **Shot Clock:** Public agencies have 90 to 150 shot clock days depending on the wireless facility type to render a decision for a macro application, or the applicant may seek remedies such as having the application be deemed approved under California Government Code Section 65964.1, or judicial review and action in court.
- **Noticing:** Within 10 days of receipt of an application, staff will mail notice to all properties (owners and occupants) within 300 feet of the boundary of the proposed wireless facility. Notice will also be published in the newspaper or posted. The notice will provide the location and general description of the project, and the contact information for City staff for interested persons to submit comments or request a hearing.
- **Decision:** Within 5 days of the Zoning Administrator’s decision (or the Planning Commission’s decision, if referred by the Zoning Administrator to the Planning Commission) on an application, the Community Development Department will provide written notice of the decision to the applicant and to the City Council.
- **Appeals or Calls for Review:** Any interested person may file an appeal of the Zoning Administrator’s or Planning Commission’s decision within 10 days of the decision. (Appeals will be heard by the City Council.) Additionally, any member of the City Council may submit a “call for review” within 10 days of the Zoning Administrator’s decision and have the application come to the City Council for consideration.
- **Locations:** The policy ranks possible locations for facilities from Preferred to Discouraged.
  - Preferred Locations include:  
parcels designated industrial, commercial, office, mixed use, agriculture, public and institutional, and parcels with a public park, city water tank, existing school or religious institution, and within the Downtown Specific Plan Area (if the facility is stealth and on a rooftop or architecturally integrated into an existing building), or parcels with no underlying zoning but adjacent to or within the land use designations previously identified.

- Discouraged Locations include:
  - where the facility is not stealth and within 500 feet of an existing tower; where the facility is not stealth and visible from I-580 or I-680, a designated scenic corridor, or within 200 feet of an historic resource; or where the facility is not stealth and within the Downtown Specific Plan Area or is an installation of a tower or other freestanding facility (flagpole, sign, etc.) even if stealth; or residential land use designations; or any location within 100 feet from a residential dwelling unit.
- Support Structures: The policy sets standards for support structures and ranks them preferred to discouraged, e.g., locating on a rooftop or on an existing structure is preferred while installation of a new pole in the public right of way is discouraged.
- Design and Aesthetic Standards: The policy sets standards for the design and aesthetics of wireless facilities, including that the facilities be stealth to the maximum extent feasible with concealment elements, measures and techniques that mimic or blend with the underlying support structure, surrounding environment, and adjacent uses.
- Consultant Review: The Director will utilize an independent consultant with specialized expertise to review each permit for completeness and accuracy, compliance with RF regulations set by the FCC, and compliance with design and aesthetic requirements, with these costs borne by the applicant.

**Small Wireless Facilities**

A small cell wireless facility (“small cell”) is a cell site designed to provide service coverage and capacity in areas where traditional macro wireless facilities either cannot reach or where additional capacity for users is needed in the network. Small cells have a shorter coverage area than macro cell sites and are usually installed closer to one another to provide the desired coverage and capacity level. The signal range for small cells varies from a few hundred feet to upwards of 1,000 feet, depending on terrain, vegetation, and the radio frequencies used. Small cells are often used (most commonly on city streetlights and utility poles) to add capacity in high-traffic areas, dense urban areas, and suburban communities, where people are using smartphones and other devices.



- **Shot Clock:** Public agencies have 60 to 90 shot clock days depending on the small wireless facility type to render a decision on the application, or the applicant may seek remedies such as having the application be deemed approved under California Government Code Section 65964.1, or judicial review and action in court.
- **Noticing:** Within 10 days of receipt of an application, staff will mail notice to all properties (owners and occupants) within 300 feet of the boundary of the proposed wireless facility.
- **Decision:** Within 5 days of the Zoning Administrator’s decision on an application, the Community Development Department will provide written notice of the decision to the applicant.
- **Appeals:** Any interested person may file an appeal within 7 days of the Zoning Administrator’s decision. The appeal will be heard by the City Manager whose decision shall be final.
- **Locations:** The small cell policy ranks possible locations from Preferred to Discouraged.
  - Preferred Locations include arterial, collector, residential collector or local roads within industrial, commercial, office, or mixed use and open space zoning areas followed by areas categorized as open space, community facilities, and then arterial or collector roads in residential.
  - Discouraged Locations include local or residential collector roads in residential zoning, locations on Main Street between Bernal Avenue and Del Valle Parkway, within a scenic corridor or within 200 feet of a historic resource, or within 100 feet of a residential dwelling unit.
  - The policy includes other considerations, e.g., not placing a small wireless facility directly in front of any door or window, or in any place that would obstruct view lines for vehicles, bicycles and pedestrians.
- **Support Structures:** The policy sets standards for support structures and ranks them preferred to discouraged, e.g., locating on an existing streetlight pole is preferred while installing a new pole is discouraged.
- **Consultant Review:** The Director will utilize an independent consultant with specialized expertise to review each permit for completeness and accuracy, compliance with RF regulations set by the FCC, and compliance with design and aesthetic requirements. Such costs are reimbursed by the applicant.

### **Modifications to Existing Wireless Facilities**

Modifications to existing macro wireless facilities are regulated by Section 6409(a) of the federal Middle Class Tax Relief Job and Creation Act adopted in 2012 – hence modifications are sometimes referred to as “6409 proposals”. Section 6409 generally requires that state and local governments “may not deny, and shall approve” certain additions and modifications to existing wireless facilities that do not substantially change the existing facilities physical dimensions.

- **Shot Clock:** Public agencies have just 60 shot clock days to render a decision on an application for a modification or collocation, or the applicant may seek remedies such as having the application deemed granted under federal regulations, or judicial review and action in court.
- **Noticing/Appeals:** No notice is required and there are no appeals allowed for 6409 applications, except by an applicant if their application is denied.
- **Consultant Review:** The Director will utilize an independent consultant with specialized expertise to review the application for completeness and accuracy, to ensure the application is an “eligible facilities request”, compliance with RF regulations set by the FCC, and compliance with design requirements in Section 6409. Such costs are reimbursed by the applicant.

## **PUBLIC NOTICE AND COMMENTS**

Notification of the proposed Municipal Code amendment was published in The Valley Times as an agenda item for the March 25, 2026, Planning Commission meeting. At the time this report was prepared, staff had not received comments regarding the proposed code amendment.

## **ENVIRONMENTAL ASSESSMENT**

The proposed code amendment is not considered a “project” under the California Environmental Quality Act (CEQA) because the proposal is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the enforcement. Moreover, if the code amendment were to qualify as a “project” subject to CEQA, it would be exempt from further environmental review in accordance with CEQA Guidelines Sections 15061(b)(3) because the project involves the adoption of regulations for wireless facilities and does not directly or indirectly authorize or approve any actual physical changes in the environment.

## **SUMMARY/CONCLUSION**

The proposed PMC amendments would further the City Council's priority of amending the municipal code and improve processes to simplify permitting, reduce delays, streamline design review, and support business and retail attraction. Staff recommends that the Planning Commission discuss the topics identified in the agenda report, consider the proposed code amendment and policies, and recommend approval to the City Council.

### **Primary Authors**

Julie Harryman, Assistant City Attorney

### **Reviewed/Approved By:**

Ellen Clark, Director of Community and Economic Development

RESOLUTION NO. PC-2026-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING THAT THE CITY COUNCIL APPROVE PROPOSED AMENDMENTS TO REPEAL AND REPLACE CHAPTER 18.110 OF THE PLEASANTON MUNICIPAL CODE AND ADOPT NEW POLICIES RELATED TO APPLICATIONS FOR WIRELESS FACILITIES (MACRO TOWERS, SMALL CELLS, AND MODIFICATIONS TO EXISTING TOWERS)(CASE NO. P26-0123)**

**WHEREAS**, on May 5, 1998 the City Council adopted Ordinance 1743, amending the Pleasanton Municipal Code to add a new Chapter 18.110 regarding personal wireless service facilities; and

**WHEREAS**, Chapter 18.110 has been updated and amended several times since its original adoption, including a major amendment in 2014 (Ordinance 2086) and other minor amendments over time; and

**WHEREAS**, on March 11, 2019 the City Council adopted Ordinance 2188 as an urgency item, in response to a Federal Communications Commission (FCC) ruling establishing reduced application processing timeframes, amending Chapter 18.110 to incorporate a special provision for Small Wireless Facilities, and making such facilities subject to requirements established in a separate policy adopted by City Council resolution; and at that same meeting adopted said policy; and

**WHEREAS**, wireless facilities are a heavily regulated area of state and federal law, with these rules subject to significant change over time, as documented in the March 25, 2026 Planning Commission Agenda Report; and

**WHEREAS**, wireless technologies and communications is a complex and evolving technical field; and

**WHEREAS**, the proposed amendments are consistent with the ONE Pleasanton Strategic Plan - Funding Our Future, Strategy 2 - Identify expanded and new revenue sources to address significant infrastructure needs, for which the City Council has identified opportunities to expand cellular leasing activities as a potential source of new revenue that should be explored; and

**WHEREAS**, the City's wireless regulations, including Chapter 18.110 and the Small Wireless Facilities policy require amendments to better align with state and federal law, and to provide more comprehensive and effective guidance with respect to the siting, design, and review procedures for all types of wireless facilities, as well as to facilitate improved cellular coverage in the City of Pleasanton for residents, businesses, and emergency service providers, while ensuring new and modified facilities will be well-designed, appropriately located and visually unobtrusive; and

**WHEREAS**, pursuant to Section 65905 of the Government Code, the Planning Commission held a duly noticed public hearing to consider the amendments on March 25, 2026, at which time all interested parties had the opportunity to be heard. The Planning Commission considered the agenda report dated March 25, 2026, incorporated herein by reference, and all written and oral testimony, and

**WHEREAS**, the proposed amendments to Chapter 18.110 of the Pleasanton Municipal Code and related policies regarding applications for macro towers, small cell facilities, and modification to existing towers, labeled Attachments 1, 2, 3 and 4, are attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission of the City of Pleasanton does resolve, declare, determine, and order the following:

**Section 1:** Prior to making a recommendation to the City Council on the proposed amendments, and at a properly noticed public hearing, the Planning Commission reviewed written and oral agenda reports, conducted a public hearing on the proposed amendments and took testimony, and received into the record all pertinent documents related to the proposed amendments (collectively, the "Record Evidence"). The Planning Commission's recommendation is based on the Record Evidence, which is incorporated into this Resolution by reference.

**Section 2:** Findings for California Environmental Quality Act (CEQA)

With respect to CEQA, the Planning Commission finds that the proposed amendments are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment. The amendments repeal and replace Pleasanton Municipal Code Chapter 18.110 in a manner that complies with federal and state regulations and does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis.

**Section 3:** The Planning Commission hereby recommends that the City Council approve Case P26-0123, repealing and replacing Chapter 18.110 of the Pleasanton Municipal Code to allow the City Council to quickly and efficiently adopt administrative policies that provide clear procedures for wireless facilities, small wireless facilities, eligible facilities requests and emergency standby generator applications and deployment and bolster the City's policies and regulations concerning public health, safety and welfare and the aesthetic character of the City.

**Section 4:** This resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Pleasanton at a regular meeting held on March 25, 2026, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

**ATTEST:**

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Derek Farmer  
Secretary, Planning Commission

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Brandon Pace  
Chair

**APPROVED AS TO FORM:**

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Julie Harryman  
Assistant City Attorney

**ORDINANCE NO. [REDACTED]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON REPEALING AND REPLACING CHAPTER 18.110 OF THE PLEASANTON MUNICIPAL CODE CONCERNING PERSONAL WIRELESS SERVICE FACILITIES**

**WHEREAS**, pursuant to the California Constitution, Article XI, section 7; California Government Code Section 37100 and other applicable law, the City Council of the City of Pleasanton (“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; and

**WHEREAS**, the federal Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), preserves local government zoning authority as it relates to location and siting of wireless communication facilities, but limits local regulations in three key ways: (1) a local ordinance may not unreasonably discriminate among providers of functionally equivalent services; (2) a local ordinance may not prohibit or effectively prohibit service; and (3) a local ordinance may not regulate based on environmental impacts from radio frequency emissions; and

**WHEREAS**, the federal Telecommunications Act of 1996, 47 U.S.C. § 253 prohibits state and local requirements that prohibit or effectively prohibit any entity’s ability to provide any telecommunication service but preserves the authority of state and local governments to manage the public right-of-way on a nondiscriminatory basis; and

**WHEREAS**, Section 7901 of the California Public Utilities Code grants telephone corporations the limited right to use the public right-of-way to the extent necessary to provide services to their customers in a manner that does not incommode the public’s use of the public right-of-way; and

**WHEREAS**, Section 7901.1 of the California Public Utilities Code bolsters the rights reserved to California local governments under Section 7901 and affirms local authority to manage, on a nondiscriminatory basis, the time, place and manner in which telephone corporations access the public right-of-way and deploy their facilities; and

**WHEREAS**, since the enactment of the Telecommunications Act of 1996, significant changes have occurred in federal and state laws that affect local authority over personal wireless service facilities, which includes, without limitation, the following:

- On November 18, 2009, the Federal Communications Commission (“FCC”) adopted a Declaratory Ruling in the proceeding titled *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review*, 24 FCC Rcd. 13994 (Nov. 18, 2009) (the “2009 Declaratory Ruling”), which imposed procedural restrictions on state and local permit application reviews such as presumptively reasonable times for action. After a petition for judicial review, the U.S. Supreme Court in *City of Arlington v. FCC*, 569 U.S. 290 (2013), upheld the FCC’s authority to issue these rules;

- On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), which amended the Communications Act. This statute generally required that state and local governments “may not deny, and shall approve” certain additions and modifications to existing wireless facilities that do not substantially change existing facility’s physical dimensions. Applications covered by this statute are deemed “eligible facilities requests”;
- On October 21, 2014, the FCC adopted a Report and Order in the rulemaking proceeding titled *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, Report and Order, 30 FCC Rcd. 31 (Oct. 21, 2014) (the “2014 Infrastructure Order”), which implemented regulations for “eligible facilities requests” that defined statutory terms, prohibited certain application requirements, limited application review periods and deemed applications automatically granted when the state or local government fails to act within the applicable timeframe. The U.S. Court of Appeals for the Fourth Circuit in *Montgomery Cnty. v. FCC*, 811 F.3d 121 (4th Cir. 2015), denied petitions for review;
- On October 9, 2015, Governor Edmund Brown signed into law Assembly Bill No. 57 (Quirk), codified as California Government Code Section 65964.1, which created a “deemed-approved” remedy for when a local government fails to act on applications for certain wireless facilities within the presumptively reasonable times established in the 2009 Declaratory Ruling and 2014 Infrastructure Order;
- On August 3, 2018, the FCC adopted a Third Report and Order and Declaratory Ruling in the rulemaking proceeding titled *Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, 33 FCC Rcd. 7705 (Aug. 3, 2018) (the “Moratorium Order”), that formally prohibited express and de facto moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. Section 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis;
- On September 27, 2018, the FCC adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the “Small Cell Order”), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. The Small Cell Order set forth limitations on state and local government regulation of small cell wireless facilities that are placed on vertical infrastructure such as utility poles and street light standards located in the public rights-of-way. The Small Cell order: (1) limited the level of local permitting and discretion; (2) established “shot clock” rules (e.g., time limits and deadlines) for processing action on local permits; and (3) limited the fees that can be charged for the facilities. The Small Cell Order further established that any aesthetic

regulations and fees required for processing small wireless facilities be published in advance; and

- On the April 4, 2019, the California Supreme Court in *T-Mobile West LLC v. City and County of San Francisco*, 438 P.3d 239 (Cal. 2019), held that California Public Utilities Code Sections 7901 and 7901.1 do not completely divest local governments of their police powers and only prohibit local franchises as a precondition for access to the public right-of-way by telephone corporations;
- On June 10, 2020, the FCC adopted additional regulations purporting to clarify its rules to interpret and implement Section 6409 in *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, RM-11849, Declaratory Ruling and Notice of Proposed Rulemaking, 35 FCC Rcd. 5977 (Jun. 10, 2020) (the "2020 Declaratory Ruling"). These additional regulations specified what steps an applicant must take for the shot clock to commence, modified what constitutes a substantial change to a wireless facility and clarified the circumstances under which an environmental assessment is not required.
- On August 12, 2020, in *Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), the U.S. Court of Appeals for the Ninth Circuit invalidated many aesthetic restrictions in the Small Cell Order but largely upheld the other limitations. The court specifically invalidated the requirements that aesthetic regulations be objective and no more burdensome than those applied to other infrastructure deployments. The U.S. Supreme Court denied a petition for review of the Ninth Circuit's decision to uphold the FCC's fee restrictions in the Order Denying Petition for Certiorari, *Sprint Corp. v. FCC*, No. 20-1354 (June 28, 2021). Thus, the Small Cell Order, as modified by the Ninth Circuit's partial invalidation, is final with no further pending judicial review;
- On November 3, 2020, the FCC adopted further regulations in *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, RM-11849, Report and Order, 35 FCC Rcd. 13188 (Nov. 3, 2020) that defined wireless facility site boundaries and allowed certain additional excavation and deployment of transmission equipment beyond existing site boundaries; and
- On October 4, 2021, Governor Gavin Newsom signed into law Assembly Bill 537 which amended Government Code Section 65964.1 to provide applicants a "deemed approved" remedy for a collocation or siting application for a wireless telecommunications facility if a city or county fails to approve or disapprove an application within a reasonable period of time in accordance with FCC rules, subject to certain requirements and limitations;
- On October 8, 2023, Governor Gavin Newsom signed into law Assembly Bill 965 which added Section 65964.3 to the Government Code to require local agencies to

undertake batch broadband permit processing of two or more broadband permit applications for substantially similar broadband project sites under a single permit and extends the existing state law “deemed approved” remedy in Government Code Section 65964.1, if a city or county fails to approve or disapprove an application within a reasonable period of time specified in applicable law, subject to certain requirements and limitations; and

**WHEREAS**, given the rapid and substantial changes in applicable law, the active and effective federal prohibition on reasonable moratorium ordinances to allow local public agencies to study these changes and develop appropriate responses and the significant adverse consequences for noncompliance with these changes in applicable law, and in response to practical experience processing applications for wireless facilities under the Pleasanton Municipal Code (“PMC”), the City Council desires to amend PMC Chapter 18.110 by adopting Exhibit A hereto to allow the City greater flexibility and responsiveness to these federal and state laws in order to preserve the City’s traditional authority to the maximum extent practicable; and

**WHEREAS**, the City Council finds that amending PMC Chapter 18.110 by adopting Exhibit A hereto will allow the City Council to quickly and efficiently adopt administrative policies that provide clear procedures for wireless facilities, small wireless facilities, eligible facilities requests and emergency standby generator applications and deployment and bolster the City’s policies and regulations concerning public health, safety and welfare and the aesthetic character of the City; and

**WHEREAS**, amending PMC Chapter 18.110 by adopting Exhibit A hereto is necessary to protect public health, safety, welfare, and aesthetic interests, and the enforcement thereof will not result in the imposition of excessive costs on operators and users of wireless telecommunications services. The City Council finds, further, that the amendment of PMC Chapter 18.110 by adopting Exhibit A hereto neither materially limits a person’s ability to receive wireless communications services nor creates unfair competition among wireless telecommunications service providers; and

**WHEREAS**, the City Council finds the amendment of PMC Chapter 18.110 by adopting Exhibit A hereto will, to the extent permitted by federal and California state law, protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services within the City’s local values, which includes without limitation the aesthetic character of the City, its neighborhoods, and community;

**WHEREAS**, the Pleasanton Planning Commission considered the proposed Exhibit A hereto at a duly noticed public hearing on **March 25, 2026**, and by a vote of **5-1** recommended the City Council approve a categorical exemption per CEQA and approve Exhibit A hereto to amend PMC Chapter 18.110; and

**WHEREAS**, on **April 21, 2026**, the City Council conducted a duly noticed public hearing to take public testimony and consider the introduction of this Ordinance to amend PMC Chapter 18.110 by adopting Exhibit A hereto;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. FINDINGS.** The City Council finds that: (a) the facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference; (b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance; (c) the provisions in this Ordinance and PMC Chapter 18.110 are consistent with the Pleasanton General Plan, the PMC and applicable federal and state law; and (d) neither this Ordinance nor PMC Chapter 18.110 will be detrimental to the public interest, health, safety, convenience or welfare.

**SECTION 2. AMENDMENT OF PMC CHAPTER 18.110.** The City Council does hereby repeal and replace PMC Chapter 18.110 (Personal Wireless Service Facilities) to read as set forth in Exhibit A.

**SECTION 3. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, phrase or term (each a “Provision”) in this Ordinance or PMC Chapter 18.110, or any Provision’s application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision’s application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance and amended PMC Chapter 18.110 and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

**SECTION 4. CEQA.** If this Ordinance qualifies as a “project” subject to California Environmental Quality Act (“CEQA”) Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Ordinance amends PMC Chapter 18.110 in a manner that complies with federal and state regulations. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new wireless facility or change to an existing wireless facility would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance is exempt from CEQA under the general rule.

**SECTION 5. POSTING/PUBLISHING OF NOTICE.** A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after the date of its passage and adoption.

[Signatures to follow on next page.]

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 21, 2026, and was adopted on April 21, 2026, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jack Balch, Mayor

ATTEST:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

## EXHIBIT A

### CHAPTER 18.110

#### PERSONAL WIRELESS SERVICE FACILITIES

##### § 18.110.010. Purpose and Intent.

This chapter of the Pleasanton Municipal Code establishes the regulatory process for all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities, small wireless facilities and eligible facilities requests within the City's territorial and jurisdictional boundaries.

##### § 18.110.020. Definitions.

Notwithstanding anything in this chapter to the contrary, the abbreviations, phrases, terms and words used in this chapter will have the following meanings assigned to them unless context indicates otherwise. Undefined phrases, terms or words in this section will have their ordinary meanings. The definitions in this section shall control over conflicting definitions for the same or similar abbreviations, phrases, terms or words as may be defined elsewhere in this chapter or in the Pleasanton Municipal Code. However, if any definition assigned to any phrase, term or word in this chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

- (a) “**eligible facilities request**” means the same as defined in 47 U.S.C. Section 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. Section 1.6100(b)(3).
- (b) “**FCC**” means the “Federal Communications Commission”, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. Sections 151 *et seq.* or its duly appointed successor agency.
- (c) “**personal wireless service facilities**” mean the same as defined in 47 U.S.C. Section 332(c)(7)(C)(ii).
- (d) “**Section 6409**” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a).
- (e) “**small wireless facility**” means same as defined by the FCC in 47 C.F.R. Section 1.6002(l).
- (f) “**wireless facility**” means a personal wireless service facility.

##### § 18.110.030. Wireless Facilities.

All requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities not otherwise regulated by

Section 18.110.040 through Section 18.110.050 within the City's territorial and jurisdictional boundaries are subject to a permit as specified in a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All wireless facilities shall comply with the City Council's policy. If a City Council policy is not adopted, or is otherwise repealed after adoption and not replaced, an application for a wireless facility shall be processed pursuant to Title 18 (Zoning).

**§ 18.110.040. Small Wireless Facilities.**

All small wireless facilities are subject to a permit as specified in a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All small wireless facilities shall comply with the City Council's policy. If a City Council policy is not adopted, or is otherwise repealed after adoption and not replaced, an application for a small wireless facility shall be processed pursuant to Title 18 (Zoning).

**§ 18.110.050. Eligible Facilities Requests.**

All eligible facilities requests and other applications submitted for approval pursuant to Section 6409 are subject to a permit as specified in a City Council policy, which may be adopted, amended and/or repealed by a resolution of the City Council. All eligible facilities requests and other applications submitted for approval pursuant to Section 6409 shall comply with the City Council's policy. If a City Council policy is not adopted, or is otherwise repealed after adoption and not replaced, an eligible facilities request or other application submitted for approval pursuant to Section 6409 shall be processed pursuant to Title 18 (Zoning).

**§ 18.110.060. Violations.**

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be subject to injunctive relief as set forth in Chapter 1.16 (Injunctive Relief), administrative citations as set forth in Chapter 1.24 (Administrative Citations), administrative remedies as set forth in Chapter 1.28 (Administrative Remedies), abatement pursuant to Chapter 9.28 (Property Maintenance), any and all applicable processes and procedures pursuant to the Pleasanton Municipal Code, including but not limited to Chapter 18.140 (Penalties), California Code of Civil Procedure Section 731, or any other remedy available to the City.

<b>CITY OF PLEASANTON</b>	<b>POLICY NO. [RESERVED]</b>
<b>Adopted: April 21, 2026</b>	
<b>General Subject: Wireless Telecommunications Facilities</b>	

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## **Section 1. INTRODUCTION AND BACKGROUND**

Local authority over communications facilities exists at an often-complex intersection between state law, federal law, changes in technologies and public policies. Laws and regulations impact not only whether municipalities may regulate, but how, when and even for what purpose.

This policy establishes the regulatory process for all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities within the City's territorial and jurisdictional boundaries.

On **April 21, 2026**, and pursuant to Section 18.110.030 of the Municipal Code, the City Council adopted this policy to conform the City's permit process for wireless telecommunications facilities with applicable law.

## **Section 2. PURPOSE AND INTENT**

- (a) The City intends this policy to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law.
- (b) The standards and procedures contained in this policy are intended to, and should be applied, consistent with federal and state law, to protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community.
- (c) This policy is also intended to reflect and promote the community interest by (1) ensuring that an appropriate balance between public and private interests are maintained; (2) protecting the City's visual character and property values from potential adverse impacts and/or visual blight created and/or exacerbated by wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; and (4) ensuring appropriate placement of high-quality, advanced wireless services for the City's residents, businesses and visitors.
- (d) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally

equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to violate any applicable federal or California state law.

### **Section 3. DEFINITIONS**

The abbreviation, phrases, terms and words used in this policy will have the following meanings assigned to them unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings.

The definitions in this policy shall control over conflicting definitions for the same or similar abbreviations, phrases, terms or words as may be defined in the Municipal Code. However, if any definition assigned to any phrase, term or word in this chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control. All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

- (a) **“amateur station”** means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as “a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.” This term includes amateur radio antennas and related facilities used for amateur radio services.
- (b) **“appellate authority”** means the City official or appointed/elected body responsible for review of approval authority decisions and vested with authority to hear and decide appeals. For appeals from either the Zoning Administrator or the Planning Commission, the appellate authority shall be the City Council.
- (c) **“approval authority”** means the City official or appointed/elected body responsible for application review and vested with authority to approve or deny such applications. For Wireless Facility Permits, the approval authority shall be the Zoning Administrator, unless referred by the Zoning Administrator to the Planning Commission.
- (d) **“architecturally integrated”** means stealth concealment that mimics the existing architecture, design, materials and finishes of the underlying structure such that the wireless facility appears to be something other than a wireless facility and part of the original structure's design.
- (e) **“City”** means the City of Pleasanton, California.

- (f) **“City Council”** means the City Council of the City of Pleasanton, California.
- (g) **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g).
- (h) **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- (i) **“Department”** means the City of Pleasanton Community and Economic Development Department.
- (j) **“Director”** means the City of Pleasanton Community and Economic Development Department Director or their designee.
- (k) **“eligible facilities request”** means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).
- (l) **“FCC”** means the “Federal Communications Commission”, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.
- (m) **“Fire Safety Authority”** means the Livermore-Pleasanton Fire Department or their designee.
- (n) **“historic resource”** means any prehistoric or historic district, neighborhood, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places or the California Register of Historical Resources, or identified in the City of Pleasanton General Plan or the Downtown Specific Plan. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.
- (o) **“ministerial permit”** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, excavation permit, traffic control permit, encroachment permit and/or any similar over-the-counter approval issued by the City’s departments.
- (p) **“Municipal Code”** means the City of Pleasanton Municipal Code.
- (q) **“OTARD”** means any “over-the-air reception device” subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.

- (r) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii).
- (s) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i).
- (t) **“persons entitled to notice”** means (1) all real property owners; and (2) all occupants of each physical address for all properties, each within 300 feet of the exterior boundaries of the proposed wireless facility. Mailed notice will be deemed given to real property owners when sent to the address listed on the most recent equalized assessment roll. Mailed notice will be deemed given to all occupants when sent to the real property’s physical address.
- (u) **“public right-of-way”** or **“public rights-of-way”** means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.
- (v) **“RF”** means radio frequency.
- (w) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).
- (x) **“shot clock”** means the presumptively reasonable time defined by the FCC, or time specified under state law, if applicable, in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.
- (y) **“small wireless facility”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l).
- (z) **“stealth”** means concealment elements, measures and techniques to: (1) architecturally integrate a wireless facility into the underlying support structure or building (e.g. with the use of existing or new parapet walls, cupolas, steeples, chimneys, etc.) and consistent with the style, proportion and construction quality of the underlying support structure or building); or (2) mimic or blend with the surrounding built or natural environment and adjacent uses (e.g., faux trees, faux water towers, etc.), and which completely screens transmission equipment from public view. The foregoing stealth concealment techniques examples are included without limitation.
- (aa) **“wireless facility”** means a personal wireless service facility.

- (bb) **“Wireless Facility Permit”** means the permit approval required by the City of Pleasanton Community and Economic Development Department to authorize the use of wireless facilities subject to this policy.
- (cc) **“Zoning Administrator”** means the same as defined in Section 18.08.010 of the Municipal Code, or their designee.

#### **Section 4. APPLICABILITY**

- (a) **General.** This policy applies to all requests for the City’s regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities within the City’s territorial and jurisdictional boundaries, unless expressly exempted pursuant to this Section 4.
- (b) **Wireless Facilities on City Property or Structures.** This policy applies to permit applications, submitted to the City in its regulatory capacity as the permitting agency, for wireless facilities on property or structures owned or controlled by the City; provided, however, that this policy does not govern whether or under what terms and conditions the City, in its proprietary capacity as the property or structure owner, would lease, license or otherwise allow a wireless facility on such property or structures.
- (c) **Small Wireless Facilities; Eligible Facilities Requests.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to small wireless facilities, eligible facilities requests and/or other applications submitted for approval pursuant to Section 6409.
- (d) **Other Exemptions.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to the following:
  - (1) wireless facilities operated for public purposes by the City or through joint powers authorities that the City is a member;
  - (2) wireless facilities installed completely indoors and used to extend personal wireless services into a business or the subscriber’s private residence, such as a femto cell or indoor distributed antenna system;
  - (3) OTARD antennas;
  - (4) antennas and related transmission equipment used in connection with a duly authorized amateur station; or
  - (5) wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-E.

- (e) **Severability.** If any provision in this policy or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (1) such provision or its application to such person, entity or circumstance will be deemed severed from this policy; (2) all other provisions in this policy or their application to any person, entity or circumstance will not be affected; and (3) all other provisions in this policy or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.

## **Section 5. REQUIRED PERMITS AND APPROVALS**

- (a) **Required Permits.** All wireless facilities subject to this policy shall require a Wireless Facility Permit subject to the approval authority's prior review and approval.
- (b) **Referral.** The Zoning Administrator may refer any application for a Wireless Facility Permit to the Planning Commission when the Zoning Administrator, in the Zoning Administrator's discretion, determines that the application implicates a significant planning concern.
- (c) **Other Permits and Regulatory Approvals.** In addition to any permit or approval required under this policy, the applicant must obtain all other permits and regulatory approvals (such as compliance with the California Environmental Quality Act) as may be required by any other federal, state, regional or local government agencies, which includes without limitation any permits and/or approvals issued by other City departments or divisions such as encroachment permits for work or facilities in the public right-of-way. All applications for ministerial permits submitted in connection with a proposed wireless facility or other infrastructure deployment must contain a valid permit issued by the City for the proposed wireless facility. Any application for any ministerial permits submitted without such permit for the proposed wireless facility may be denied without prejudice. Any permit or approval granted under this policy or deemed granted or deemed approved by the operation of law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the permit requirement under Section 4(d) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes without limitation any ministerial permits from the City.

## **Section 6. ADMINISTRATIVE ORDERS AND REGULATIONS**

In addition to the requirements in this policy, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and convenience. The Director is also authorized to establish other reasonable rules and regulations for duly filed applications, which may include without

limitation regular hours for application submittals and resubmittals, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such requirements, materials, rules and regulations must be in written form and publicly stated.

## **Section 7. PERMIT APPLICATIONS**

- (a) **Application Required.** The approval authority shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities except upon a complete and duly filed application consistent with this section and any other written rules or requirements the City or the Director may establish from time to time in any publicly-stated format.
- (b) **Application Fee/Deposit.** The applicant shall submit the applicable permit application fee, application review deposit, or combination application fee and review deposit adopted by City Council resolution at the time of application. If no permit application fee, application review deposit, or combination application fee and review deposit has been adopted at the time of application, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application within 10 business days after the City issues a written demand for reimbursement. Additional deposits shall be required if the deposit is inadequate and must be replenished. If the deposit exceeds the actual costs, the difference will be returned to the applicant following final inspection in event of an approval, withdrawal of the application, or the conclusion of any appeals or expiration of any appeal periods, whichever occurs later, in event of a denial.
- (c) **Application Content.** All applications for a permit must include all the information and materials required by the Director for the application. The Director is authorized to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All such requirements must be in written form and publicly stated and available. All applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which include without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.
- (d) **Voluntary Pre-Application Conferences.** The Department shall provide prospective applicants with the opportunity to schedule and attend a voluntary pre-application conference with Department staff. The City strongly encourages, but does not require, pre-application conferences for all applications. This voluntary pre-application conference process, including but not limited to any requests for

conferences or meetings, submittal of pre-application materials, or the occurrence of any conferences or meetings, does not, and shall not be deemed to, commence any shot clocks. This voluntary pre-application conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless facility, such as compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other City departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Department shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-application conference.

- (e) **Application Submittal.** Unless the Director establishes an alternative submittal procedure pursuant to Section 6, all applications submitted, or resubmitted in response to an incomplete notice as the case may be, under this policy must be submitted to the Department through the online permitting portal only during the Department's "Permit Center Hours" as published on the Department's website. The Department's Permit Center Hours exclude City holidays or other days that the City is closed. Any applications submitted, or resubmitted as the case may be, after such Permit Center Hours will be deemed submitted, or resubmitted, and received by the Department at the start of "Permit Center Hours" on the next scheduled working day. Any application received in a manner not authorized by this policy or alternatives established by the Director, whether delivered in-person, by mail, electronically or through any other means, will not be considered duly filed whether the City retains the submitted materials or not.
- (f) **Voluntary Community Meetings.** The City strongly encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary community meeting with all interested members of the public. Community meetings may be conducted before or after submittal. This voluntary community meeting does not cause the FCC shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed project. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's proposed project. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The City seeks to encourage dialogue that may allow applicants to address areas of concern and

may lessen the likelihood of appeals. Community meetings may be conducted before or after submittal. Public notice for a community meeting should be given in the manner described for persons entitled to notice, except that the applicant is responsible for the cost and implementation of noticing.

- (g) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Department within 90 calendar days after the Department deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 60 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

## **Section 8. PEER AND INDEPENDENT CONSULTANT REVIEW**

- (a) **Authorization.** The Director is authorized to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (1) permit application completeness and/or accuracy; (2) compliance with applicable regulations for human exposure to RF emissions; (3) whether and to what extent a proposed project will comply with applicable laws, including but not limited to this policy and its design standards; (4) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and (5) any other issue identified by the Director that requires expert or specialized knowledge, which includes, without limitation, any issues related to an exception requested by the applicant pursuant to Section 15. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
- (b) **Cost Reimbursement / Deposit.** Subject to applicable laws, if the Director elects to retain an independent consultant in connection with any permit application, then the applicant shall be responsible for the actual and reasonable costs incurred by the City in connection with the services provided, which may include, without limitation, actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings related to the permit application and the City's actual and reasonable costs incurred to administer the independent consultant contract. The applicant shall tender to the City a deposit in an amount equal to the estimated actual and reasonable cost for the services to be provided,

as determined by the Director if no deposit amount has been established and paid pursuant to Section 7(b) of this policy. The deposit funds shall be applied to the independent consultant's invoices as such invoices are approved by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. If the deposit exceeds the total costs for the independent consultant's services, then the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection. If the reasonable costs for the independent consultant's services exceed the deposit, then the Director shall invoice the applicant for the balance. The Director is authorized to develop, publish and from time-to-time, update a standard deposit agreement consistent with this section. The City shall not issue any construction or encroachment permits to any applicant with any unpaid deposit requests or invoices.

- (c) **Fire Safety Authority Independent Consultants.** In addition, the Fire Safety Authority has the authority to select and retain an independent consultant with expertise and/or specialized training in fire safety and fire hazard mitigation and prevention satisfactory to the Fire Safety Authority in connection with any application. The Fire Safety Authority may request independent consultant review on any matter referred or committed to the Fire Safety Authority for review or approval. Subject to applicable laws, in the event that the Fire Safety Authority elects to retain an independent consultant in connection with any application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include without limitation any actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings and the Fire Safety Authority's actual and reasonable costs to administer the independent consultant contract. The same procedures for fee deposits, cost reimbursements and refunds to the applicant as described above in Section 8(b) shall be applicable to independent consultant review required by the Fire Safety Authority.

## **Section 9. PUBLIC NOTICE**

- (a) **Mailed Notice.** Within 10 calendar days of an application being filed for a personal wireless service facility, the Department shall mail a written notice to all persons entitled to notice. The notice shall include: (1) the project location with a street address (or an approximate street address, if no address exists); (2) the City's permit application number; (3) a general project description; (4) contact information for the Department so that persons may request additional information or submit comments; and (5) a statement that persons interested in requesting a hearing must file a written request with the Director within 10 days of the date the notice was mailed by the City.
- (b) **Public Hearing Notices.** At least 10 calendar days before any public hearing in connection with an application for a wireless facility, the Department shall: (1) mail

notice to the applicant, the requesting party or appellant, and persons entitled to notice; and (2) publish notice in at least one newspaper of general circulation within the City or post notice in at least three public places in the City including one public place in the area directly affected by the proceeding. The public hearing notice shall include the project location, a general project description, and the date, time and location for the public hearing. Failure to mail notices shall not invalidate the proceedings.

## **Section 10. APPROVALS; DENIALS; APPEALS**

- (a) **Initial Administrative Decision.** The Zoning Administrator may approve, conditionally approve, or deny a complete and duly filed Wireless Facility Permit application administratively if no request for a hearing is timely filed, or at an administrative hearing if a timely request for a hearing is timely filed. If the Zoning Administrator refers an application for a Wireless Facility Permit to the Planning Commission, the Planning Commission may approve, conditionally approve, or deny a complete and duly filed Wireless Facility Permit application at a public hearing.
- (b) **Required Findings for Approval.** The approval authority may approve wireless communication facility applications only when the approval authority makes all the following findings:
- (1) the proposed wireless facility is in a preferred location as defined in this policy; or the proposed wireless facility is in a discouraged location as defined in this policy and the applicant has demonstrated through a meaningful comparative analysis that no more preferred location would be technically feasible and potentially available;
  - (2) the proposed wireless facility is on a preferred support structure as defined in this policy; or the proposed wireless facility is on a discouraged support structure as defined in this policy and the applicant has demonstrated through a meaningful comparative analysis that no more preferred support structure would be technically feasible and potentially available;
  - (3) the proposed wireless facility complies with all applicable development standards in this policy, the Municipal Code and any other applicable regulations;
  - (4) the applicant has demonstrated that the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population;
  - (5) all public notices required for the application have been given; and

- (6) any required California Environmental Quality Act findings have been made.
- (c) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or state laws, nothing in this policy is intended to limit the approval authority's (or the appellate authority's) ability to conditionally approve or deny without prejudice any permit application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, this policy or the Municipal Code.
- (d) **Decision Notices.** Within five calendar days after the approval authority (the Zoning Administrator or Planning Commission) acts on an application or before the shot clock expires (whichever occurs first), the Department shall provide a written notice to the applicant and notify the City Council about such decision. If the approval authority (or appellate authority) denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial.
- (e) **City Council Call for Review.** Within 10 calendar days after the approval authority approves or denies any application under this policy, any member of the City Council may advise the City Clerk in writing that the member wants the appellate authority to review the approval authority's decision provided that: (1) the provisions of this section shall control over those in Section 18.144.010 (City council review) of the Municipal Code; (2) the City Clerk shall schedule the review at a public hearing of the appellate authority; (3) the appellate authority shall hear reviews *de novo*; (4) the City Clerk shall provide notice of the review hearing pursuant to Section 9(b). The City shall provide a written notice to the applicant about such decision. If the appellate authority denies the application after review (whether by affirmation or reversal), the written notice to the applicant must contain the reasons for the denial. The appellate authority's decision shall be final and not subject to any further City appeals or petitions for reconsideration.
- (f) **Appeals.** Within 10 calendar days after the approval authority approves or denies any application under this policy, any interested person may file an appeal to the City Council for cause provided that: (1) the appeal provisions in this policy shall control over those in Chapter 18.144 (Appeals) of the Municipal Code; (2) an appeal must be timely and duly filed with the City Clerk on a form provided by the City Clerk, or if no such form is available, in a writing that states in plain terms the grounds for appeal and the facts that support those grounds; (3) appeals from an approval shall not be permitted when based on reasons otherwise compliant under this policy, including appeals based on the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines; (4) the City Council shall hear appeals *de novo*; and (5) the City Clerk shall provide notice of the appeal hearing pursuant to Section 9(b). The City shall provide a written notice to the applicant about such decision. If the City Council denies the

application after review (whether by affirmation or reversal), the written notice to the applicant must contain the reasons for the denial. The City Council's decision shall be final and not subject to any further City appeals or petitions for reconsideration.

## Section 11. LOCATION STANDARDS

- (a) **Preface.** This section sets out criteria to determine the preferred location and support structure for wireless facilities. The City considers the most preferred location and support structure to be the least intrusive means for an applicant to provide its services to the public. Subsection (b)(1) describes general plan areas and land use designations where wireless facilities are generally most preferred. Subsection (b)(2) provides specific locations where wireless facilities are discouraged. It is possible for a proposed facility to be simultaneously in a "preferred" and "discouraged" location, for example, a facility within a commercial district that is also within 100 feet of a residential dwelling unit. In such cases, the location shall be deemed a "discouraged" location.
- (b) **Locations.** To assist applicants, staff, and the approval authority to understand and respond to the community's aesthetic preferences and values, this subsection (b) describes preferred and discouraged locations for wireless facilities.
  - (1) **Preferred Locations.** All applicants must, to the extent technically feasible and potentially available, propose new wireless facilities in a preferred location. When a parcel is zoned Planned Unit Development ("**PUD**"), the land use designations listed under the particular PUD will apply, or if no land use designations as stated in the General Plan Land Use Map are listed, or the land use designations listed invoke multiple types of land use designations (*e.g.*, high density residential/commercial), staff may apply development standards appropriate for the parcel.

The following locations are all considered "preferred locations" and are ranked in order of most preferred to least preferred. Applicants must propose new facilities on parcels with the most preferred land use designation whenever technically feasible and potentially available. Applications must include a written justification as part of their application submittal, supported by factual and verifiable evidence, that demonstrates no location with a more preferred land use designation is technically feasible and available. Alternatively, an applicant can propose a facility in a less preferred location (without showing feasibility and availability) if the facility is stealth with concealment elements pursuant to Section 12:

- (A) parcels within a land use designation of industrial;
- (B) parcels within a land use designation of commercial;
- (C) parcels within a land use designation of office;
- (D) parcels within a land use designation of mixed use;

- (E) parcels within a land use designation of agriculture;
- (F) parcels within a land use designation of public and institutional;
- (G) parcels that are designated as public park or parkland in the City's Parks and Recreation Master Plan;
- (H) parcels with an existing City-owned water tank facility or parcels adjacent to a City-owned water tank facility;
- (I) parcels with an existing school;
- (J) parcels with an existing religious institution;
- (K) any location within the Downtown Specific Plan Area where the wireless facility is stealth with concealment elements pursuant to Section 12 and is an installation on a rooftop or is architecturally integrated into an existing building;
- (L) parcels that have no underlying zoning, (e.g., portions of the Iron Horse Trail), and that are adjacent to any of the land use designations identified above.
- (M) **[reserved]**

(2) **Discouraged Locations.** When no preferred location is technically feasible and potentially available, the applicant may propose a wireless facility in a discouraged location pursuant to an exception under Section 15, including a written justification supported by factual and verifiable evidence, demonstrating that no preferred location is technically feasible and potentially available. If a wireless facility must be placed in a discouraged location, the applicant shall use the least-discouraged location that is technically feasible and potentially available. The following locations are discouraged, and ordered from least discouraged to most discouraged:

- (A) any location where the wireless facility is not stealth with concealment elements pursuant to Section 12 and is within 500 feet of an existing tower or other freestanding wireless facility;
- (B) any location where the wireless facility is not stealth with concealment elements pursuant to Section 12 and is visible from the I-580 or I-680 freeways, or is located within 200 feet of an historic resource;
- (C) any location within the Downtown Specific Plan Area where the wireless facility is not stealth with concealment elements pursuant to Section 12, or is an installation on a tower or other freestanding wireless facility or an existing non-building structure (e.g., electric transmission tower, flagpole, commercial pole sign, etc.), even if stealth with concealment elements;
- (D) parcels with a land use designation of residential or parcels within a PUD with residential land use designations or development standards substantially similar to the residential land use designations;
- (E) any location where the wireless facility would be within 100 feet from a residential dwelling unit (but not accessory structures, detached garages, sheds, pool houses, etc.).
- (F) **[reserved]**

- (c) **Support Structures.** All applicants must, to the extent technically feasible and potentially available, propose new facilities on a preferred support structure. This subsection (c) generally describes preferred and discouraged support structures, further subject to specific support structure criteria, if any, specified in Section 11(b). The approval authority shall consider whether any more preferred support structure would be technically feasible and potentially available. The approval authority may require the applicant to use a more preferred support structure when the alternative is technically feasible and potentially available.
- (1) **Preferred Support Structures.** The City's preferences for support structures are as follows, order from most preferred to least preferred:
- (A) collocation on an existing structure with existing wireless facilities;
  - (B) installations on a rooftop;
  - (C) installations on a building facade;
  - (D) installations on an existing non-building structure (e.g., electric transmission tower, flagpole, commercial pole sign, etc.)
  - (E) **[reserved]**
- (2) **Discouraged Support Structures.** When no preferred support structure is technically feasible and potentially available, the applicant may propose a wireless facility on a discouraged support structure pursuant to an exception under Section 15, including a written justification supported by factual and verifiable evidence, demonstrating that no preferred support structure is technically feasible and potentially available. If a wireless facility must be installed on a discouraged support structure, the applicant shall use the least-discouraged support structure that is technically feasible and potentially available. The following support structures are discouraged, and ordered from least discouraged to most discouraged:
- (A) installations on a new freestanding structure outside the public rights-of-way;
  - (B) installations on an existing pole located within the public rights-of-way;
  - (C) installations on a new or replacement pole within the public rights-of-way;
  - (D) installations on a new freestanding pole within the public rights-of-way;
  - (E) **[reserved]**

## Section 12. DESIGN STANDARDS

- (a) **General Design Standards.** The standards in this subsection (a) shall be applicable to all wireless facilities:
- (1) **Stealth/Concealment.** All wireless facilities must be stealth to the maximum extent feasible with concealment elements, measures and techniques that

mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

- (2) **Least Visible Equipment.** The applicant must use the smallest and least visible antennas and accessory equipment possible to accomplish the service objectives.
- (3) **Overall Height.** All wireless facilities must be compliant with maximum overall height limits applicable to structures on the underlying parcel; provided, however, that facilities that are stealth with concealment elements pursuant to this Section 12 may exceed the applicable height limit by not more than 10 feet.
- (4) **Equipment Mounting Height.** The bottom of any antenna or accessory equipment must be mounted at least 15 feet above grade unless topography conditions warrant a different minimum height.
- (5) **Finishes.** All exterior surfaces shall be painted, colored, and/or wrapped in flat, non-reflective hues that match the underlying support structure or blend with the surrounding environment, minimizing visibility to the greatest extent feasible. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials or sealant. All finishes shall be subject to the approval authority's prior approval.
- (6) **Setbacks.** All wireless facilities must be compliant with all setback requirements applicable to structures on the underlying parcel. Additionally, all towers and other freestanding wireless facilities must be setback from adjacent public rights-of-way to the greatest extent technically feasible.
- (7) **Noise.** All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in the Municipal Code, including Chapter 9.04 (Noise Regulations) of the Municipal Code. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.
- (8) **Lights.** Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC or other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Light beacons and lightning arresters shall not be included in the design of the wireless facility unless the applicant demonstrates the same are required by applicable laws or regulations for health and safety purposes,

or by the Federal Aviation Administration. Any light beacons or lightning arresters shall be included in the overall height calculation.

- (9) **Trees and Landscaping.** Wireless facilities shall not be installed (in whole or in part) within any tree drip line. All wireless facilities proposed to be placed in a landscaped area should include landscape and/or hardscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The existing native vegetation shall be maintained to the maximum extent feasible. The approval authority may require additional landscape or hardscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this policy. All plants proposed or required must be native and/or drought-resistant and consistent with any landscaping requirements for the underlying zone and are further subject to approval by the approval authority.
- (10) **Signage; Decals; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a 24 hours-per-day, seven day-per-week, toll-free telephone number to the owner/operator's network operations center. Wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other governmental agencies for compliance with RF emissions regulations.
- (11) **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as locks, fences, walls, removable climbing pegs and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth techniques, and the approval authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences or any similar security measures are prohibited. Cabinets and equipment shelters must be kept secured to prevent unauthorized access.
- (12) **Fire Safety.** All wireless facilities shall include (A) a power shut off immediately accessible to fire service personnel, through a Knox box or similar rapid-access system approved by the Fire Safety Authority, upon arrival at the scene of a fire and/or anticipated power surge due to power being turned off or on for any reason; (B) surge protection devices capable of mitigating a direct or partial direct lightning discharge; (C) surge protection devices capable of mitigating significant electrical disturbances that may enter the wireless facility via conductive cables; (D) at least one-hour fire resistant interior surfaces to be used in the composition of all structures; and (E) monitored automatic fire

notification and suppression systems for all wireless facilities as approved by the applicable Fire Safety Authority.

- (13) **Secondary Power Sources.** The approval authority may approve secondary or backup power sources and/or generators on a case-by-case basis. No permanent diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence are permitted absent a showing of extraordinary need; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
- (14) **Parking; Access.** Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, existing parking and access should be used for ingress and egress from new wireless facilities rather than constructing new parking or access improvements to access the wireless facility. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use and comply with applicable safety codes.
- (15) **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. To the extent feasible, undergrounded cables and wires must transition directly into the pole base without any external doghouse or similar enclosure. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. No new overhead utility lines or service drops are permitted merely because compliance with the undergrounding requirements would increase the project cost. Microwave or other wireless backhaul is discouraged when it would involve a separate and non-stealth antenna.
- (16) **Future Expansion.** To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and other expansions that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance. The approval authority may waive this requirement when the approval authority determines future expansions at a proposed wireless facility would be aesthetically undesirable.
- (17) **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state, regional, and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, the general plan and any applicable specific plan, the Municipal Code and any

conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

- (18) **Licensed Engineer.** All construction plans, specifications, and reports concerning the requirements of this Section 12 must be prepared and sealed by a California licensed civil, structural, or geotechnical engineer, as applicable.
- (b) **Towers and Freestanding Wireless Facilities.** In addition to all other design requirements in this policy, the following provisions shall be applied to an application for a tower or other freestanding wireless facility:
  - (1) **Quantity.** No more than one tower or other freestanding wireless facility shall be permitted on any one parcel unless the proposed tower or other freestanding wireless facility is stealth with concealment elements pursuant to this Section 12.
  - (2) **Placement.** Towers or other freestanding wireless facilities shall be located near existing structures or trees at similar heights for screening purposes wherever feasible, but not be located between the face of a building and a public right-of-way or park.
  - (3) **Height Limitation.** All towers and freestyle wireless facilities shall be designed at the lowest possible height necessary to achieve the applicant's service objectives with the slimmest profile possible for structural support. All towers and other freestanding wireless facilities shall not exceed the height limit for structures in the applicable zoning district. The height of a tower or freestanding wireless facility shall be measured from the natural undisturbed ground surface below the center of the base of the tower or freestanding wireless facility itself to the top of the pole or other support structure, highest antenna, piece of accessory equipment or stealth element, whichever is highest.
  - (4) **Fall Zone.** All towers and freestanding wireless facilities must be setback from habitable structures approved for residential occupancy by a distance equal to one horizontal foot for every foot of the tower height, or the distance from the highest engineered break point to the top of the tower. The approval authority may waive the setback requirement for freestanding towers that meet Class 3 structural standards for critical infrastructure as defined in the most current revision of the ANSI/TIA-222 Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures.
  - (5) **Tower-Mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent

feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.

- (6) **Ground-Mounted Equipment.** All ground-mounted equipment must either be concealed underground in an environmentally controlled vault, or concealed within an existing or new structure, or other enclosure(s) subject to the approval authority's prior approval. The approval authority may require additional stealth elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.
- (c) **Building-Mounted Wireless Facilities.** In addition to all other design requirements in this policy, the following provisions shall be applied to an application for a wireless facility installed on a building rooftop or facade:
  - (1) **Height Limitations.** Building-mounted wireless facilities shall not exceed the height limit for structures in the applicable zoning district. Notwithstanding the prior sentence, antennas mounted flush on the facade of an existing building that exceeds the height limit for structures in the applicable zoning district may have a height equal to the height of the building. All equipment mounted on rooftops shall be as low as possible to avoid visibility from publicly accessible areas around the building.
  - (2) **Architectural Integration.** To the extent feasible, new non-tower wireless facilities shall be stealth, completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). When integration with existing building features is not feasible, the facilities shall be stealth, completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.
  - (3) **Rooftop Wireless Facilities.** All rooftop-mounted equipment must be screened from public view, including from higher elevations, with stealth techniques and concealment measures that match the underlying structure in proportion, location on the rooftop, quality, architectural style and finish to the maximum extent practicable. All roof-mounted equipment and cabinets must be set back a minimum of 10 feet from the edge of the roof, or less, if not visible at ground level and the stealth techniques and concealment measures meet the requirements of this section.

- (4) **Facade-Mounted Wireless Facilities.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this subsection (4). All facade-mounted equipment must be stealth and concealed behind screen walls and mounted as flush to the facade as practicable. No “pop-out” screen boxes are permitted unless the design is architecturally consistent with the original building or support structure. Exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade, are prohibited. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible. Facade-mounted antennas and their related equipment shall not extend over public rights-of-way.
- (d) **Historic Resources.** Nothing in this policy shall be construed or applied to limit the City’s authority to enforce other laws or regulations intended to protect or preserve historic resources. Any wireless facility that adversely impacts any historic resource shall not be approved without an exception pursuant to Section 15.
- (e) **Administrative Design Guidelines.** The Director may develop, and from time to time amend, design guidelines consistent with the generally applicable design regulations to clarify the aesthetic and public safety goals and standards in this policy for City staff, applicants and the public. The design guidelines shall provide more detailed standards to implement the general principals articulated in this section and may include specific standards for particular wireless facilities or site locations, but shall not unreasonably discriminate between functionally equivalent service providers. If a conflict arises between the development standards specified in this policy and the design guidelines adopted under this section, the development standards specified in this policy shall control.

### **Section 13. STANDARD CONDITIONS FOR APPROVED PERMITS**

- (a) **Standard Conditions.** Except as may be authorized in subsection (b), all permits issued under this policy or deemed granted or deemed approved by the operation of law shall be automatically subject to the conditions in this subsection (a) and these conditions shall be deemed to be incorporated by reference into such permits:
- (1) **Permit Term; Approval Applies to Land.** This permit will automatically expire 10 years and one day from its issuance unless the City establishes a shorter term for public safety or substantial land use reasons pursuant to California Government Code § 65964(b). Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not

extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. This permit shall run with the land and shall be valid for the term specified in these conditions of approval. No change in ownership of the wireless facility, the site, or the subject property shall affect the permit term. This permit may not be transferred to another site or property.

- (2) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject wireless facility has complied with all the conditions of approval associated with this permit and will comply with all applicable provisions in this policy and the Municipal Code that exist at the time the decision to renew or not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this policy, the Municipal Code or other applicable laws. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.
- (3) **City's Standing Reserved.** The City's grant or grant by operation of law of a permit pursuant to this policy does not waive, and shall not be construed to waive, any standing by the City to challenge any (A) provision in federal or state law or any interpretation thereof or (B) permit issued pursuant to this policy.
- (4) **Compliance with Approved Plans.** Before the permittee submits any applications to the building official required to commence construction in connection with this permit, the permittee must incorporate this permit, all conditions associated with this permit, any approved photo simulations, and any approved RF emissions report into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in strict compliance, as determined by the approval authority, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the original approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- (5) **CPUC GO-159A Certification.** Within 15 business days after the City's grant of this permit or any permit is deemed granted or deemed approved by the operation of law, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.
- (6) **Build-Out Period.** This permit will automatically expire 12 months from the approval date or deemed granted or deemed approved date (the "**Build-Out**

**Period**) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility and/or its use. The permittee may request in writing, and the Director may grant in writing, one 12-month extension to the Build-Out Period if the permittee submits, at least 30 days prior to the automatic expiration date in this condition, substantial and reliable written evidence demonstrating justifiable cause for the 12-month extension submitted. If the Build-Out Period (and any extension) finally expires, this permit shall be automatically void but the permittee may resubmit a complete application, which includes without limitation all application fees, for the same or a substantially similar project.

- (7) **Pre-Installation Requirements.** In addition to obtaining all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use, the permittee shall, prior to commencement of any installation or construction, attend a pre-grading meeting with the Public Works Department regarding temporary Best Management Practices (“**BMPs**”) pertaining to discharges from the construction site. Before the permittee can proceed with installation or construction of the approved wireless facility, the Public Works Department must inspect and approve the permittee’s installation of such temporary BMPs.
- (8) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations at the wireless facility, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include, without limitation, electronic as-built drawings prepared by a California licensed civil engineer, GIS data, site photographs, and an affirmation, signed by a California licensed RF engineer, that the installation as constructed and operated complies with the RF emissions report and any mitigation measures therein made part of the Approved Plans, as well as all applicable FCC rules and regulations for human exposure to RF emissions and will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC. In a written notice to the permittee, the Director may (but shall not have the obligation to) certify that the wireless facility complies with the Approved Plans or order the permittee to correct any noncompliance.
- (9) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean, safe and code

compliant condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the site to determine whether any maintenance is needed. The permittee shall perform any maintenance requested by the City for compliance with this condition within a reasonable time specified by the Director in a written notice to the permittee. Routine maintenance within residential zones shall be restricted to the City's normal construction work hours specified in the Municipal Code. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

- (10) **Landscape Features.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (11) **Future Collocations.** The permittee shall be willing to allow other carriers and site operators to collocate transmission equipment with the wireless facility, to the extent such facility or portions thereof are owned or controlled by the permittee, whenever technically feasible and aesthetically desirable in accordance with applicable provisions in this policy.
- (12) **Compliance with Applicable Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). If the Director finds good cause to believe that the wireless facility is not in compliance with any Laws applicable to human exposure to RF emissions, the Director may (A) require the permittee to submit a written report certified by a qualified radio frequency engineer familiar with the wireless facility that certifies that the wireless facility is in compliance with all such Laws; or (B) require that a field test to measure the RF exposure levels be conducted by an independent consultant. Any field measurement tests conducted by the City or its independent consultant shall be at random times without prior notice to the permittee or site operator. The Director shall require an onsite compliance test in situations where applicable Laws would authorize the City to require such testing at the permittee's

expense. The Director may order the wireless facility to be immediately powered down if, based on objective evidence, the Director finds that the wireless facility is in fact not in compliance with any Laws applicable, including, without limitation, Laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such Laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the City to timely notice, prompt or promptly enforce compliance with any applicable provision in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws.

- (13) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during the City's normal construction work hours authorized by the Municipal Code or as may be specified in other permits authorizing such work. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare an emergency within the City. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from a wireless facility or related equipment violates applicable provisions in this policy or the Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, this policy, the Municipal Code or other applicable Laws, may require the permittee to commission a noise study by a qualified professional to evaluate the wireless facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of a wireless facility. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. If the permittee fails to complete such repair within the number of days stated on a written notice by the Director, the City may (but shall not have the obligation to) cause such repair to be completed at permittee's sole cost and expense.

- (14) **Annual Affirmation of Radio Frequency Standards Compliance.** On or before January 30th in each calendar year, the permittee acknowledges and agrees that the permittee shall submit: (A) an affirmation, signed by a California licensed RF engineer familiar with the then-current equipment deployed and operated at the wireless facility under penalty of perjury, that the installation is operated in compliance with 47 U.S.C. § 324; (B) an affirmation, signed by a California licensed RF engineer familiar with the then-current equipment deployed and operated at the wireless facility under penalty of perjury, that the installation complies with all applicable FCC rules and regulations for human exposure to RF emissions and will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; and (C) a copy of the fully completed FCC form “A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A” titled “Optional Checklist for Determination of Whether a Facility is Categorically Excluded” for each frequency band of RF emissions to be transmitted from the wireless facility. All radio frequency emissions on all frequency bands must be shown on the Appendix A form(s). All radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power.”
- (15) **Interference with City Communications Systems.** The permittee shall not permit the wireless facility authorized under this permit to interfere with any City communication systems. In the event that the wireless facility is causing interference with any City communication systems, the Director may order the wireless facility to be shut down and powered off until such time as the immediate interference has been mitigated at the permittee’s sole cost and expense. If, after a good faith effort is made to notify the permittee without success, the City may shut down the facility. Any costs incurred by the City shall be at the permittee’s sole cost and expense.
- (16) **Inspections; Emergencies.** The City’s officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the wireless facility and related equipment and/or improvements upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City’s officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City’s officers, officials, staff, agents, contractors or other designees while any such inspection or emergency access occurs.
- (17) **Safety Hazard Protocol.** If the Fire Safety Authority finds good cause to believe that the wireless facility presents an immediate fire risk, electrical hazard or other threat to public health and safety in violation of any applicable

Laws, the Fire Safety Authority may order the wireless facility to be shut down and powered off until such time as the immediate threat has been mitigated, after a good faith effort is made to notify the permittee, if feasible. Any mitigations required shall be at the permittee's sole cost and expense.

- (18) **Abandonment.** The permittee shall notify the Director when the permittee intends to abandon or decommission the wireless facility authorized under this permit. In addition, the wireless facility authorized under this permit shall be deemed abandoned if the wireless facility has not operated for any continuous six-month period and the permittee fails to resume operations within 90 days from a written notice from the Director. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation this policy and the Municipal Code. The permittee, property owner and/or structure owner may request an extension up to 180 days to complete restoration after the wireless facility is abandoned or deemed abandoned, which the Director may grant if the permittee, property owner or structure owner presents evidence of good cause for the extension. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within the required period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.
- (19) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following:
- (A) the name, physical address, notice address (if different from physical address), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) property owner, (iii) structure owner, (iv) site operator, (v) equipment owner, (vi) site manager and (vii) agent for service of process;
  - (B) the regulatory authorizations held by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager as may be necessary for the wireless facility's continued operation;
  - (C) the wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager; and

- (D) a toll-free telephone number to the wireless facility's network operations center where a live person with power-down control over the wireless facility is available 24 hours-per-day, seven days-per-week.

If the entity for the permittee, property owner, structure owner, site operator, equipment owner, site manager, or agent for service of process changes, the permittee shall furnish the City with updated information within ten business days.

Additionally, the permittee must update the signage at the wireless facility to accurately identify the equipment owner/operator, the owner/operator's site name or identification number and the 24 hours-per-day, seven day-per-week, toll-free telephone number to the owner/operator's network operations center whenever such information about the same changes.

- (20) **Indemnification.** The permittee and, if applicable, the owners of the property and the structure upon which the wireless facility is installed (other than the City), shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers (collectively, the "**City Indemnitees**") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or any City Indemnitees to challenge, attack, seek to modify, set aside, void or annul this permit, the City's approval of this permit or the grant of this permit by the operation of law, and (B) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit, the City's approval of this permit, the grant of this permit by the operation of law or the wireless facility. If the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the owners of the property and the structure (if applicable) and shall reasonably cooperate in the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee, property owner and/or structure owner shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

- (21) **Insurance.**

- (A) **Policies and Limits.** The permittee shall obtain and maintain insurance policies as follows:
- (i) **Commercial General Liability Insurance.** Insurance Services Office Form CG 00 01 covering Commercial General Liability (“CGL”) on an “occurrence” basis, with limits not less than \$2,000,000 per occurrence or \$4,000,000 in the aggregate. If a general aggregate limit applies, the general aggregate limit shall apply separately to this project/location. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.
  - (ii) **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
  - (iii) **Workers’ Compensation Insurance.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
  - (iv) **Professional Liability Insurance.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. “Covered Professional Services” as

designed in the policy must specifically include work performed under this permit.

- (B) **Claims-Made Policies.** If the permittee maintains any required insurance under a claims-made form, the permittee shall maintain such coverage continuously throughout the permit term and, without lapse, for at least three years after the permit term expires so that any claims that arise after the expiration in connection with events that occurred during the permit term are covered by such claims-made policies.
- (C) **Umbrella or Excess Liability Policies.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or automotive insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. Permittee shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the City indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.
- (D) **Additional Insured; Separation of Insureds.** The relevant CGL and automotive insurance policies shall name the City, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The required insurance shall contain standard separation of insureds provisions and shall contain no special limitations on the scope of its protection to the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees.
- (E) **Primary Insurance; Waiver of Subrogation.** The required insurance shall be primary with respect to any insurance programs covering the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees. All policies for the required CGL, automotive and workers’ compensation insurance shall provide that the insurance company waives all right of recovery by way of subrogation against the City in connection with any damage or harm covered by such policies.
- (F) **Term; Cancellation Notice.** The permittee shall maintain the required insurance throughout the permit term and shall replace any certificate, policy, or endorsement which will expire prior to that date. The permittee shall use its best efforts to provide 30 calendar days’ prior written notice to the City of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the City within 10 calendar days after the

cancellation or material modification of any applicable insurance policy. The permittee shall promptly take action to prevent cancellation or suspension, reinstate cancelled coverage or obtain coverage from a different qualified insurer.

- (G) **Certificates.** Before the City issues any permit, the permittee shall deliver to the Director insurance certificates and endorsements, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies and endorsements upon a written request by the Director.
  - (H) **Insurer Rating.** Unless approved in writing by the City, all required insurance shall be placed with insurers authorized to do business in the State of California and with a current A.M. Best rating of at least A-:VIII.
- (22) **Removal Bond.** Before the building official or department issues any permits required to commence construction, installation or other work in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the City Attorney and the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or other infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable Laws. The bond shall be valid for at least 10 years or the term of this permit (whichever is greater). In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable Laws. The bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition. If at any time after construction the Director finds good cause to believe that the bond required in this condition no longer adequately covers the removal and restoration costs, the Director may require by written notice that the permittee provide an updated estimate and increase the bond amount to cover any increased costs.
- (23) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this

approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “**Records**”). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the City’s regular files will control over any conflicts between such City-controlled copies or Records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation for the City to create or prepare any Records not otherwise required to be created or prepared by other applicable Laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable Laws.

- (24) **Permit Revocation.** Any permit granted under this policy or deemed granted or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. In addition to other remedies the City may have, the Director may initiate revocation proceedings when the Director has information that the wireless facility may not be in compliance with all applicable Laws, which includes without limitation, any permit in connection with the wireless facility and any associated conditions with such permit(s). A permit granted under this policy or deemed granted or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing and opportunity to cure. Before any public hearing to revoke a permit granted under this policy or deemed granted or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the wireless facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the wireless facility is not in compliance with any applicable Laws, which includes without limitation, any permit in connection with the wireless facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.
- (25) **Cost Reimbursement.** The permittee acknowledges and agrees that (A) the permittee’s request for authorization to construct, install and/or operate the

- wireless facility will cause the City to incur costs and expenses; (B) the permittee shall be responsible to reimburse the City for all actual and reasonable costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the City for all such costs within 10 business days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.
- (26) **Truthful and Accurate Statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the City in connection with this permit or the wireless facility, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
- (27) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the City and permittee and their respective successors and assigns.
- (28) **Severable Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (b) **Modified Conditions.** The approval authority (or appellate authority) may modify, add or remove conditions to any permit on a case-by-case basis as the approval authority (or appellate authority) deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with this policy, the Municipal Code, generally applicable health and safety requirements and/or any other applicable Laws.

#### **Section 14. AMORTIZATION**

Any nonconforming wireless facilities in existence at the time this policy becomes effective must be brought into conformance with this policy in accordance with the amortization schedule in this section. As used in this section, the “fair market value” will be the construction costs listed on the building permit or application for the subject wireless facility and the “minimum years” allowed will be measured from the date on which this policy becomes effective.

Fair Market Value on Effective Date	Minimum Years Allowed
less than \$50,000.....	5
\$50,000 to \$500,000.....	10
greater than \$500,000.....	15

The Director may grant a written extension to a date certain when the wireless facility owner shows (i) a good faith effort to cure non-conformance; (ii) the application of this section would violate applicable laws; or (iii) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this section.

Nothing in this section is intended to limit any permit term to less than 10 years for any permit granted on or after January 1, 2016. In the event that the amortization required in this section would reduce the permit term to less than 10 years for any permit granted on or after January 1, 2016, then the minimum years allowed will be automatically extended by the difference between 10 years and the number of years since the City granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

**Section 15. SPECIAL EXCEPTIONS FOR FEDERAL OR STATE PREEMPTION**

- (a) **Preface.** The provisions in this Section 15 establish a procedure by which the City may grant an exception to the standards in this policy but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in Section 15(b) in addition to the findings required under Section 10(b). Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

- (b) **Required Findings.** The approval authority shall not grant any limited exception pursuant to this Section 15 unless the approval authority finds all the following:
- (1) the applicant has provided the approval authority with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  - (2) the applicant has provided the approval authority with a detailed written statement that explains why: (A) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or (B) a provision in this policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law;
  - (3) the applicant has provided the approval authority with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this policy, the Municipal Code, the general plan and/or any specific plan;
  - (4) the applicant has provided the approval authority with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  - (5) the applicant has demonstrated that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive facilities dispersed throughout the intended service area;
  - (6) the exception requested by the applicant does not compromise or excuse compliance with any fire safety or other public safety standard; and
  - (7) the exception is narrowly tailored such that any deviation from this policy is only to extent necessary for compliance with federal or state law.
- (c) **Evidentiary Standard.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this Section 15. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

- (d) **Expert Review.** Independent expert and/or consultant review, including legal review, will generally be appropriate when considering an exception request, which shall be at the applicant's cost in the same manner as described in Section 8.

## **Section 16. VIOLATIONS**

Any use or condition caused or permitted to exist in violation of any provision of this policy shall be and hereby is declared a public nuisance and may be subject to: (a) injunctive relief as set forth in Municipal Code Chapter 1.16 (Injunctive Relief); (b) administrative citations as set forth in Municipal Code Chapter 1.24 (Administrative Citations); (c) administrative remedies as set forth in Municipal Code Chapter 1.28 (Administrative Remedies); (d) abatement pursuant to Municipal Code Chapter 9.28 (Property Maintenance); and (e) any and all applicable processes and procedures pursuant to the Municipal Code, including but not limited to Chapter 18.140 (Penalties), California Code of Civil Procedure § 731, or any other remedy available to the City.

<b>CITY OF PLEASANTON</b>	<b>POLICY NO. [RESERVED]</b>
<b>Adopted: April 21, 2026</b>	
<b>GENERAL SUBJECT: COLLOCATIONS AND MODIFICATIONS TO EXISTING WIRELESS FACILITIES SUBMITTED AS ELIGIBLE FACILITIES REQUESTS</b>	

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## Section 1. INTRODUCTION AND BACKGROUND

On February 22, 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act. This statute generally requires that state and local governments “may not deny, and shall approve” certain additions and modifications to existing wireless facilities that do not substantially change existing facility’s physical dimensions.<sup>1</sup> Applications covered by this statute are deemed “eligible facilities requests.”<sup>2</sup>

On October 21, 2014, the Federal Communications Commission adopted detailed regulations to interpret and implement Section 6409.<sup>3</sup> The FCC regulations define statutory terms, prohibit certain application requirements, limit application review periods and deem applications automatically granted when the state or local government fails to act within the applicable timeframe. In 2015, the United States Court of Appeals for the Fourth Circuit upheld the FCC’s regulations against a legal challenge by local governments.<sup>4</sup>

On June 10, 2020, the FCC adopted additional regulations purporting to clarify its rules to interpret and implement Section 6409.<sup>5</sup> These additional regulations specified what steps an applicant must take for the shot clock to commence, modified what constitutes a substantial change to a wireless facility and clarified the circumstances under which an environmental assessment is not required. On November 3, 2020, the FCC adopted further regulations that defined wireless facility site boundaries and allowed certain additional excavation and deployment of transmission equipment beyond existing site boundaries.<sup>6</sup>

In 2024, the United States Court of Appeals for the Ninth Circuit overturned the FCC’s interpretation of the term “conceal” and limited the FCC’s attempt to restrict enforcement of pre-existing permitting conditions, but otherwise upheld the FCC’s interpretations that required express evidence to enforce a pre-existing permitting conditions within the Section 6409 process, gave localities less discretion as to when the Section 6409 shot clock begins, imposed no total cumulative limit on the number of additional cabinets attached to poles, and permitted greater height increases than FCC rules previously allowed.<sup>7</sup>

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<sup>1</sup> See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

<sup>2</sup> 47 U.S.C. § 1455(a)(2).

<sup>3</sup> See *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, Report and Order, 30 FCC Rcd. 31 (Oct. 21, 2014); 47 C.F.R. §§ 1.6100 *et seq.*

<sup>4</sup> See *Montgomery Cty. v. FCC*, 811 F.3d 121 (4th Cir. 2015).

<sup>5</sup> See *In re Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, RM-11849, Declaratory Ruling and Notice of Proposed Rulemaking, 35 FCC Rcd. 5977 (Jun. 10, 2020).

<sup>6</sup> See *In re Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, RM-11849 (Nov. 3, 2020); 47 C.F.R. §§ 1.6100 *et seq.*

<sup>7</sup> *League of California Cities v. FCC*, 118 F.4th 995 (9th Cir. 2024).

On **April 21, 2026**, and pursuant to Section 18.110.050 of the Municipal Code, the City Council adopted this policy to conform the City's permit process for eligible facilities requests to federal standards in Section 6409 and the FCC's regulations.

## **Section 2. PURPOSE AND INTENT**

- (a) The City intends this policy to establish reasonable, uniform and comprehensive standards and procedures for eligible facilities requests proposed within the City's territorial and jurisdictional boundaries, consistent with and to the extent permitted under federal and California state law.
- (b) The standards and procedures contained in this policy are intended to, and should be applied, consistent with federal and state law, to protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community.
- (c) This policy is also intended to reflect and promote the community interest by: (1) ensuring that an appropriate balance between public and private interests are maintained; (2) protecting the City's visual character and property values from potential adverse impacts or visual blight created or exacerbated by wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting the City's residential neighborhoods and other family-oriented environments; and (5) ensuring appropriate placement of high-quality, advanced wireless services for the City's residents, businesses and visitors.
- (d) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; or (6) otherwise authorize the City to violate any applicable federal or California state law.

## **Section 3. DEFINITIONS**

The abbreviation, phrases, terms and words used in this policy will have the following meanings assigned to them unless context indicates otherwise. Undefined phrases, terms

or words in this section will have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings.

The definitions in this policy shall control over conflicting definitions for the same or similar abbreviations, phrases, terms or words as may be defined in the Municipal Code. However, if any definition assigned to any phrase, term or word in this chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control. All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

- (a) **“appellate authority” means** the City official or appointed/elected body responsible for review of approval authority decisions and vested with authority to consider and decide appeals. For appeals from the approval authority, the appellate authority shall be the City Manager or their designee.
- (b) **“approval authority” means** the City official or appointed/elected body responsible for application review and vested with the authority to approve, conditionally approve or deny such applications as provided in this policy. The approval authority for applications in connection with eligible facilities requests shall be the Director or their designee.
- (c) **“base station” means** the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), which defines that term as follows:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i) through (ii) of 47 C.F.R. § 1.6100 that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)–(ii) of 47 C.F.R. § 1.6100.

**Note:** As an illustration and not a limitation, the FCC’s definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles and transmission towers, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

- (d) **“City”** means the City of Pleasanton, California.
- (e) **“City Council”** means the City Council of the City of Pleasanton, California.
- (f) **“City Manager”** means the City Manager of the City of Pleasanton, California or the City Manager’s designee.
- (g) **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless facility installed at a single site.
- (h) **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- (i) **“Department”** means the City of Pleasanton Community and Economic Development Department.
- (j) **“Director”** means the City of Pleasanton Community and Economic Development Department Director or the Community and Economic Development Department Director’s designee.
- (k) **“EFR Approval”** means the permit approval required by the City of Pleasanton Community and Economic Development Department in connection with an eligible facilities request subject to this policy.
- (l) **“eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) [c]ollocation of new

transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment.”

- (m) “**eligible support structure**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), which defines that term as “[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.”
- (n) “**existing**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), which provides that “[a] constructed tower or base station is existing for purposes of the FCC’s Section 6409(a) regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”
- (o) “**FCC**” means the “Federal Communications Commission”, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.
- (p) “**Fire Safety Authority**” means the Livermore-Pleasanton Fire Department or their designee.
- (q) “**ministerial permit**” means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, excavation permit, traffic control permit, encroachment permit and/or any similar over-the-counter approval issued by the City’s departments.
- (r) “**Municipal Code**” means the City of Pleasanton Municipal Code.
- (s) “**personal wireless services**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (t) “**personal wireless service facilities**” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), which defines the term as facilities that provide personal wireless services.
- (u) “**RF**” means radio frequency.
- (v) “**Section 6409**” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).

- (w) “**shot clock**” means the presumptively reasonable time defined by the FCC, or time specified under state law, if applicable, in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.
- (x) “**site**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.”
- (y) “**substantial change**” or “**substantially change**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), which defines that term differently based on the particular facility type and location. For clarity, the definition in this policy organizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.
- (1) For towers outside the public rights-of-way, a substantial change occurs when:
- (A) the proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet (whichever is greater); or
  - (B) the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
  - (C) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
  - (D) the proposed collocation or modification involves excavation or deployment outside the current boundaries of the leased or owned property surrounding the wireless tower by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- (2) For towers in the public rights-of-way and for all base stations, a substantial change occurs when:

- (A) the proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
  - (B) the proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
  - (C) the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
  - (D) the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
  - (E) the proposed collocation or modification involves excavation or deployment outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- (3) In addition, for all towers and base stations wherever located, a substantial change occurs when:
- (A) the proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Director; or
  - (B) the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

**Note:** The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).

- (z) “**tower**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services,

as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles (*i.e.*, a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

- (aa) **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), which defines that term as “[e]quipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.”
- (bb) **“wireless”** means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

#### **Section 4. APPLICABILITY**

This policy applies to all requests for the City’s regulatory authorization to collocate, replace or remove transmission equipment at an existing wireless tower or base station, within the City’s territorial or jurisdictional limits, whether on private property or in the public rights-of-way, submitted for approval pursuant to Section 6409.

#### **Section 5. REQUIRED PERMITS AND APPROVALS**

- (a) **EFR Approval.** No person or entity may collocate, replace or remove transmission equipment at or in connection with an existing wireless tower or base station without an EFR Approval issued by the approval authority pursuant to this policy. The purpose of an EFR Approval is to confirm that a proposed collocation or other modification meets the criteria for mandatory approval under applicable federal regulations. Each EFR Approval shall be deemed to be an amendment to the underlying permit that authorizes the existing wireless tower or base station to be modified.
- (b) **Other Permits and Regulatory Approvals.** In addition to an EFR Approval required under this policy, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state, regional or local government agencies, which includes without limitation any permits and/or approvals issued by other City departments or divisions such as encroachment permits for work or facilities in the public right-of-way, before any person or entity collocates, replaces or removes transmission equipment at or in connection with the existing wireless tower or base station. Any application for any for ministerial permits submitted in connection with a proposed EFR Approval must contain a valid EFR Approval issued by the City for the proposed wireless facility. Any application for any ministerial permits submitted without such EFR Approval may

be denied without prejudice. Any EFR Approval granted under this policy or deemed granted or deemed approved by the operation of law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals.

## **Section 6. ADMINISTRATIVE ORDERS AND REGULATIONS**

In addition to the requirements in this policy, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and convenience. The Director is also authorized to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for submittal appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such requirements, materials, rules and regulations must be in written form and publicly stated.

## **Section 7. PERMIT APPLICATIONS**

- (a) **Application Required.** The approval authority shall not approve any EFR Approval application except upon a complete and duly filed application consistent with this section and any other written rules or requirements the City or the Director may establish from time to time in any publicly-stated format.
- (b) **Application Fee/Deposit.** The applicant shall submit the applicable EFR Approval permit application fee, application review deposit, or combination application fee and review deposit adopted by City Council resolution at the time of application. If no EFR Approval application fee, application review deposit, or combination application fee and review deposit has been adopted at the time of application, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application within 10 business days after the City issues a written demand for reimbursement. Additional deposits shall be required if the deposit is inadequate and must be replenished. If the deposit exceeds the actual costs, the difference will be returned to the applicant following final inspection in event of an approval, withdrawal of the application, or the conclusion of any appeals or expiration of any appeal periods, whichever occurs later, in event of a denial.
- (c) **Application Content.** All applications for an EFR Approval must include all the information and materials required by the Director for the application. The Director is authorized to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All such requirements must be in written form and publicly stated and available. Notwithstanding anything in this policy to the contrary, all applications shall, at a minimum, require the

applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which include without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

- (d) **Voluntary Pre-Application Conferences.** The Department shall provide prospective applicants with the opportunity to schedule and attend a voluntary pre-application conference with Department staff. The City strongly encourages, but does not require, pre-application conferences for all applications. This voluntary pre-application conference process, including but not limited to any requests for conferences or meetings, submittal of pre-application materials, or the occurrence of any conferences or meetings, does not, and shall not be deemed to, commence any shot clocks. This voluntary pre-application conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless facility, such as compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other City departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Department shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-application conference.
- (e) **Application Submittal.** Unless the Director establishes an alternative submittal procedure pursuant to Section 6, all applications submitted, or resubmitted in response to an incomplete notice as the case may be, under this policy must be submitted to the Department through the online permitting portal only during the Department's "Permit Center Hours" as published on the Department's website. The Department's Permit Center Hours exclude City holidays or other days that the City is closed. Any applications submitted, or resubmitted as the case may be, after such Permit Center Hours will be deemed submitted, or resubmitted, and received by the Department at the start of "Permit Center Hours" on the next scheduled working day. Any application received in a manner not authorized by this policy or alternatives established by the Director, whether delivered in-person, by mail, electronically or through any other means, will not be considered duly filed whether the City retains the submitted materials or not.
- (f) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any EFR Approval application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender

a substantive response to the Department within 90 calendar days after the Department deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 60 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

## **Section 8. PEER AND INDEPENDENT CONSULTANT REVIEW**

- (a) **Authorization.** The Director is authorized to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any EFR Approval application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include, without limitation: (1) permit application completeness and/or accuracy; (2) compliance with applicable regulations for human exposure to RF emissions; (3) whether and to what extent a proposed project will comply with applicable laws, including but not limited to this policy; (4) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and (5) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
- (b) **Cost Reimbursement / Deposit.** Subject to applicable laws, if the Director elects to retain an independent consultant in connection with any permit application, then the applicant shall be responsible for the actual and reasonable costs incurred by the City in connection with the services provided, which may include, without limitation, actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings related to the permit application and the City's actual and reasonable costs incurred to administer the independent consultant contract. The applicant shall tender to the City a deposit in an amount equal to the estimated actual and reasonable cost for the services to be provided, as determined by the Director if no deposit amount has been established and paid pursuant to Section 7(b) of this policy. The deposit funds shall be applied to the independent consultant's invoices as such invoices are approved by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. If the deposit exceeds the total costs for the independent consultant's services, then the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection. If the reasonable costs for the independent consultant's services exceed the deposit, then the Director shall invoice the applicant for the

balance. The Director is authorized to develop, publish and from time-to-time, update a standard deposit agreement consistent with this section. The City shall not issue any construction or encroachment permits to any applicant with any unpaid deposit requests or invoices.

- (c) **Fire Safety Authority Independent Consultants.** In addition, the Fire Safety Authority has the authority to select and retain an independent consultant with expertise and/or specialized training in fire safety and fire hazard mitigation and prevention satisfactory to the Fire Safety Authority in connection with any application. The Fire Safety Authority may request independent consultant review on any matter referred or committed to the Fire Safety Authority for review or approval. Subject to applicable laws, in the event that the Fire Safety Authority elects to retain an independent consultant in connection with any application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include without limitation any actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings and the Fire Safety Authority's actual and reasonable costs to administer the independent consultant contract. The same procedures for fee deposits, cost reimbursements and refunds to the applicant as described above in Section 8(b) shall be applicable to independent consultant review required by the Fire Safety Authority.

## **Section 9. APPROVALS; DENIALS; APPEALS**

- (a) **Initial Notice and Administrative Review.** The approval authority shall review a complete and duly filed application for an EFR Approval and may act on such application without prior notice or a public hearing.
- (b) **Required Findings for Approval.** The approval authority may approve or conditionally approve an application for an EFR Approval when the approval authority finds that the proposed project:
- (1) involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - (2) does not substantially change the physical dimensions of the existing wireless tower or base station.
- (c) **Criteria for Denial.** Notwithstanding any other provision in this policy, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice any application for an EFR Approval when the approval authority finds that the proposed project:
- (1) does not meet the findings required in Section 9(b) of this policy;
  - (2) involves the replacement of the entire support structure; or

- (3) violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.
- (d) **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this policy is intended to limit the approval authority's authority to conditionally approve an application for an EFR Approval to protect and promote the public health and safety.
- (e) **Decision Notices.** Within five days after the approval authority acts on an application for an EFR Approval, the approval authority shall send a written notice to the applicant. If the approval authority denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that denial will be without prejudice; and (3) instructions for how and when to file an appeal if the applicant so chooses.
- (f) **Appeals.** Any applicant may appeal the approval authority's written decision to deny without prejudice an application for EFR Approval to the City Manager provided that: (1) an appeal notice must be filed with the City Clerk within seven calendar days from the date of the approval authority's decision; (2) an appeal must be timely and duly filed with the City Clerk on a form provided by the City Clerk, or if no such form is available, in a writing that states in plain terms the grounds for appeal and the facts that support those grounds; and (3) the City Manager shall consider appeals *de novo* without notice or a public hearing; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this policy and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further City appeals or petitions for reconsideration. No persons or entities other than the applicant may initiate the appeal process described in this section; however, nothing in this section is intended to prevent or discourage any interested persons or entities from providing the City with information that may be used to initiate permit revocation proceedings.

## **Section 10. STANDARD CONDITIONS FOR APPROVED PERMITS**

- (a) **Standard Conditions.** Except as may be authorized in Section 10(b), all EFR Approvals issued under this policy or deemed granted or deemed approved by the operation of law shall be automatically subject to the conditions in this Section 10(a) and these conditions shall be deemed to be incorporated by reference into such EFR Approvals.
  - (1) **Permit Term.** The City's grant or any approval deemed granted by operation of law of an EFR Approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or

base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or any approval deemed granted by operation of law of this EFR Approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization in connection with the wireless tower or base station to be modified. Accordingly, the term for this EFR Approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station, and any renewals thereof.

- (2) **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any eligible facilities request(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved eligible facilities requests or the approval authority grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the approval authority may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated eligible facilities request when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.
- (3) **City's Standing Reserved.** The City's grant or grant by operation of law of an EFR Approval pursuant to this policy does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409, any eligible facilities request or any EFR Approval issued pursuant to this policy.
- (4) **Compliance with Approved Plans.** Before the permittee submits any applications to the building official required to commence construction in connection with this EFR Approval, the permittee must incorporate this EFR Approval, all conditions associated with this EFR Approval and any approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in strict compliance, as determined by the approval authority, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the approval authority's prior review and approval. The approval authority may revoke the EFR Approval if the approval authority finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended.

- (5) **CPUC GO-159A Certification.** Within 15 business days after the City's grant of this EFR Approval or any EFR Approval is deemed granted or deemed approved by the operation of law, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.
- (6) **Build-Out Period.** This EFR Approval will automatically expire 12 months from the approval date or deemed granted or deemed approved date (the "**Build-Out Period**") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the wireless facility and/or its use. The permittee may request in writing, and the Director may grant in writing, one 12-month extension to the Build-Out Period if the permittee submits, at least 30 days prior to the automatic expiration date in this condition, substantial and reliable written evidence demonstrating justifiable cause for the 12-month extension submitted. If the Build-Out Period (and any extension) finally expires, this EFR Approval shall be automatically void but the permittee may resubmit a complete application, which includes without limitation all application fees, for the same or a substantially similar project.
- (7) **Pre-Installation Requirements.** In addition to obtaining all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use, the permittee shall, prior to commencement of any installation or construction, attend a pre-grading meeting with the Public Works Department regarding temporary Best Management Practices ("**BMPs**") pertaining to discharges from the construction site. Before the permittee can proceed with installation or construction of the approved wireless facility, the Public Works Department must inspect and approve the permittee's installation of such temporary BMPs.
- (8) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations at the wireless facility, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include, without limitation, electronic as-built drawings prepared by a California licensed civil engineer, GIS data and site photographs. In a written notice to the permittee, the Director may (but shall not have the obligation to) either certify that the wireless facility complies with the Approved Plans or order the permittee to correct any noncompliance.

- (9) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean, safe and code compliant condition in accordance with the Approved Plans and all conditions in this EFR Approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the site to determine whether any maintenance is needed. The permittee shall perform any maintenance requested by the City for compliance with this condition within a reasonable time specified by the Director in a written notice to the permittee. Routine maintenance within residential zones shall be restricted to the City's normal construction work hours specified in the Municipal Code. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (10) **Landscape Features.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
- (11) **Compliance with Applicable Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this EFR Approval, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). If the Director finds good cause to believe that the wireless facility is not in compliance with any Laws applicable to human exposure to RF emissions, the Director may (A) require the permittee to submit a written report certified by a qualified radio frequency engineer familiar with the wireless facility that certifies that the wireless facility is in compliance with all such Laws; or (B) require that a field test to measure the RF exposure levels be conducted by an independent consultant. Any field measurement tests conducted by the City or its independent consultant shall be at random times without prior notice to the permittee or site operator. The Director shall require an onsite compliance test in situations where applicable Laws would authorize the City to require such testing at the permittee's expense. The Director may order the facility to be immediately powered down if, based on objective evidence, the Director finds that the wireless facility is in fact not in compliance with any Laws applicable,

including, without limitation, Laws applicable to human exposure to RF emissions until such time that the permittee demonstrates actual compliance with such Laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. No failure or omission by the City to timely notice, prompt or promptly enforce compliance with any applicable provision in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws.

- (12) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during the City's normal construction work hours authorized by the Municipal Code or as may be specified in other permits authorizing such work. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare an emergency within the City. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from a wireless facility or related equipment violates applicable provisions in this policy or the Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, the Municipal Code or other applicable Laws, may require the permittee to commission a noise study by a qualified professional to evaluate the wireless facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of a wireless facility. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. If the permittee fails to complete such repair within the number of days stated on a written notice by the Director, the City may (but shall not have the obligation to) cause such repair to be completed at permittee's sole cost and expense.
- (13) **Annual Affirmation of Radio Frequency Standards Compliance.** On or before January 30th in each calendar year, the permittee acknowledges and agrees that the permittee shall submit: (A) an affirmation, signed by an RF

engineer familiar with the then-current equipment deployed and operated at the wireless facility under penalty of perjury, that the installation is operated in compliance with 47 U.S.C. § 324; (B) an affirmation, signed by an RF engineer familiar with the then-current equipment deployed and operated at the wireless facility under penalty of perjury, that the installation complies with all applicable FCC rules and regulations for human exposure to RF emissions and will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; and (C) a copy of the fully completed FCC form “A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A” titled “Optional Checklist for Determination of Whether a Facility is Categorically Excluded” for each frequency band of RF emissions to be transmitted from the wireless facility. All radio frequency emissions on all frequency bands must be shown on the Appendix A form(s). All radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power.”

- (14) **Interference with City Communications Systems.** The permittee shall not permit the wireless facility authorized under this EFR Approval to interfere with any City communication systems. In the event that the wireless facility is causing interference with any City communication systems, the Director may order the wireless facility to be shut down and powered off until such time as the immediate interference has been mitigated at the permittee’s sole cost and expense. If, after a good faith effort is made to notify the permittee without success, the City may shut down the facility. Any costs incurred by the city shall be at the permittee’s sole cost and expense.
- (15) **Inspections; Emergencies.** The City’s officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the wireless facility and related equipment and/or improvements upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City’s officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City’s officers, officials, staff, agents, contractors or other designees while any such inspection or emergency access occurs.
- (16) **Safety Hazard Protocol.** If the Fire Safety Authority finds good cause to believe that the wireless facility presents an immediate fire risk, electrical hazard or other threat to public health and safety in violation of any applicable Laws, the Fire Safety Authority may order the wireless facility to be shut down and powered off until such time as the immediate threat has been mitigated, after a good faith effort is made to notify the permittee, if feasible. Any mitigations required shall be at the permittee’s sole cost and expense.

- (17) **Abandonment.** The permittee shall notify the Director when the permittee intends to abandon or decommission the wireless facility authorized under this EFR Approval. In addition, the wireless facility authorized under this EFR Approval shall be deemed abandoned if the wireless facility has not operated for any continuous six-month period and the permittee fails to resume operations within 90 days from a written notice from the Director. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation, this policy and the Municipal Code. The permittee, property owner and/or structure owner may request an extension up to 180 days to complete restoration after the wireless facility is abandoned or deemed abandoned, which the Director may grant if the permittee, property owner or structure owner presents evidence of good cause for the extension. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within the required period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.
- (18) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this EFR Approval, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following:
- (A) the name, physical address, notice address (if different from physical address), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) property owner, (iii) structure owner, (iv) site operator, (v) equipment owner, (vi) site manager and (vii) agent for service of process;
  - (B) the regulatory authorizations held by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager as may be necessary for the wireless facility's continued operation;
  - (C) the wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager; and

- (D) a toll-free telephone number to the wireless facility's network operations center where a live person with power-down control over the wireless facility is available 24 hours-per-day, seven days-per-week.

If the entity for the permittee, property owner, structure owner, site operator, equipment owner, site manager, or agent for service of process changes, the permittee shall furnish the City with updated information within 10 business days.

Additionally, the permittee must update the signage at the wireless facility to accurately identify the equipment owner/operator, the owner/operator's site name or identification number and the 24 hours-per-day, seven day-per-week, toll-free telephone number to the owner/operator's network operations center whenever such information about the same changes

- (19) **Indemnification.** The permittee and, if applicable, the owners of the property and the structure upon which the wireless facility is installed (other than the City), shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers (collectively, the "**City Indemnitees**") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or any City Indemnitees to challenge, attack, seek to modify, set aside, void or annul this EFR Approval, the City's grant of this EFR Approval or the grant of this EFR Approval by the operation of law, and (B) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this EFR Approval, the City's grant of this EFR Approval, the grant of this EFR Approval by the operation of law or the wireless facility. If the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the owners of the property and the structure (if applicable) and shall reasonably cooperate in the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee, property owner and/or structure owner shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this EFR Approval, and that such indemnification obligations will survive the expiration, revocation or other termination of this EFR Approval.

- (20) Insurance.

- (A) **Policies and Limits.** The permittee shall obtain and maintain insurance policies as follows:
- (i) **Commercial General Liability Insurance.** Insurance Services Office Form CG 00 01 covering Commercial General Liability (“CGL”) on an “occurrence” basis, with limits not less than \$2,000,000 per occurrence or \$4,000,000 in the aggregate. If a general aggregate limit applies, the general aggregate limit shall apply separately to this project/location. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.
  - (ii) **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
  - (iii) **Workers’ Compensation Insurance.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
  - (iv) **Professional Liability Insurance.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. “Covered Professional Services” as

designed in the policy must specifically include work performed under this permit.

- (B) **Claims-Made Policies.** If the permittee maintains any required insurance under a claims-made form, the permittee shall maintain such coverage continuously throughout the permit term and, without lapse, for at least three years after the permit term expires so that any claims that arise after the expiration in connection with events that occurred during the permit term are covered by such claims-made policies.
- (C) **Umbrella or Excess Liability Policies.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or automotive insurance coverage listed above, the umbrella or excess liability policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. Permittee shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the City indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.
- (D) **Additional Insured; Separation of Insureds.** The relevant CGL and automotive insurance policies shall name the City, its elected/ appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The required insurance shall contain standard separation of insureds provisions and shall contain no special limitations on the scope of its protection to the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees.
- (E) **Primary Insurance; Waiver of Subrogation.** The required insurance shall be primary with respect to any insurance programs covering the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees. All policies for the required CGL, automotive and workers’ compensation insurance shall provide that the insurance company waives all right of recovery by way of subrogation against the City in connection with any damage or harm covered by such policies.
- (F) **Term; Cancellation Notice.** The permittee shall maintain the required insurance throughout the permit term and shall replace any certificate, policy, or endorsement which will expire prior to that date. The permittee shall use its best efforts to provide 30 calendar days’ prior written notice to the City of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the City within 10 calendar days after the

cancellation or material modification of any applicable insurance policy. The permittee shall promptly take action to prevent cancellation or suspension, reinstate cancelled coverage or obtain coverage from a different qualified insurer.

- (G) **Certificates.** Before the City issues any EFR Approval or permit, the permittee shall deliver to the Director insurance certificates and endorsements, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies and endorsements upon a written request by the Director.
  - (H) **Insurer Rating.** Unless approved in writing by the City, all required insurance shall be placed with insurers authorized to do business in the State of California and with a current A.M. Best rating of at least A-:VIII.
- (21) **Removal Bond.** Before the building official or department issues any permits required to commence construction, installation or other work in connection with this EFR Approval, the permittee shall post a bond issued by a surety and in a form acceptable to the City Attorney and the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or other infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable Laws. The bond shall be valid for at least 10 years or the term of the underlying permit or other prior regulatory authorization for the subject tower or base station (whichever is greater). In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable Laws. The bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition. If at any time after construction the Director finds good cause to believe that the bond required in this condition no longer adequately covers the removal and restoration costs, the Director may require by written notice that the permittee provide an updated estimate and increase the bond amount to cover any increased costs.
- (22) **Record Retention.** Throughout the term of the underlying permit, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the EFR Approval application, EFR

Approval, the approved plans and photo simulations incorporated into this EFR Approval, all conditions associated with this EFR Approval, any ministerial permits or approvals issued in connection with this EFR Approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the EFR Approval (collectively, “**Records**”). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the City’s regular files will control over any conflicts between such City-controlled copies or Records and the permittee’s electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation for the City to create or prepare any Records not otherwise required to be created or prepared other applicable Laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable Laws.

- (23) **Permit Revocation.** Any EFR Approval granted under this policy or deemed granted or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. In addition to any other remedies the City may have, the City may recall this EFR Approval for review at any time due to complaints about noncompliance with applicable Laws or any approval conditions attached to this EFR Approval after notice and an opportunity to cure the violation is provided to the permittee. If the noncompliance continues after notice and reasonable opportunity to cure the noncompliance, the approval authority may revoke this EFR Approval or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance. Any revocation or amendment must be supported by substantial evidence in the written record. Within five business days after the approval authority adopts a resolution to revoke the EFR Approval, the approval authority shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation and any administrative appeal procedures.
- (24) **Cost Reimbursement.** The permittee acknowledges and agrees that (A) the permittee’s request for authorization to construct, install and/or operate the collocated or otherwise modified wireless facility will cause the City to incur costs and expenses; (B) the permittee shall be responsible to reimburse the City for all actual and reasonable costs incurred in connection with the EFR Approval, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the collocated or otherwise modified wireless facility; (C) any application fees

required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the City for all such costs within 10 business days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.

- (25) **Truthful and Accurate Statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the City in connection with the EFR Approval or the collocation or other modification authorized under the EFR Approval, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
  - (26) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this EFR Approval will bind and inure to the benefit of the City and permittee and their respective successors and assigns.
  - (27) **Severable Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this EFR Approval; (B) all other provisions in this EFR Approval or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this EFR Approval or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (b) **Modified Conditions.** The approval authority (or appellate authority) may modify, add or remove conditions to any EFR Approval on a case-by-case basis as the approval authority (or appellate authority) deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with this policy, the Municipal Code, generally applicable health and safety requirements and/or any other applicable Laws.

<b>CITY OF PLEASANTON</b>	<b>POLICY NO. [RESERVED]</b>
<b>CITY COUNCIL POLICY</b>	<b>Adopted:</b> March 11, 2019 <b>Amended and Restated:</b> April 21, 2026
<b>GENERAL SUBJECT: SMALL WIRELESS FACILITIES</b>	

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## Section 1. INTRODUCTION AND BACKGROUND

Local authority over communications facilities in the public rights-of-way exists at an often-complex intersection between state law, federal law, changes in technologies and public policies. Laws and regulations impact not only whether municipalities may regulate, but how, when and even for what purpose.

These introductory remarks provide a brief background on the legal and technological developments relevant to the City of Pleasanton's ability to regulate commercial wireless facilities within the public rights-of-way.

### **California Law**

The legislature's control over the relationship between municipalities and communication providers is as longstanding as the state itself is old. In 1850, the California legislature enacted a law to give telegraph corporations a so-called statewide franchise to use the public rights-of-way in the state to provide their services, so long as the use did not "incommode" the streets for other public uses. The legislature codified this law in 1872 as Civil Code Section 536 and then recodified it in 1951 as Public Utilities Code Section 7901. The current version applies to "telephone corporations" and includes personal wireless service providers.<sup>1</sup>

Section 7901 prohibits local franchises for telephone corporations but does not completely displace all other police powers held by municipalities in California.<sup>2</sup> For example, municipalities retain traditional zoning authority to regulate placement and aesthetics to ensure that communications infrastructure does not incommode the public rights-of-way.<sup>3</sup> In addition, Public Utilities Code Section 7901.1, a sister statute to Section 7901, bolsters local authority to regulate the time, place manner in which communications providers perform construction, maintenance and other operations within the public rights-of-way.<sup>4</sup>

Overall, California state law strikes a balance between the state-wide interest in a broadly available communications network and the local interest in well-planned development. Local governments cannot flatly refuse to approve deployments, but providers cannot build whatever they want wherever they want. These state laws must be reconciled with federal laws that affect local authority over communication facilities in the public rights-of-way.

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<sup>1</sup> CAL. PUB. UTILS. CODE § 7901; *Huntington Beach v. CPUC*, 154 Cal. Rptr. 3d 241, 257 (Ct. App. 2013); *GTE Mobilnet of Cal. Ltd. v. San Francisco*, 440 F. Supp. 2d 1097, 1103 (N.D. Cal. 2006).

<sup>2</sup> See *T-Mobile West LLC v. City & County of San Francisco*, 438 P.3d 239, 249 (Cal. 2019)

<sup>3</sup> See *id.* at 244–45.

<sup>4</sup> CAL. PUB. UTILS. CODE § 7901.1; see also *San Francisco*, 438 P.3d at 250.

## **Federal Law**

In 1996, Congress adopted the Telecommunications Act<sup>5</sup> to balance the national interest in advanced communications services and infrastructure with legitimate local government authority to enforce zoning and other regulations to manage infrastructure deployments on private property and in the public rights-of-way. Under Section 704, which applies to personal wireless service facilities, local governments retain all their traditional zoning authority subject to specifically enumerated limitations.<sup>6</sup> Section 253 preempts local regulations that prohibit or effectively prohibit telecommunication services (*i.e.*, common carrier services) except competitively neutral and nondiscriminatory regulations to manage the public rights-of-way and require fair and reasonable compensation.<sup>7</sup>

### **Small Wireless Facilities and Changes in Federal Law**

Communication technologies have significantly changed since 1996. Whereas cell sites were traditionally deployed on tall towers and rooftops over low frequency bands that travel long distances, cell sites are increasingly installed on streetlights and utility infrastructure on new frequency bands that travel shorter distances. According to the Federal Communications Commission (“FCC”) and the wireless industry, these so-called “small wireless facilities” or “small cells” are essential to the next technological evolution. The industry currently estimates that each national carrier will need to deploy between 30 and 60 small cells, connected by approximately 8 miles of fiber optic cable, per square mile.

FCC regulations seek to promote these new technologies by preempting state and local authority the FCC views as an impediment to deployment. On September 27, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, FCC 18-133 (the “*Small Cell Order*”), in connection with two informal rulemaking proceedings entitled Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79, and Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84. In general, the *Small Cell Order*: (1) restricted the fees and other compensation state and local governments may receive from applicants; (2) required all aesthetic regulations to be reasonable, no more burdensome than those applied to other infrastructure deployments, objective and published in advance; (3) mandated that local officials negotiate access agreements, review permit applications and conduct any appeals within significantly shorter timeframes; and (4) created new evidentiary presumptions that make it more difficult for local governments to defend themselves if an action or failure to act is challenged in court.

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<sup>5</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>6</sup> 47 U.S.C. § 332(c)(7)(A); *T-Mobile S., LLC v. City of Roswell*, 574 U.S. 293, 300 (2015). These limitations include substantive restrictions on municipal authority to prohibit or effectively prohibit services, unreasonably discriminate among functionally equivalent service providers and regulate based on environmental effects from radiofrequency (“RF”) emissions that meet federal exposure standards. 47 U.S.C. §§ 332(c)(7)(B)(i), (iv). Section 704 also imposes procedural requirements that require local officials to act on applications within a reasonable time and issue written decisions supported by substantial evidence. *Id.* §§ 332(c)(7)(B)(ii)–(iii).

<sup>7</sup> 47 U.S.C. §§ 253(a), (c).

This controversial order significantly curtailed state and local authority over wireless and wireline communication facilities reserved to them in the Telecommunications Act.

Municipalities, large and small, urban and rural, from all over the United States challenged the *Small Cell Order* in federal court. On August 12, 2020, the United States Court of Appeals for the Ninth Circuit invalidated many aesthetic restrictions in the *Small Cell Order* but largely upheld the other restrictions. *Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020). The court specifically invalidated the requirements that aesthetic regulations be objective and no more burdensome than those applied to other infrastructure deployments. See *id.* at 1039–42. Although municipalities may exercise reasonable discretion over small wireless facilities, they must do so on an expedited basis to meet the short shot clock limits. Municipalities sought review by the United States Supreme Court on the Ninth Circuit’s decision to uphold the FCC’s fee restrictions, but the Supreme Court denied that petition. See Order Denying Petition for Certiorari, *Sprint Corp. v. FCC*, No. 20-1354 (June 28, 2021). Thus, the *Small Cell Order*, as modified by the Ninth Circuit’s partial invalidation, is final with no further pending judicial review.

### ***Small Wireless Facilities and Changes in State Law***

On October 8, 2023, Governor Gavin Newsom signed into law Assembly Bill 965 which added Section 65964.3 to the Government Code to require local agencies to undertake batch broadband permit processing of two or more broadband permit applications for substantially similar broadband project sites under a single permit. The definition of “broadband project” under the statute is broad enough to include small wireless facilities. The statute also extends the existing state law “deemed approved” remedy in Government Code Section 65964.1 if a city or county fails to approve or disapprove a broadband permit application within a reasonable period of time specified in applicable law subject to certain requirements and limitations.

### ***Pleasanton’s Small Cell Wireless Policy***

On March 11, 2019, the Pleasanton City Council adopted an initial small wireless facilities policy.

On **April 21, 2026**, and pursuant to Section 18.110.040 of the Municipal Code, the City Council adopted this amended and restated policy to update and conform the City’s permit process for small wireless facilities with applicable law.

## **Section 2. PURPOSE AND INTENT**

- (a) The City intends this policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City’s public rights-of-way, consistent with and to the extent permitted under federal and California state law.

- (b) The standards and procedures contained in this policy are intended to, and should be applied, consistent with federal and state law, to protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community.
- (c) This policy is also intended to reflect and promote the community interest by (1) ensuring that an appropriate balance between public and private interests are maintained; (2) protecting the City's visual character and property values from potential adverse impacts and/or visual blight created and/or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting and preserving the City's public rights-of-way and municipal infrastructure located within the City's public rights-of-way; (5) protecting the City's residential neighborhoods and other family-oriented environments, and (6) ensuring appropriate placement of high-quality, advanced wireless services for the City's residents, businesses and visitors.
- (d) This policy is intended to establish clear procedures for application intake and completeness review. The City Council finds that chronically incomplete applications significantly contribute to unreasonable delay and create barriers to infrastructure deployment. Chronically incomplete applications unfairly prejudice other applicants who may be prepared to submit complete applications for infrastructure in the same or substantially the same location. Chronically incomplete applications also unfairly prejudice the City's ability to act on such applications within the "presumptively reasonable" timeframes established by the FCC. The provisions in this policy afford applicants and City staff opportunities for direct, real-time communication about completeness issues to mitigate incomplete applications prior to submittal. The provisions in this policy also encourage applicants to timely respond to incomplete notices.
- (e) This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to violate any applicable federal or California state law.

### Section 3. DEFINITIONS

The abbreviation, phrases, terms and words used in this policy will have the following meanings assigned to them unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings.

The definitions in this policy shall control over conflicting definitions for the same or similar abbreviations, phrases, terms or words as may be defined in the Municipal Code. However, if any definition assigned to any phrase, term or word in this chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control. All references to codified statutes, regulations or other rules shall be deemed to refer to such statutes, regulations or other rules as they may be amended or superseded.

- (a) **“accessory equipment”** means equipment other than antennas used in connection with a small wireless facility. The term includes “transmission equipment” as defined by the FCC in 47 C.F.R. § 1.6100(b)(8).
- (b) **“amateur station”** means the same as defined by the FCC in 47 C.F.R. § 97.3, which defines the term as “a station in an amateur radio service consisting of the apparatus necessary for carrying on radiocommunications.” This term includes amateur radio antennas and related facilities used for amateur radio services.
- (c) **“antenna”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b).
- (d) **“appellate authority”** means the City official or appointed/elected body responsible for review of approval authority decisions and vested with authority to consider and decide appeals. For appeals from the approval authority, the appellate authority shall be the City Manager or their designee.
- (e) **“approval authority”** means the City official or appointed/elected body responsible for application review and vested with authority to approve, conditionally approve or deny such applications as provided in this policy. The approval authority for applications in connection with small wireless facilities shall be the Director or their designee.
- (f) **“architecturally integrated”** means stealth concealment that mimics the existing architecture, design, materials and finishes of the underlying structure such that the small wireless facility appears to be something other than a small wireless facility and part of the original structure’s design.
- (g) **“arterial road”** means a road designed to feed through-traffic to freeways, provide access to adjacent land uses – mostly at intersections – and feature traffic control measures. The term “arterial road” as used in this policy is defined in the City of Pleasanton General Plan, Circulation Element.

- (h) **“batched application”** means the same as defined in California Government Code § 65964.3.
- (i) **“City”** means the City of Pleasanton, California.
- (j) **“City Council”** means the City Council of the City of Pleasanton, California.
- (k) **“City Manager”** means the City Manager of the City of Pleasanton, California or the City Manager’s designee.
- (l) **“collector road”** means a road designed to provide access to adjacent land uses and feed local traffic to arterials. The term “collector road” as used in this policy includes collectors as defined in the City of Pleasanton General Plan, Circulation Element.
- (m) **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g).
- (n) **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- (o) **“decorative pole”** means any pole that includes decorative or ornamental features, design elements and/or materials for aesthetic purposes.
- (p) **“Department”** means the City of Pleasanton Community and Economic Development Department.
- (q) **“Director”** means the City of Pleasanton Community and Economic Development Department Director or the Community and Economic Development Department Director’s designee.
- (r) **“eligible facilities request”** means the same as defined in 47 U.S.C. § 1455(a)(2), and as interpreted by the FCC in 47 C.F.R. § 1.6100(b)(3).
- (s) **“FCC”** means the “Federal Communications Commission”, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.
- (t) **“Fire Safety Authority”** means the Livermore-Pleasanton Fire Department or their designee.
- (u) **“historic resource”** means any prehistoric or historic district, neighborhood, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places or the California Register of Historical Resources, or identified in the City of Pleasanton General Plan or the Downtown Specific Plan. The term includes artifacts, records and remains related to or located within such

properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

- (v) **“local road”** means a road designed to serve only adjacent land uses in both commercial and residential areas and provide direct access to these land uses. The term “local road” as used in this policy includes local streets as defined in the City of Pleasanton General Plan, Circulation Element.
- (w) **“ministerial permit”** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, excavation permit, traffic control permit, encroachment permit and/or any similar over-the-counter approval issued by the City’s departments.
- (x) **“Municipal Code”** means the City of Pleasanton Municipal Code.
- (y) **“non-pole concealment structure”** means a structure within the public rights-of-way, other than a pole, that can be adapted (either in its current form or through a replacement) to conceal antennas and/or accessory equipment for small wireless facilities. Examples may include, without limitation, monuments, kiosks, bus shelters and other street furniture.
- (z) **“OTARD”** means any “over-the-air reception device” subject to 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and certain fixed wireless antennas not greater than one meter in diameter.
- (aa) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii).
- (bb) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i).
- (cc) **“persons entitled to notice”** means (1) all real property owners; and (2) all occupants of each physical address for all properties, each within 300 feet of the exterior boundaries of the proposed small wireless facility. Mailed notice will be deemed given to real property owners when sent to the address listed on the most recent equalized assessment roll. Mailed notice will be deemed given to all occupants when sent to the real property’s physical address.
- (dd) **“prohibited support structure”** means any support structure on which the City prohibits the deployment of small wireless facilities, except when authorized as a pre-approved design pursuant to this policy. Prohibited support structures include decorative poles and decorative streetlights; the Main Street “Pleasanton Arch”; traffic signals, signs, poles, cabinets and related devices and structures; new, nonreplacement wood poles; and any utility pole scheduled or reasonably

anticipated to be scheduled for removal within 18 months from the time the Director acts on the application for such pole.

- (ee) **“public right-of-way”** or **“public rights-of-way”** means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.
- (ff) **“residential collector road”** means a road designed to provide access to residential areas and feed traffic from local streets to arterials. The term “residential collector road” as used in this policy includes residential collectors as defined in the City of Pleasanton General Plan, Circulation Element.
- (gg) **“RF”** means radio frequency.
- (hh) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a).
- (ii) **“shot clock”** means the presumptively reasonable time defined by the FCC, or time specified under state law, if applicable, in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless service facilities.
- (jj) **“Small Cell Permit”** means the permit approval required by the City of Pleasanton Community and Economic Development Department to authorize the use of small wireless facilities subject to this policy.
- (kk) **“small wireless facility”, “small wireless facilities”** or **“SWF”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l).
- (ll) **“stealth”** means concealment elements, measures and techniques to: (1) architecturally integrate a small wireless facility into the underlying support structure; or (2) add new architectural features in style, proportion and construction quality with the underlying support structure or blend with or mimic the surrounding built or natural environment and adjacent uses (*e.g.*, antennas mounted within a radome above a streetlight, equipment cabinets in the public rights-of-way painted or wrapped to match the background, etc.), and in either event, to completely screen all transmission equipment from public view. The foregoing stealth concealment techniques examples are included without limitation.

#### **Section 4. APPLICABILITY**

- (a) **General.** This policy applies to all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities within the public rights-of-way within the City's territorial and jurisdictional boundaries, unless expressly exempted pursuant to this Section 4.
- (b) **Small Wireless Facilities on City Property or Structures.** This policy applies to permit applications, submitted to the City in its regulatory capacity as the permitting agency, for small wireless facilities on property or structures owned or controlled by the City and located within the public rights-of-way; provided, however, that this policy does not govern whether or under what terms and conditions the City, in its proprietary capacity as the property or structure owner, would lease, license or otherwise allow a small wireless facility on such property or structures.
- (c) **Eligible Facilities Requests.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to eligible facilities requests and/or other applications submitted for approval pursuant to Section 6409.
- (d) **Other Exemptions.** Notwithstanding anything in this policy to the contrary, this policy shall not be applicable to the following:
  - (1) wireless facilities operated for public purposes by the City or through joint powers authorities that the City is a member;
  - (2) small wireless facilities installed completely indoors and used to extend personal wireless services into a business or the subscriber's private residence, such as a femto cell or indoor distributed antenna system;
  - (3) OTARD antennas;
  - (4) antennas and related transmission equipment used in connection with a duly authorized amateur station; or
  - (5) wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-E.

## **Section 5. REQUIRED PERMITS AND APPROVALS**

- (a) **Required Permits.** All small wireless facilities located in whole or in part within the public right-of-way subject to this policy shall require a Small Cell Permit subject to the approval authority's prior review and approval in accordance with this policy.
- (b) **Other Permits and Regulatory Approvals.** In addition to a Small Cell Permit required under this policy, the applicant must obtain all other permits and

regulatory approvals as may be required by any other federal, state, regional or local government agencies, which includes without limitation any permits and/or approvals issued by other City departments or divisions such as encroachment permits for work or facilities in the public right-of-way. All applications for ministerial permits submitted in connection with a proposed small wireless facility or other infrastructure deployment must contain a valid Small Cell Permit issued by the City for the proposed small wireless facility. Any application for any ministerial permits submitted without such Small Cell Permit may be denied without prejudice. Any Small Cell Permit granted under this policy or deemed granted or deemed approved by the operation of law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals. Furthermore, and to avoid potential confusion, an exemption from the Small Cell Permit requirement under Section 4(d) does not exempt the same wireless facilities or other infrastructure deployments from any other permits or approvals, which includes without limitation any ministerial permits from the City.

## **Section 6. ADMINISTRATIVE ORDERS AND REGULATIONS**

In addition to the requirements in this policy, the Director may adopt such orders or regulations as the Director deems necessary or appropriate to protect and maintain public health, safety, welfare and convenience. The Director is also authorized to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for submittal appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such requirements, materials, rules and regulations must be in written form and publicly stated.

## **Section 7. PERMIT APPLICATIONS**

- (a) **Application Required.** The approval authority shall not approve any requests for authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy small wireless facilities within the public right-of-way except upon a complete and duly filed application consistent with this section and any other written rules or requirements the City or the Director may establish from time to time in any publicly-stated format.
- (b) **Application Fee/Deposit.** The applicant shall submit the applicable permit application fee, application review deposit, or combination application fee and review deposit adopted by City Council resolution at the time of application. Batched applications must include the permit application fee, review deposit, or combination application fee and review deposit for each small wireless facility in the batch unless a specific batched application fee, review deposit, or combination application fee and review deposit has been adopted by City Council resolution at the time of application. The foregoing fee requirement for batched applications shall apply separately to applications for Small Cell Permits and any other permit or approval required at the time such fees for such other permit or approval are

due (e.g., Small Cell Permit application fees required for each small wireless facility in the batch, and subsequent encroachment permit applications fees required for each small wireless facility in the batch). If no permit application fee, application review deposit, or combination application fee and review deposit has been adopted at the time of application, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application within 10 business days after the City issues a written demand for reimbursement. Additional deposits shall be required if the deposit is inadequate and must be replenished. If the deposit exceeds the actual costs, the difference will be returned to the applicant following final inspection in event of an approval, withdrawal of the application, or the conclusion of any appeals or expiration of any appeal periods, whichever occurs later, in event of a denial.

- (c) **Application Content.** All applications for a permit must include all the information and materials required by the Director for the application. The Director is authorized to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All such requirements must be in written form and publicly stated and available. All applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which include without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.
- (d) **Batched Applications.** Pursuant and subject to California Government Code § 65964.3, an applicant may submit up to 50 substantially similar wireless broadband projects under a single application for a Small Cell Permit. Notwithstanding the foregoing: (1) all substantially similar wireless broadband projects or small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration and on the same support structure type; (2) each substantially similar wireless broadband project or small wireless facility in a batch must meet all the requirements for a complete application, which includes without limitation the applicable batched application fees pursuant to Section 7(b); (3) if the application materials for any substantially similar wireless broadband project or small wireless facility in a batch is deemed incomplete, the entire match shall be automatically deemed incomplete; (4) if the application for a batch is deemed withdrawn, such deemed withdrawn status shall apply to all substantially similar wireless broadband projects or small wireless facilities in the batched application; (5) if any substantially similar wireless broadband project or small wireless facility in a batch fails to meet the required findings for approval, the entire batch shall be denied; (6) any conditions of approval associated with the Small Cell Permit, including but not limited to those provided in Section 14, shall be applied individually to each wireless broadband project or small wireless facility in the

batch; (7) the applicant shall obtain individual construction, encroachment, excavation, traffic control and other similar ministerial permits for each substantially similar wireless broadband project or small wireless facility approved or deemed-approved in a batch; and (8) the Director will have final authority over whether all wireless broadband projects or small wireless facilities in a batch are “substantially similar”.

- (e) **Voluntary Pre-Application Conferences.** The Department shall provide prospective applicants with the opportunity to schedule and attend a voluntary pre-application conference with Department staff. The City strongly encourages, but does not require, pre-application conferences for all applications. This voluntary pre-application conference process, including but not limited to any requests for conferences or meetings, submittal of pre-application materials, or the occurrence of any conferences or meetings, does not, and shall not be deemed to, commence any shot clocks. This voluntary pre-application conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing small wireless facility, such as compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other City departments and/or divisions responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Department shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-application conference.
- (f) **Application Submittal.** Unless the Director establishes an alternative submittal procedure pursuant to Section 6, all applications submitted, or resubmitted in response to an incomplete notice as the case may be, under this policy must be submitted to the Department through the online permitting portal only during the Department’s “Permit Center Hours” as published on the Department’s website. The Department’s Permit Center Hours exclude City holidays or other days that the City is closed. Any applications submitted, or resubmitted as the case may be, after such Permit Center Hours will be deemed submitted, or resubmitted, and received by the Department at the start of “Permit Center Hours” on the next scheduled working day. Any application received in a manner not authorized by this policy or alternatives established by the Director, whether delivered in-person, by mail, electronically or through any other means, will not be considered duly filed whether the City retains the submitted materials or not.

- (g) **Voluntary Community Meetings.** The City strongly encourages, but does not require, applicants to schedule, notice, arrange, and attend a voluntary community meeting with all interested members of the public. Community meetings may be conducted before or after submittal. This voluntary community meeting does not cause the FCC shot clock to begin and is intended to give applicants the opportunity to hear from members of the public regarding the proposed small wireless facility project. Applicants should schedule any voluntary community meetings at times and in locations that are conducive to maximizing public participation. Applicants are encouraged (but not required) to bring any draft applications, plans, maps, presentations or other materials to facilitate the public's understanding of the applicant's small wireless facility project. Applicants are also encouraged (but not required) to maintain minutes or a comment log of the community meeting. The City seeks to encourage dialogue that may allow applicants to address areas of concern and may lessen the likelihood of appeals. Community meetings may be conducted before or after submittal. Public notice for a community meeting should be given in the manner described for persons entitled to notice, except that the applicant is responsible for the cost and implementation of noticing.
- (h) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Department within 90 calendar days after the Department deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 60 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

## **Section 8. PEER AND INDEPENDENT CONSULTANT REVIEW**

- (a) **Authorization.** The Director is authorized to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include, without limitation: (1) permit application completeness and/or accuracy; (2) compliance with applicable regulations for human exposure to RF emissions; (3) whether and to what extent a proposed project will comply with applicable laws, including but not limited to this policy and its design standards; (4) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and (5) any other issue identified by the Director that requires expert or specialized knowledge, which includes, without limitation, any issues related to an

exception requested by the applicant pursuant to Section 15. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.

- (b) **Cost Reimbursement / Deposit.** Subject to applicable laws, if the Director elects to retain an independent consultant in connection with any permit application, then the applicant shall be responsible for the actual and reasonable costs incurred by the City in connection with the services provided, which may include, without limitation, actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings related to the permit application and the City's actual and reasonable costs incurred to administer the independent consultant contract. The applicant shall tender to the City a deposit in an amount equal to the estimated actual and reasonable cost for the services to be provided, as determined by the Director if not deposit amount has been established and paid pursuant to Section 7(b) of this policy. The deposit funds shall be applied to the independent consultant's invoices as such invoices are approved by the Director. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. If the deposit exceeds the total costs for the independent consultant's services, then the Director shall promptly return any unused funds to the applicant after the small wireless facility has been installed and passes a final inspection. If the reasonable costs for the independent consultant's services exceed the deposit, then the Director shall invoice the applicant for the balance. The Director is authorized to develop, publish and from time-to-time, update a standard deposit agreement consistent with this section. The City shall not issue any construction or encroachment permits to any applicant with any unpaid deposit requests or invoices.
- (c) **Fire Safety Authority Independent Consultants.** In addition, the Fire Safety Authority has the authority to select and retain an independent consultant with expertise and/or specialized training in fire safety and fire hazard mitigation and prevention satisfactory to the Fire Safety Authority in connection with any application. The Fire Safety Authority may request independent consultant review on any matter referred or committed to the Fire Safety Authority for review or approval. Subject to applicable laws, in the event that the Fire Safety Authority elects to retain an independent consultant in connection with any application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include without limitation any actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings and the Fire Safety Authority's actual and reasonable costs to administer the independent consultant contract. The same procedures for fee deposits, cost reimbursements and refunds to the applicant as described above in Section 8(b) shall be applicable to independent consultant review required by the Fire Safety Authority.

## Section 9. PUBLIC NOTICE

- (a) **Preface.** The City strongly favors public participation in the community development process, which requires effective public notice. However, federal regulations that generally require approvals or denials within a relatively short timeframe interfere with the City's ability to provide public notice and conduct public hearings in the same manner as the City would for other commercial development projects. To promote the City's and the community's legitimate interest in public participation, while at the same time enabling the City to act on applications within the timeframe prescribed by law, this Section 9 establishes notice requirements designed to give interested parties notices through multiple mediums and at times intended to maximize such parties' ability to stay informed and exercise their right to be heard.
- (b) **Mailed Notice.** Within 10 calendar days of an application being filed for a personal wireless service facility, the Department shall mail a written notice to all persons entitled to notice. The notice shall include: (1) the project location with a street address and/or GPS coordinates; (2) the City's permit application number; (3) a general project description; (4) contact information for the Department so that persons may request additional information or submit comments; and (5) a statement that the Director will act on the application without a public hearing, but that any interested person or entity may appeal the Director's decision directly to the City Manager.

## Section 10. APPROVALS; DENIALS; APPEALS

- (a) **Initial Administrative Decision.** The approval authority may approve, conditionally approve or deny a complete and duly filed permit application without a public hearing.
- (b) **Required Findings for Approval.** The approval authority (or appellate authority on appeal) may approve or conditionally approve an application for a Small Cell Permit only when it makes all the following findings:
  - (1) the proposed project qualifies as a "small wireless facility" as defined by the FCC;
  - (2) the proposed small wireless facility is in a preferred location as defined in this policy; or the proposed small wireless facility is in a discouraged location as defined in this policy and the applicant has demonstrated through a meaningful comparative analysis that no more preferred location would be technically feasible and potentially available;
  - (3) the proposed small wireless facility would not be located on a prohibited support structure identified in this Policy;

- (4) the proposed small wireless facility is on a preferred support structure as defined in this policy; or the proposed small wireless facility is on a discouraged support structure as defined in this policy and the applicant has demonstrated through a meaningful comparative analysis that no more preferred support structure would be technically feasible and potentially available;
  - (5) the proposed small wireless facility complies with all applicable development standards in this policy, the Municipal Code and any other applicable regulations;
  - (6) the applicant has shown that it can obtain any wireline communications and electrical service connections necessary to operate the proposed small wireless facility and the project plans show the proposed route for all such connections between their source and the proposed small wireless facility;
  - (7) the applicant has demonstrated that the proposed small wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population;
  - (8) all public notices required for the application have been given; and
  - (9) any required California Environmental Quality Act findings have been made.
- (c) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or state laws, nothing in this policy is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any permit application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, this policy or the Municipal Code.
- (d) **Decision Notices.** Within five calendar days after the approval authority acts on an application governed under this policy or before the shot clock expires (whichever occurs first), the Department shall provide a written notice to the applicant. If the approval authority (or appellate authority) denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the denial.
- (e) **Appeals.** Any interested person may appeal the approval authority's decision to the City Manager provided that: (1) an appeal notice must be filed with the City Clerk within seven calendar days from the date of the approval authority's decision; (2) an appeal must be timely and duly filed with the City Clerk on a form provided by the City Clerk, or if no such form is available, in a writing that states in plain terms the grounds for appeal and the facts that support those grounds; (3) appeals

from an approval shall not be permitted when based on reasons otherwise compliant under this policy, including appeals based on duly adopted preapproved designs or the environmental effects from RF emissions that are compliant with applicable FCC regulations and guidelines; and (4) the City Manager shall consider appeals *de novo*. The City Manager shall issue the applicant and appellant a written decision within 15 calendar days of receipt of the appeal. If the City Manager denies the application on appeal (whether by affirmation or reversal), the written notice shall contain the reasons for the decision. The City Manager's decision shall be final and not subject to any further City appeals or petitions for reconsideration.

## **Section 11. LOCATION STANDARDS**

- (a) **Preface.** This section sets out criteria to determine the preferred location and support structure for small wireless facilities. The City considers the most preferred location and support structure to be the least intrusive means for an applicant to provide its services to the public. Subsection (b)(1) describes roads in or adjacent to zoning areas where small wireless facilities are generally most preferred. Subsection (b)(2) provides specific locations where small wireless facilities are discouraged. It is possible for a proposed facility to be simultaneously in a "preferred" and "discouraged" location, for example, a small wireless facility on or adjacent to an arterial road in an "Industrial, Commercial & Offices" zoning area that is also within 100 feet of a residential dwelling unit. In such cases, the location shall be deemed a "discouraged" location.
- (b) **Locations.** To assist applicants, staff, and the approval authority understand and respond to the community's aesthetic preferences and values, this Section 11(b) describes preferred and discouraged locations for small wireless facilities in the public rights-of-way.
  - (1) **Preferred Locations.** All applicants must, to the extent technically feasible and potentially available, propose new small wireless facilities in a preferred location. The following locations are all considered "preferred locations" and are ranked in order of most preferred to least preferred. Applicants must propose new facilities on parcels with the most preferred land use designation whenever technically feasible and potentially available. Road designations within the below are also ranked in order of most preferred to least preferred. Applications must include a written justification as part of their application submittal, supported by factual and verifiable evidence, that demonstrates no location with a more preferred land use or road designation is technically feasible and available.
    - (A) locations on arterial, collector, residential collector, or local roads in or adjacent to zoning areas categorized as "Industrial, Commercial & Offices", "Mixed Use", "Community Facilities" or "Open Space" as defined and mapped in the City of Pleasanton General Plan, Land Use Element;

- (B) locations on arterial or collector roads in or adjacent to zoning areas categorized as “Residential” as defined and mapped in the City of Pleasanton General Plan, Land Use Element;
- (C) **[reserved]**
- (2) **Discouraged Locations.** When no preferred location is technically feasible and potentially available, the applicant may propose a wireless facility in a discouraged location pursuant to an exception under Section 15, including a written justification supported by factual and verifiable evidence, demonstrating that no preferred location is technically feasible and potentially available. If a small wireless facility must be placed in a discouraged location, the applicant shall use the least-discouraged location that is technically feasible and potentially available. The following locations are discouraged, and ordered from least discouraged to most discouraged, and road designations within the below are also ranked in order of least discouraged to most discouraged
  - (A) locations on local or residential collector roads in or adjacent to zoning areas categorized as “Residential” as defined and mapped in the City of Pleasanton General Plan, Land Use Element;
  - (B) on Main Street between Bernal Avenue and Del Valle Parkway;
  - (C) any location on or within 200 feet from a historic resource;
  - (D) any location within 100 feet from a residential dwelling unit (but not accessory structures, detached garages, sheds, pool houses, etc.), irrespective of the underlying zoning district;
  - (E) **[reserved]**
- (3) **Additional Location Standards.** In addition to all other location standards in this Section 11, small wireless facilities and all associated antennas, accessory equipment or improvements in the public rights-of-way shall:
  - (A) be placed as close as possible to alignment with the property line that divides two parcels abutting the public rights-of-way
  - (B) not be placed directly in front of any ground-level door;
  - (C) not be placed directly in front of any first- or second-story window;
  - (D) on arterials, be placed as close to mid-block as technically feasible and consistent with the other location requirements in this policy;

- (E) not be placed within any clear zone at any intersections;
  - (F) not be placed within any visibility triangle area that crosses a front property line and blocks visibility above 36 inches from grade level;
  - (G) not be placed in any location that obstructs view lines for traveling vehicles, bicycles and pedestrian;
  - (H) not be placed in any location that obstructs views of any traffic signs or signals;
  - (I) not be placed in any location that obstructs illumination patterns for existing streetlights;
  - (J) not be placed in any location that interferes with access to fire stations, fire hydrants, water valves, underground vault, vault housing structure, or any other public health and safety facility;
  - (K) not be placed in any location that obstructs physical access to, on or over the public rights-of-way in violation of the Americans with Disabilities Act or other applicable laws;
  - (L) for new, non-replacement support structures, be placed at least 50 feet from any streetlight, utility pole or other similar support structure;
  - (M) not be placed within 250 feet from another small wireless facility;
  - (N) **[reserved]**
- (c) **Support Structures.** This Section 11(c) describes preferred, discouraged and prohibited support structures.
- (1) **Preferred Support Structures.** The City's preferences for support structures are as follows, order from most preferred to least preferred:
    - (A) existing or replacement metal or composite streetlight poles;
    - (B) existing or replacement metal or composite utility poles;
    - (C) existing or replacement wood utility poles;
    - (D) **[reserved]**
  - (2) **Discouraged Support Structures.** When no preferred support structure is technically feasible and potentially available, the applicant may propose a

wireless facility on a discouraged support structure pursuant to an exception under Section 15, including a written justification supported by factual and verifiable evidence, demonstrating that no preferred support structure is technically feasible and potentially available. If a small wireless facility must be installed on a discouraged support structure, the applicant shall use the least-discouraged support structure that is technically feasible and potentially available. The following support structures are discouraged, and ordered from least discouraged to most discouraged:

- (A) existing or replacement non-pole concealment structures, such as monuments, kiosks, bus shelters and other street furniture;
  - (B) new, non-replacement metal or composite streetlight poles;
  - (C) new, non-replacement metal or composite concealment poles for small wireless facilities;
  - (D) **[reserved]**
- (3) **Prohibited Support Structures.** Small wireless facilities shall not be installed on the following prohibited support structures:
- (A) decorative poles and decorative streetlights;
  - (B) the Main Street “Pleasanton Arch”;
  - (C) traffic signals, signs, poles, cabinets and related devices and structures;
  - (D) new, non-replacement wood poles;
  - (E) any utility pole scheduled or reasonably anticipated to be scheduled for removal within 18 months from the time the Director acts on the application for such pole;
  - (F) **[reserved]**.
- (d) **New and Replacement Pole Locations.** All new and replacement poles must be:
- (1) if a replacement pole, located as close to the removed pole’s location as possible not to exceed five feet;
  - (2) aligned with the other existing poles along the public right-of-way;
  - (3) designed to resemble existing poles, including an overall height that is no greater than the replaced pole or, if a new pole, the nearest adjacent pole;
  - and (4) compliant with all applicable standards and specifications issued by the City, which may include, without limitation, requirements related to aesthetics, materials and safety. Notwithstanding anything in this subsection to the contrary, the Director may approve a deviation from the foregoing requirements if, in the Director’s discretion, an alternative placement location would result in a more

aesthetically desirable outcome consistent with the goals of this policy. All replaced poles must be removed within 24 hours after the replacement pole has been erected and any utilities have been cutover.

- (e) **Encroachments Over Private Property.** No small wireless facility, or any antenna, accessory equipment or other improvements associated with a small wireless facility, may extend onto or over any private or public property outside the public right-of-way without the property owner's prior written consent and a recorded easement or other similar legal instrument.

## **Section 12. DESIGN STANDARDS**

- (a) **General Design Standards.** The standards in this Section 12(a) shall be applicable to all small wireless facilities in the public rights-of-way:
  - (1) **Stealth/Concealment.** All small wireless facilities must be stealth to the maximum extent feasible with concealment elements, measures and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.
  - (2) **Least Visible Equipment.** The applicant must use the smallest and least visible antennas and accessory equipment possible to accomplish the service objectives.
  - (3) **Overall Height.** No equipment associated with a small wireless facility may extend more than five feet above the support structure, plus any minimum separation between the antenna and other pole attachments required by applicable health and safety regulations.
  - (4) **Finishes.** All exterior surfaces shall be painted, colored and/or wrapped in flat, non-reflective hues that match the underlying support structure or blend with the surrounding environment, minimizing visibility to the greatest extent feasible. All exterior surfaces on small wireless facilities shall be constructed from, or coated with, graffiti-resistant materials or sealant. All finishes shall be subject to the approval authority's prior approval.
  - (5) **Noise.** All small wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in the Municipal Code, including Chapter 9.04 (Noise Regulations) of the Municipal Code. Equipment likely to create noise, such as cooling fans, are strongly discouraged except when placed in an underground vault. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

- (6) **Lights.** All new or replacement street lights and street light fixtures must be aimed and shielded so that their illumination effects are directed downwards and confined within the public rights-of-way in a manner consistent with any other standards and specifications as identified or required by the approval authority. Small wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC or other applicable federal or state governmental regulations. All antennas, accessory equipment and other improvements with indicator, status or other lights must be installed in locations and within enclosures that eliminate illumination impacts visible from publicly accessible areas. Any light beacons or lightning arresters shall be included in the overall height calculation.
- (7) **Trees and Landscaping.** Small wireless facilities shall not be installed (in whole or in part) within any tree drip line. Small wireless facilities may not displace any existing tree, landscape or hardscape features. All small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way must include landscape and/or hardscape features (which may include, without limitation, shrubs and ground cover) located at least 18 inches from the curb and gutter flow line and a landscape maintenance plan. The existing native vegetation shall be maintained to the maximum extent feasible. The approval authority may require additional landscape or hardscape features for small wireless facilities proposed to be placed in a landscaped area in the public rights-of-way to screen the small wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this policy. All plants proposed or required must be native and/or drought-resistant and consistent with any landscaping requirements for the underlying zone and are further subject to approval by the approval authority.
- (8) **Signage; Decals; Advertisements.** All small wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a 24 hours-per-day, seven days-per-week, toll-free telephone number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage, decals or advertisements unless expressly approved by the approval authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.
- (9) **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as locks, removable climbing pegs and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth techniques, and the approval authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences

or any similar security measures are prohibited. Cabinets and equipment shrouds must be kept secured to prevent unauthorized access.

- (10) **Fire Safety.** All small wireless facilities shall include (A) a power shut off immediately accessible to fire service personnel, through a Knox box or similar rapid-access system approved by the Fire Safety Authority, upon arrival at the scene of a fire and/or anticipated power surge due to power being turned off or on for any reason; (B) surge protection devices capable of mitigating a direct or partial direct lightning discharge; (C) surge protection devices capable of mitigating significant electrical disturbances that may enter the small wireless facility via conductive cables; (D) at least one-hour fire resistant interior surfaces to be used in the composition of all structures; and (E) monitored automatic fire notification and suppression systems for all small wireless facilities as approved by the applicable Fire Safety Authority.
  - (11) **Secondary Power Sources.** The approval authority may approve secondary or backup power sources on a case-by-case basis. No permanent generators or similarly noisy or noxious generators within the public rights-of-way or at any other location or within 250 feet from any residence are permitted; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
  - (12) **Parking.** Small wireless facilities and any associated accessory equipment or other improvements shall not reduce any street parking spaces within the public rights-of-way.
  - (13) **Compliance with Laws.** All small wireless facilities must be designed and sited in compliance with all applicable federal, state, regional and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, the general plan and any applicable specific plan, the Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.
- (b) **Antennas.** In addition to all generally applicable design standards in Section 12(a), this Section 12(b) sets out specific preferences and standards for antennas.
- (1) **Placement.** Antennas should be placed above the pole, unless the approval authority finds that: (a) such placement above the pole would significantly impair views of importance, including but not limited to historic resources and scenic or historic corridors; or (b) an alternative placement, including but not limited to affixed to the side of the pole, results in an aesthetically superior design based on site-specific circumstances.
  - (2) **Stealth/Concealment.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware must be installed

within a unified shroud or “radome”. Antenna shrouds must be visually consistent with the underlying pole’s design, color and scale. Antenna shrouds placed above a pole must taper down to the point where the shroud and pole connect to conceal the cables below the antennas and create a smooth transition into the pole. All antenna mounting posts shall be trimmed so that the post does not extend above the antenna. For antennas approved to be affixed to the side of the pole within a shroud, all cables must be concealed within the shroud and extension arm, if any, to create a smooth transition into the pole, or back into the external conduit on the pole, if attached to a wood pole.

- (3) **Volume.** Any individual antenna (including its shroud or other stealth or concealment device) shall not exceed three cubic feet in volume. The cumulative limit for all antennas (including their shrouds or other stealth or concealment devices) on a single small wireless facility shall not exceed: (A) three cubic feet for small wireless facilities within 100 feet from a residential dwelling unit; or (B) six cubic feet for small wireless facilities in all other locations.
  - (4) **Strand-Mounted Antennas.** No more than one strand-mounted small wireless facility may be installed on any single span between two poles. All equipment and other improvements associated with a strand-mounted small wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one cubic foot in total volume. “Snow shoes” and other spooled fiber or cables are prohibited.
- (c) **Accessory Equipment.** In addition to all generally applicable design standards in Section 12(a), this Section 12(c) sets out specific preferences and standards for accessory equipment.
- (1) **Placement Preferences.** This subsection describes the City’s general preferences for accessory equipment placement and configuration on or around the pole. Applicants shall propose small wireless facilities in compliance with these preferences to the maximum extent feasible. The approval authority may approve a lesser-preferred configuration for the accessory equipment when the applicant demonstrates that more-preferred configurations are technically infeasible or the approval authority finds that a lesser-preferred configuration is more consistent with existing poles and the surrounding environment. The City generally prefers accessory equipment to be placed, ordered from most preferred to least preferred, as follows:
    - (A) within an environmentally controlled underground equipment vault;
    - (B) within an architecturally integrated enclosure at the base of the pole;
    - (C) within a shroud mounted above ground level on the pole;

- (D) within a separate surface-mounted equipment cabinet.
- (2) **Volume.** The cumulative limit for all accessory equipment (including their shrouds, cabinets or other stealth or concealment devices) on a single small wireless facility shall not exceed: (A) nine cubic feet for small wireless facilities within a residential district or within 100 feet from a residential dwelling unit; or (B) 17 cubic feet for small wireless facilities in all other locations. These limits shall not be applicable to undergrounded accessory equipment.
- (3) **Undergrounded Equipment.** Consistent with CPUC and local policies, the City strongly prefers undergrounded accessory equipment whenever possible because it mitigates unnecessary physical obstructions and aesthetic harm caused by unsightly infrastructure in the public rights-of-way. This Section 12(c)(3) sets out specific preferences and standards for undergrounded accessory equipment.
  - (A) **Where Required.** Accessory equipment (other than any electric meter (where permitted) and an emergency disconnect switch) shall be placed underground when proposed in any (i) underground utility district; (ii) any area where all existing utilities are substantially undergrounded; or (iii) any location where the approval authority finds substantial evidence that the additional above-ground accessory equipment would incommode the public's uses in the public rights-of-way.
  - (B) **Equipment Vaults.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover and properly secured to prevent unauthorized access. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Vault lids may contain manufacturer and site operator information but shall not exhibit commercial advertisements.
- (4) **Base-Mounted Accessory Equipment.** This Section 12(c)(4) sets out specific preferences and standards for base-mounted accessory equipment.
  - (A) **Stealth/Concealment.** Base-mounted accessory equipment enclosures must be stealth to the maximum extent feasible and architecturally integrated with the pole and surrounding environment. For poles that already include a larger or decorative base, the base-mounted accessory equipment enclosure should mimic the existing design and/or decorative features. Base-mounted accessory equipment enclosures should include a tapered or decorative transition between the enclosure and the pole, unless (i) the proposed facility is a pre-approved design that does not include such a transition or (ii) the approval authority finds that such a transition would

be less aesthetically desirable considering the pole and surrounding environment.

- (B) **Maximum Dimensions.** Any base-mounted accessory equipment enclosure integrated into the pole shall not exceed the following dimensions: (i) 48 inches in height, measured from grade level to the highest point on the enclosure, but excluding any decorative design elements that transition the wider base into the narrower pole; and (ii) 26 inches in length or width on any rectangular enclosure or 28 inches in diameter for any round, hexagonal, octagonal or similarly shaped enclosure.
  - (C) **Graffiti.** Base-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. To prevent litter and other objects placed on such equipment, the City may require that base-mounted accessory equipment enclosures not have any flat horizontal surfaces greater than 1.5 square inches.
- (5) **Pole-Mounted Accessory Equipment.** This Section 12(c)(5) sets out specific preferences and standards for pole-mounted accessory equipment.
- (A) **Stealth/Concealment.** Applicants should propose to place any pole-mounted accessory equipment using stealth to the maximum extent feasible with concealment elements and in the least conspicuous position under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment should be oriented away from prominent views. In general, the proper orientation will likely be toward the street to reduce the overall profile when viewed from the nearest abutting properties. If orientation toward the street is not feasible, then the proper orientation will most likely be away from oncoming traffic. If more than one orientation would be technically feasible, the Director may select the most appropriate orientation.
  - (B) **Minimum Ground Clearance.** The lowest point on any pole-mounted accessory equipment shall be at least 15 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 15 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.
  - (C) **Horizontal Extensions.** Pole-mounted accessory equipment should be as close to flush with the pole as technically feasible and shall not extend over

any roadway for vehicular travel or any abutting private property. If applicable laws preclude flush-mounted accessory equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

- (D) **Strand-Mounted Antenna Accessory Equipment.** Any accessory equipment mounted on the pole associated with a strand-mounted small wireless facility antenna shall comply with the requirements of this Section 12(c)(5). All equipment and other improvements associated with a strand-mounted small wireless facility must comply with all applicable health and safety regulations. The approval authority shall not approve any ground-mounted equipment in connection with any strand-mounted small wireless facility. “Snow shoes” and other spooled fiber or cables are prohibited.
- (6) **Surface-Mounted Equipment Cabinets.** This Section 12(c)(6) sets out specific preferences and standards for surface-mounted accessory equipment.
  - (A) **Stealth/Concealment.** Concealment for surface-mounted equipment cabinets will be assessed on a site-specific basis and consider the location and existing uses and aesthetic elements in the vicinity. In general, the City prefers surface-mounted accessory equipment to be stealth to the maximum extent feasible with concealment elements as follows: (i) within a landscaped parkway, median or similar location, behind or among new/existing landscape or hardscape features, as approved by the approval authority, and painted, powder coated, wrapped or finished in flat natural colors to blend with the landscape features in accordance with City requirements; (ii) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks; and (iii) if neither landscaping concealment or street furniture is available, accessory equipment should be completely shrouded or placed in a cabinet substantially similar in appearance to existing surface-mounted accessory equipment cabinets in the vicinity.
  - (B) **Public Safety.** To promote and protect public health and safety and prevent potential hazards hidden behind large equipment cabinets, individual surface-mounted accessory equipment cabinet may not exceed four feet in height or four feet in width. Surface-mounted accessory equipment enclosures must be coated with anti-graffiti finishes. Surface-mounted accessory equipment enclosures should not have any flat horizontal surfaces greater than 1.5 square inches to prevent litter and other objects placed on such equipment.
- (d) **Utilities.** The provisions in this Section 12(d) are applicable to all utilities and other related improvements that serve small wireless facilities.

- (1) **Overhead Lines.** The approval authority shall not approve any new overhead utility lines in underground utility districts. In areas with existing overhead lines, new communication lines shall be “overlashed” with existing communication lines. but service conduits shall be placed underground. No new overhead utility service drops shall be permitted to traverse any roadway used for vehicular transit.
  - (2) **Vertical Cable Risers.** All cables, wires and other connectors must be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, applicants shall route them through external conduits or shrouds that have been finished to match the underlying pole. The applicant shall minimize the number and size of external conduits to the extent technically feasible.
  - (3) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds. Horseshoes and loops of excess wires are prohibited.
  - (4) **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service (or any other method of service that would obviate the need for an electric meter) is not available, applicants may install a shrouded smart meter, or if a shrouded smart meter is not available, a separate meter pedestal per City standards. If the proposed project involves a surface-mounted equipment cabinet, an electric meter may be integrated with the cabinet, but the approval authority shall not approve a separate surface-mounted electric meter pedestal. In no case shall applicant be permitted to use electricity/power provided by a City-owned streetlight or City-owned circuit without separate written authorization from the City.
  - (5) **Existing Underground Conduits.** To reduce unnecessary wear and tear on the public rights-of-way, applicants are encouraged to use existing conduits whenever available and technically feasible. Access to any conduit owned by the City shall be subject to a separate written agreement and the Director’s prior written approval, which the Director may withhold or condition as the Director deems necessary or appropriate to protect the City’s infrastructure, prevent interference with the City’s municipal functions and public health and safety.
- (e) **Historic Resources.** This policy shall not be construed or applied to limit the City’s authority to enforce other laws or regulations intended to protect or preserve

historic resources. Any small wireless facility that adversely impacts any historic resource shall not be approved without an exception pursuant to Section 15.

### **Section 13. PREAPPROVED DESIGNS**

- (a) **Preface.** To expedite the review process for Small Cell Permit applications, promote uniform aesthetics in the public rights-of-way and encourage collaborative designs among applicants and the City that blend with surrounding environment, the City strongly encourages, but does not require preapproved designs. This Section 13 sets out the process to establish or repeal a preapproved design and the review procedures and findings applicable to these applications.
- (b) **No Shot Clock Commencement.** This preapproved design process, including any application submittals, conferences, meetings, or hearings, does not, and shall not be deemed to, commence any shot clocks. The procedures and requirements of this Section 13 are not intended for applications for authorization to place, construct or modify any small wireless facility.
- (c) **Applications for Preapproved Designs.** This Section 13(b) sets out the process and requirements to establish a new preapproved design for use in future applications for Small Cell Permits.
  - (1) **Application Form and Content.** The Director shall prepare, publish and maintain an application form for requests to establish a preapproved design. In addition to all other requirements specified by the Director, the application shall include (A) scaled conceptual plans and drawings; (B) photo simulations that depict the proposed preapproved design in typical locations within the City; and (C) an application fee adopted by City Council resolution, or if no preapproved design application fee has been adopted, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application within 10 business days after the City issues a written demand for reimbursement. Additional deposits shall be required if the deposit is inadequate and must be replenished. If the deposit exceeds the actual costs, the difference will be returned to the applicant.
  - (2) **Pre-Application Conferences.** The Director shall provide prospective applicants with the opportunity to schedule and attend a pre-application conference with City staff. The pre-application conference is intended to streamline the review process through informal discussion that includes, without limitation, any latent issues in connection with the proposed preapproved design, such as compliance with generally applicable rules for public health and safety; potential stealth or concealment issues or concerns (if applicable); coordination with other City departments and/or divisions responsible for application review; and application completeness issues. To

mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-application conference.

- (3) **Submittal Appointments.** All applications must be submitted to the Director at a pre-scheduled appointment with the Department. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after the Department receives a written request. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed.
  - (4) **Optional Mockup.** The Director, in the Director's discretion, may require an applicant for a preapproved design to erect a full-scale mockup to aid the City's review. The mockup may use actual or replica equipment to show all visible elements. The mockup shall be placed on City-owned property and maintained throughout the preapproval review process.
- (d) **Approvals; Denials; Repeals.**
- (1) **Required Findings to Establish a Preapproved Design.** An application for a preapproved design may not be approved unless the proposed preapproved design is found to be (i) in substantial conformance with the applicable design requirements in Section 12 and (ii) architecturally compatible with the areas in which the preapproved design would be available. If the findings may be made for some but not all areas within the City, the recommendation for approval may be limited to specific areas identified by the Director in its written findings.
  - (2) **Adoption.** The Director may administratively approve, revise or deny the application for a preapproved design. The Director shall provide such notice in writing to the applicant. The Director shall cause a public notice for any approval of a preapproved design to be posted at Pleasanton City Hall. The notice must generally describe the preapproved design, include a photograph or photo simulation, specify whether the preapproved design would be limited or restricted in any districts and contain a reference to the appeal procedure. Unless appealed pursuant to Section 10(e), the preapproved design shall become effective 15 days from the foregoing notice. A decision by the Director not to adopt a proposed preapproved design or the Director's failure to act on a request for a proposed preapproved design is not appealable.
  - (3) **Repeal.** The Director may repeal any preapproved design by written notice posted at Pleasanton City Hall. The repeal shall be immediately effective. The

Director's repeal, refusal to repeal, or failure to act on a request to repeal a preapproved design is not appealable.

- (e) **Nondiscrimination.** An established preapproved design may be used by any applicant, whether the applicant originally initiated the preapproval process or not. The Director's decision to adopt a preapproved design expresses no preference or requirement that applicants use the specific vendor or manufacturer that fabricated the design depicted in the preapproved plans. Any other vendor or manufacturer that fabricates a small wireless facility to the standards and specifications in the preapproved design with like materials, finishes and overall quality shall be acceptable as a preapproved design.
- (f) **Modified Findings for Approval.** For any complete Small Cell Permit application using a preapproved design, the approval authority shall presume that the proposed project complies with the findings required under Sections 10(b)(1), (3) and (4). No such presumption shall be applicable to the required findings under Sections 10(b)(2) and (5) through (9).

#### **Section 14. STANDARD CONDITIONS FOR APPROVED PERMITS**

- (a) **Standard Conditions.** Except as may be authorized in Section 14(b), all Small Cell Permits issued under this policy or deemed granted or deemed approved by the operation of law shall be automatically subject to the conditions in this Section 14(a) and these conditions shall be deemed to be incorporated by reference into such Small Cell Permits. The conditions in this Section 14(a) shall apply individually to each wireless broadband project or small wireless facilities in a batch approved or deemed approved pursuant to California Government Code § 65964.3.
  - (1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless the City establishes a shorter term for public safety or substantial land use reasons pursuant to California Government Code § 65964(b). Any other permits or approvals issued in connection with any collocation, modification or other change to this small wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. No change in ownership of the small wireless facility, the site or the subject property shall affect the permit term. This permit may not be transferred to another site or property.
  - (2) **Permit Renewal.** The permittee may apply for permit renewal not more than one year before this permit expires. The permittee must demonstrate that the subject small wireless facility has complied with all the conditions of approval associated with this permit and will comply with all applicable provisions in this policy and the Municipal Code that exist at the time the decision to renew or

not renew is rendered. The Director may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this policy, the Municipal Code or other applicable laws. Upon renewal, this permit will automatically expire 10 years and one day from its issuance.

- (3) **City's Standing Reserved.** The City's grant or grant by operation of law of a permit pursuant to this policy does not waive, and shall not be construed to waive, any standing by the City to challenge any (A) provision in federal or state law or any interpretation thereof or (B) permit issued pursuant to this policy.
- (4) **Compliance with Approved Plans.** Before the permittee submits any applications to the building official required to commence construction in connection with this permit, the permittee must incorporate this permit, all conditions associated with this permit and any approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the small wireless facility in strict compliance, as determined by the approval authority, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the small wireless facility, must be submitted in a written request subject to the Director's prior review and approval. After the Director receives a written request to approve an alteration, modification or other change to the Approved Plans, the Director may refer the request to the original approval authority if the Director finds that it substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- (5) **CPUC GO-159A Certification.** Within 15 business days after the City's grant of this permit or any permit is deemed granted or deemed approved by the operation of law, the permittee shall serve copies of California Public Utility Commission notification letters required by CPUC General Order No. 159A to the City Clerk, Director and City Manager.
- (6) **Build-Out Period.** This permit will automatically expire 12 months from the approval date or deemed granted or deemed approved date (the "**Build-Out Period**") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, support structure or the small wireless facility and/or its use. The permittee may request in writing, and the Director may grant in writing, one 12-month extension to the Build-Out Period if the permittee submits, at least 30 days prior to the automatic expiration date in this condition, substantial and reliable written evidence demonstrating justifiable cause for the 12-month extension submitted. If the Build-Out Period (and any extension) finally expires, this permit shall be automatically void but the permittee may resubmit a complete application,

which includes without limitation all application fees, for the same or a substantially similar project.

- (7) **Pre-Installation Requirements.** In addition to obtaining all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the small wireless facility or its use, the permittee shall, prior to commencement of any installation or construction, attend a pre-grading meeting with the Public Works Department regarding temporary Best Management Practices (“**BMPs**”) pertaining to discharges from the construction site. Before the permittee can proceed with installation or construction of the approved small wireless facility, the Public Works Department must inspect and approve the permittee’s installation of such temporary BMPs.
- (8) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations at the small wireless facility, the permittee shall provide the Director with documentation reasonably acceptable to the Director that the small wireless facility has been installed and/or constructed in strict compliance with the Approved Plans. Such documentation shall include without limitation electronic as-built drawings prepared by a California licensed civil engineer, GIS data and site photographs. In a written notice to the permittee, the Director may (but shall not have the obligation to) either certify that the small wireless facility complies with the Approved Plans or order the permittee to correct any noncompliance.
- (9) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, hardscape and landscape features, in a neat, clean, safe and code compliant condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee shall regularly inspect the site to determine whether any maintenance is needed. The permittee shall perform any maintenance requested by the City for compliance with this condition within a reasonable time specified by the Director in a written notice to the permittee. Routine maintenance within residential zones shall be restricted to the City’s normal construction work hours specified in the Municipal Code. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the small wireless facility within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- (10) **Landscape Features.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee’s direction on or about the site. If any trees are damaged or displaced, the permittee shall hire

and pay for a licensed arborist to select plant and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree or as otherwise approved by the City. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

- (11) **Underground Service Alert.** The permittee shall maintain and keep current its membership in the Underground Service Alert of Southern California (“**DigAlert**”) throughout the term of any small cell permit granted under this Policy. Prior to any excavation performed in the streets, the permittee shall observe and perform all notice and other obligations required under applicable laws, which includes, without limitation, California Government Code §§ 4216 *et seq.*, as may be amended or superseded.
  
- (12) **Compliance with Applicable Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“**Laws**”) applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions and any standards, specifications or other requirements identified by the Director (such as, without limitation, those requirements affixed to an encroachment permit). If the Director finds good cause to believe that the small wireless facility is not in compliance with any Laws applicable to human exposure to RF emissions, the Director may (A) require the permittee to submit a written report certified by a qualified radio frequency engineer familiar with the small wireless facility that certifies that the small wireless facility is in compliance with all such Laws; or (B) require that a field test to measure the RF exposure levels be conducted by an independent consultant. Any field measurement tests conducted by the City or its independent consultant shall be at random times without prior notice to the permittee or site operator. The Director shall require an onsite compliance test in situations where applicable Laws would authorize the City to require such testing at the permittee’s expense. The Director may order the small wireless facility to be immediately powered down if, based on objective evidence, the Director finds that the small wireless facility is in fact not in compliance with any Laws applicable, including, without limitation, Laws applicable to human exposure to RF emissions, until such time that the permittee demonstrates actual compliance with such Laws. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all Laws. No failure or omission by the City to timely notice, prompt or promptly enforce compliance with any applicable provision in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws shall be deemed to relieve, waive or lessen the permittee’s

obligation to comply in all respects with all applicable provisions in this policy, the Municipal Code, any permit, any permit condition or any applicable Laws.

- (13) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site and/or small wireless facility. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during the City's normal construction work hours authorized by the Municipal Code or as may be specified in other permits authorizing such work. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare an emergency within the City. The Director may issue a stop work order for any activities that violates this condition in whole or in part. If the Director finds good cause to believe that ambient noise from a small wireless facility or related equipment violates applicable provisions in this policy or the Municipal Code, the Director, in addition to any other actions or remedies authorized by the permit, this policy, the Municipal Code or other applicable Laws, may require the permittee to commission a noise study by a qualified professional to evaluate the small wireless facility's compliance. The permittee shall, at its sole cost and expense, repair and restore any and all damages to public and private properties that result from any activities performed in connection with the installation or maintenance of a small wireless facility. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. If the permittee fails to complete such repair within the number of days stated on a written notice by the Director, the City may (but shall not have the obligation to) cause such repair to be completed at permittee's sole cost and expense.
- (14) **Annual Affirmation of Radio Frequency Standards Compliance.** On or before January 30th in each calendar year, the permittee acknowledges and agrees that the permittee shall submit: (A) an affirmation, signed by an RF engineer familiar with the then-current equipment deployed and operated at the small wireless facility under penalty of perjury, that the installation is operated in compliance with 47 U.S.C. § 324; (B) an affirmation, signed by an RF engineer familiar with the then-current equipment deployed and operated at the small wireless facility under penalty of perjury, that the installation complies with all applicable FCC rules and regulations for human exposure to RF emissions and will not cause members of the general public to be exposed to RF levels that exceed the maximum permission exposure levels deemed safe by the FCC; and (C) a copy of the fully completed FCC form "A Local

Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the small wireless facility. All radio frequency emissions on all frequency bands must be shown on the Appendix A form(s). All radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power."

- (15) **Interference with City Communications Systems.** The permittee shall not permit the small wireless facility authorized under this permit to interfere with any City communication systems. In the event that the small wireless facility is causing interference with any City communication systems, the Director may order the small wireless facility to be shut down and powered off until such time as the immediate interference has been mitigated at the permittee's sole cost and expense. If, after a good faith effort is made to notify the permittee without success, the City may shut down the facility. Any costs incurred by the City shall be at the permittee's sole cost and expense.
- (16) **Inspections; Emergencies.** The City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the small wireless facility and related equipment and/or improvements upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff, agents, contractors or other designees while any such inspection or emergency access occurs.
- (17) **Safety Hazard Protocol.** If the Fire Safety Authority finds good cause to believe that the small wireless facility presents an immediate fire risk, electrical hazard or other threat to public health and safety in violation of any applicable Laws, the Fire Safety Authority may order the small wireless facility to be shut down and powered off until such time as the immediate threat has been mitigated, after a good faith effort is made to notify the permittee, if feasible. Any mitigations required shall be at the permittee's sole cost and expense.
- (18) **Abandonment.** The permittee shall notify the Director when the permittee intends to abandon or decommission the small wireless facility authorized under this permit. In addition, the small wireless facility authorized under this permit shall be deemed abandoned if the small wireless facility has not operated for any continuous six-month period and the permittee fails to resume operations within 90 days from a written notice from the Director. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee, property owner and/or structure owner shall completely remove the

wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable Laws, which includes without limitation this policy and the Municipal Code. The permittee, property owner and/or structure owner may request an extension up to 180 days to complete restoration after the small wireless facility is abandoned or deemed abandoned, which the Director may grant if the permittee, property owner or structure owner presents evidence of good cause for the extension. If neither the permittee, the property owner nor the structure owner complies with the removal and restoration obligations under this condition within the required period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee, property owner and structure owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

- (19) **Permittee's Contact Information.** Prior to final inspection and at all times relevant to this permit, the permittee shall keep on file with the Director basic contact and site information. This information shall include, but is not limited to, the following:
- (A) the name, physical address, notice address (if different from physical address), direct telephone number and email address for (i) the permittee and, if different from the permittee, the (ii) property owner, (iii) structure owner, (iv) site operator, (v) equipment owner, (vi) site manager and (vii) agent for service of process;
  - (B) the regulatory authorizations held by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager as may be necessary for the small wireless facility's continued operation;
  - (C) the small wireless facility's site identification number and/or name used by the permittee and, to the extent applicable, property owner, structure owner, site operator, equipment owner and site manager; and
  - (D) a toll-free telephone number to the small wireless facility's network operations center where a live person with power-down control over the small wireless facility is available 24 hours-per-day, seven days-per-week.

If the entity for the permittee, property owner, structure owner, site operator, equipment owner, site manager, or agent for service of process changes, the permittee shall furnish the City with updated information within 10 business days.

Additionally, the permittee must update the signage at the small wireless facility to accurately identify the equipment owner/operator, the owner/operator's site

name or identification number and the 24 hours-per-day, seven day-per-week, toll-free telephone number to the owner/operator's network operations center whenever such information about the same changes

(20) **Indemnification.** The permittee and, if applicable, the owners of the property and the structure upon which the small wireless facility is installed (other than the City), shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers (collectively, the "**City Indemnitees**") from any and all (A) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or any City Indemnitees to challenge, attack, seek to modify, set aside, void or annul this permit, the City's approval of this permit or the grant of this permit by the operation of law, and (B) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit, the City's approval of this permit, the grant of this permit by the operation of law or the small wireless facility. If the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the owners of the property and the structure (if applicable) and shall reasonably cooperate in the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee, property owner and/or structure owner shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee, property owner and structure owner expressly acknowledge and agree that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.

(21) **Insurance.**

(A) **Policies and Limits.** The permittee shall obtain and maintain insurance policies as follows:

(i) **Commercial General Liability Insurance.** Insurance Services Office Form CG 00 01 covering Commercial General Liability ("CGL") on an "occurrence" basis, with limits not less than \$2,000,000 per occurrence or \$4,000,000 in the aggregate. If a general aggregate limit applies, the general aggregate limit shall apply separately to this project/location. CGL insurance must include coverage for the following: Bodily Injury and Property Damage; Personal Injury/Advertising Injury; Premises/Operations Liability; Products/Completed Operations Liability; Aggregate Limits that Apply per Project; Explosion, Collapse and

Underground (“UCX”) exclusion deleted; Contractual Liability with respect to the permit; Broad Form Property Damage; and Independent Consultants Coverage. The policy shall contain no endorsements or provisions limiting coverage for (i) contractual liability; (ii) cross liability exclusion for claims or suits by one insured against another; (iii) products/completed operations liability; or (iv) contain any other exclusion contrary to the conditions in this permit.

- (ii) **Automotive Insurance.** Insurance Services Office Form Number CA 00 01 covering, Code 1 (any auto), or if permittee has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
  - (iii) **Workers’ Compensation Insurance.** The permittee shall certify that it is aware of the provisions of California Labor Code § 3700, which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and further certifies that the permittee will comply with such provisions before commencing work under this permit. To the extent the permittee has employees at any time during the term of this permit, at all times during the performance of the work under this permit the permittee shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
  - (iv) **Professional Liability Insurance.** The permittee shall maintain Professional Liability (Errors and Omissions) Insurance appropriate to the permittee’s profession, with limit no less than \$1,000,000 per occurrence or claim. This insurance shall be endorsed to include contractual liability applicable to this permit and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the permittee. “Covered Professional Services” as designed in the policy must specifically include work performed under this permit.
- (B) **Claims-Made Policies.** If the permittee maintains any required insurance under a claims-made form, the permittee shall maintain such coverage continuously throughout the permit term and, without lapse, for at least three years after the permit term expires so that any claims that arise after the expiration in connection with events that occurred during the permit term are covered by such claims-made policies.
- (C) **Umbrella or Excess Liability Policies.** If an umbrella or excess liability insurance policy is used to satisfy the minimum requirements for CGL or automotive insurance coverage listed above, the umbrella or excess liability

policies shall provide coverage at least as broad as specified for the underlying coverages and covering those insured in the underlying policies. Coverage shall be “pay on behalf,” with defense costs payable in addition to policy limits. Permittee shall provide a “follow form” endorsement or schedule of underlying coverage satisfactory to the City indicating that such coverage is subject to the same terms and conditions as the underlying liability policy.

- (D) **Additional Insured; Separation of Insureds.** The relevant CGL and automotive insurance policies shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees as additional insureds. The required insurance shall contain standard separation of insureds provisions, and shall contain no special limitations on the scope of its protection to the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees.
- (E) **Primary Insurance; Waiver of Subrogation.** The required insurance shall be primary with respect to any insurance programs covering the City, its elected/appointed officials, commission members, officers, representatives, agents, volunteers and employees. All policies for the required CGL, automotive and workers’ compensation insurance shall provide that the insurance company waives all right of recovery by way of subrogation against the City in connection with any damage or harm covered by such policies
- (F) **Term; Cancellation Notice.** The permittee shall maintain the required insurance throughout the permit term and shall replace any certificate, policy, or endorsement which will expire prior to that date. The permittee shall use its best efforts to provide 30 calendar days’ prior written notice to the City of the cancellation or material modification of any applicable insurance policy; provided, however, that in no event shall the permittee fail to provide written notice to the City within 10 calendar days after the cancellation or material modification of any applicable insurance policy. The permittee shall promptly take action to prevent cancellation or suspension, reinstate cancelled coverage or obtain coverage from a different qualified insurer.
- (G) **Certificates.** Before the City issues any permit, the permittee shall deliver to the Director insurance certificates and endorsements, in a form satisfactory to the Director, that evidence all the coverage required above. In addition, the permittee shall promptly deliver complete copies of all insurance policies and endorsements upon a written request by the Director.

- (H) **Insurer Rating.** Unless approved in writing by the City, all required insurance shall be placed with insurers authorized to do business in the State of California and with a current A.M. Best rating of at least A-:VIII.
- (22) **Removal Bond.** Before the building official or department issues any permits required to commence construction, installation or other work in connection with this permit, the permittee shall post a bond issued by a surety and in a form acceptable to the City Attorney and the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities or other infrastructure removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the small wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable Laws. The bond shall be valid for at least 10 years or the term of this permit (whichever is greater). In establishing or adjusting the bond amount required under this condition, the Director shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility to a standard compliant with applicable Laws. The bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject small wireless facility in accordance with this condition. If at any time after construction the Director finds good cause to believe that the bond required in this condition no longer adequately covers the removal and restoration costs, the Director may require by written notice that the permittee provide an updated estimate and increase the bond amount to cover any increased costs.
- (23) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, “**Records**”). If the permittee does not maintain such Records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing Records will be construed against the permittee. The permittee shall protect all Records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep Records in an electronic format; provided, however, that hard copies or electronic Records kept in the City’s regular files will control over any conflicts between such City-controlled copies or Records and the permittee’s electronic

copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation for the City to create or prepare any Records not otherwise required to be created or prepared by other applicable Laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable Laws.

- (24) **Permit Revocation.** Any permit granted under this policy or deemed granted or deemed approved by the operation of law may be revoked in accordance with the provisions and procedures in this condition. In addition to other remedies the City may have, the Director may initiate revocation proceedings when the Director has information that the small wireless facility may not be in compliance with all applicable Laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). A permit granted under this policy or deemed granted or deemed approved by the operation of law may be revoked only by the City Council after a duly notice public hearing and opportunity to cure. Before any public hearing to revoke a permit granted under this policy or deemed granted or deemed approved by the operation of law, the Director must issue a written notice to the permittee that specifies (A) the small wireless facility; (B) the violation(s) to be corrected; (C) the timeframe in which the permittee must correct such violation(s); and (D) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). The City Council may revoke a permit when it finds substantial evidence in the written record to show that the small wireless facility is not in compliance with any applicable Laws, which includes without limitation, any permit in connection with the small wireless facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.
- (25) **Cost Reimbursement.** The permittee acknowledges and agrees that (A) the permittee's request for authorization to construct, install and/or operate the small wireless facility will cause the City to incur costs and expenses; (B) the permittee shall be responsible to reimburse the City for all actual and reasonable costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the small wireless facility; (C) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse the City for all such costs within 10 business days after a written demand for reimbursement and reasonable documentation to support such costs; and (D) the City shall have the right to withhold any permits or other approvals in

connection with the small wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.

- (26) **Future Undergrounding Programs.** Notwithstanding any term remaining on any permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter or related electric-service equipment required by the electric service provider to remain above ground, at approximately the same time. Accessory equipment, such as radios and computers that require an environmentally controlled underground vault to function, shall not be exempt from this condition; provided, however, that the Director may approve an alternative stealth/concealment plan for such equipment that complies with the City's then current design regulations. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- (27) **Electric Meter Upgrades.** If the small wireless facility includes a separate or ground-mounted electric meter pedestal and the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee, on its own initiative and at its sole cost and expense, shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- (28) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (A) change any street grade, width or location; (B) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (C) perform any other work deemed necessary, useful or desirable by the City (collectively, "**City Work**"). The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit. If the Director determines that any City Work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Director's notice, the City may (but will not be obligated to) cause the

rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Director determines that City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 business days after a written demand for reimbursement and reasonable documentation to support such costs.

- (29) **Truthful and Accurate Statements.** The permittee acknowledges that the City's approval relies on the written and/or oral statements by permittee and/or persons authorized to act on permittee's behalf. In any matter before the City in connection with this permit or the small wireless facility, neither the permittee nor any person authorized to act on permittee's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.
  - (30) **Successors and Assigns.** The conditions, covenants, promises and terms contained in this permit will bind and inure to the benefit of the City and permittee and their respective successors and assigns.
  - (31) **Severable Conditions.** If any provision in these conditions or such provision's application to any person, entity or circumstances is or held by any court with competent jurisdiction to be invalid or unenforceable: (A) such provision or its application to such person, entity or circumstance will be deemed severed from this permit; (B) all other provisions in this permit or their application to any person, entity or circumstance will not be affected; and (C) all other provisions in this permit or their application to any person, entity or circumstance will be valid and enforceable to the fullest extent permitted by law.
- (b) **Modified Conditions.** The approval authority (or appellate authority) may modify, add or remove conditions to any Small Cell Permit on a case-by-case basis as the approval authority (or appellate authority) deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions in subsection (a) to the particular facts and circumstances associated with the deployment; and/or (3) memorialize any changes to the proposed deployment needed for compliance with this policy, the Municipal Code, generally applicable health and safety requirements and/or any other applicable Laws.

## **Section 15. SPECIAL EXCEPTIONS FOR FEDERAL OR STATE PREEMPTION**

- (a) **Preface.** The provisions in this Section 15 establish a procedure by which the City may grant an exception to the standards in this policy but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the approval authority shall consider the findings in Section

15(b) in addition to the findings required under Section 10(b). Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

- (b) **Required Findings.** The approval authority shall not grant any limited exception pursuant to this Section 15 unless the approval authority finds all the following:
- (1) the applicant has provided the approval authority with a reasonable and clearly defined technical service objective to be achieved by the proposed small wireless facility;
  - (2) the applicant has provided the approval authority with a detailed written statement that explains why: (A) a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or (B) a provision in this policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law;
  - (3) the applicant has provided the approval authority with a written statement that contains a detailed and fact-specific explanation as to why the proposed small wireless facility cannot be deployed in compliance with the applicable provisions in this policy, the Municipal Code, the general plan and/or any specific plan;
  - (4) the applicant has provided the approval authority with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed small wireless facility;
  - (5) the applicant has demonstrated that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed small wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive facilities dispersed throughout the intended service area;
  - (6) the exception requested by the applicant does not compromise or excuse compliance with any fire safety or other public safety standard; and
  - (7) the exception is narrowly tailored such that any deviation from this policy is only to extent necessary for compliance with federal or state law.

- (c) **Evidentiary Standard.** The applicant shall have the burden to prove to the approval authority that an exception should be granted pursuant to this Section 15. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.
- (d) **Expert Review.** Independent expert and/or consultant review, including legal review, will generally be appropriate when considering an exception request, which shall be at the applicant's cost in the same manner as described in Section 8.

## **Section 16. VIOLATIONS**

Any use or condition caused or permitted to exist in violation of any provision of this policy shall be and hereby is declared a public nuisance and may be subject to: (a) injunctive relief as set forth in Municipal Code Chapter 1.16 (Injunctive Relief); (b) administrative citations as set forth in Municipal Code Chapter 1.24 (Administrative Citations); (c) administrative remedies as set forth in Municipal Code Chapter 1.28 (Administrative Remedies); (d) abatement pursuant to Municipal Code Chapter 9.28 (Property Maintenance); and (e) any and all applicable processes and procedures pursuant to the Municipal Code, including but not limited to Chapter 18.140 (Penalties), California Code of Civil Procedure § 731, or any other remedy available to the City.

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**SUBJECT: Planning Commission Subcommittee List**

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**Bicycle, Pedestrian, and Trails Committee**

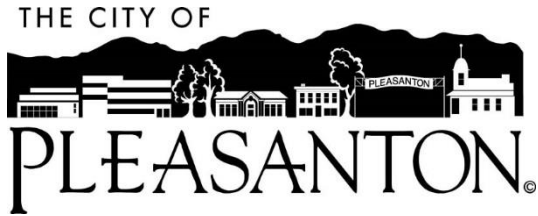
Advise the Parks and Recreation Commission and the City's Traffic Engineering Division on bicycle, pedestrian and trail-related items. The committee reviews and prioritizes potential projects and provides input on policies related to bikeways and trails.

Meeting Time: Fourth Monday of every other month at 6:45 p.m.  
Meeting Location: Pleasanton Senior Center, 5353 Sunol Blvd., Pleasanton  
Representative: Commissioner Jain  
Alternate: Commissioner Jagoe  
Staff Contacts: Matt Nelson, Traffic Engineer, 931-5671; Matt Gruber, Landscape Architect, 931-5672

**Protected Tree Board**

Make findings of fact upholding, reversing or modifying the director's decision with regard to protected tree removal permits.

Meeting Time: As needed  
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton  
Representatives: Commissioners Mohan and Jagoe  
Alternate: Commissioner Wedge  
Staff Contact: Sarah Hosterman, Landscape Architect Asst., 931-5514



## Planning Commission Agenda Report

March 25, 2026  
Item 8

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### **SUBJECT: Future Planning Calendar**

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P18-0078, P18-0079, P18-0081, PUD-130 & Tract Map 8472, Lester Properties: 11021 and 11033 Dublin Canyon Road and the parcel west of 11021 Dublin Canyon Road (APN 941-2500-3), Shriners Property: 10807 Dublin Canyon Road (APN 941-2700-2) - Recommendation to City Council on Final Environmental Impact Report and development applications for various entitlements related to four parcels totaling approximately 128.5 acres, including annexation, General Plan amendments, Planned Unit Development (PUD) rezoning and development plan approval to demolish two homes, construct 30 single-family detached homes with related on- and off-site improvements including public land dedication.

P25-0300, 4191 First Street, Guy Huston - Appeal of a denial of an application for Sign Design Review to rebrand an existing 76 Gas Station and Circle K Market to Shell Gasoline and FastFill Market at 4191 First Street.