AGENDA

REGULAR MEETING OF THE MAYWOOD CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
Wednesday, September 11, 2019 at 7:00 p.m.

Rules of Decorum

"*Members of the Public are advised that all* ***ELECTRONIC DEVICES, CELLULAR TELEPHONES and any OTHER COMMUNICATION DEVICES are to be turned off*** *upon entering the City Council Chambers." If you need to have a discussion with someone in the audience*, kindly step out into the lobby.

Reglas de Comportamiento

"Al público en general se le avisa que todos los ***teléfonos celulares, pagers y demás aparatos de comunicación deben ser apagados*** *al entrar a la sala de audiencias del Consejo Municipal de la Ciudad."* Si usted necesita tener una conversación con alguien que está en la audiencia, amablemente le pedimos que salga del recinto y tenga su conversación en el vestíbulo de la sala de audiencias.

ROLL CALL:

Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember
Gloria Viramontes, City Treasurer
Gerardo Mayagoitia, City Clerk
Jennifer Vasquez, City Manager
David Mango, Director of Building and Planning
Anthony Rainey, Interim Finance Director
Roxanne Diaz, City Attorney

In order to address the Council, please complete a Public Comment Card.
No Public Comment Cards will be accepted after 7:15 p.m. Time allotted per speaker: 3 minutes.
No agenda item may be taken after 9:00 p.m. without a motion to extend time by the majority of Council present.

INVOCATION* AND PLEDGE OF ALLEGIANCE

**In permitting a nonsectarian invocation, the City does not intend to proselytize, advance, or disparage any faith or belief. Neither the City nor the City Council endorses any particular belief or form of invocation.*

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

PRESENTATION(S)

Proclamation

California Clean Air Day

PUBLIC HEARING

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. Minutes for 08/28/19 Council Meeting.

2. Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving Prepaid Warrants.

3. Revenue Report for the months of July – August 2019.

4. Second reading of Ordinance 19-05 adopting regulations and procedures to administer installation of wireless telecommunications facilities in the public rights-of-way and making a finding of exemption under the California Environmental Quality Act.

5. Consider the adoption of a Resolution granting commercial cannabis cultivation, manufacturing, retail dispensary, vehicle dispensary and distribution licenses for PMB Group LLC, located at 3580 Fruitland Avenue.

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

ADJOURNMENT - The next Regular Meeting of the Maywood City Council is on September 25, 2019.

PUBLIC ACCESS TO CITY COUNCIL MEETING AGENDA AND AGENDA PACKETS

I, Priscilla Kinnard, Gerardo Mayagoitia, City Clerk or Priscilla Kinnard, Deputy City Clerk, hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5714 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.

Consent Calendar

AGENDA 1
ITEM NO. _____

August 28, 2019

MINUTES OF THE REGULAR MEETING OF THE MAYWOOD CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 4319 EAST SLAUSON AVENUE, MAYWOOD, CALIFORNIA

Mayor opened the meeting at approximately 7:00 p.m.

ROLL CALL: Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember
Gloria Viramontes, City Treasurer (Absent)
City Clerk, Gerardo Mayagoitia (Absent)
City Manager, Jennifer Vasquez
Director of Building and Planning, David Mango
Interim Director of Finance, Anthony Rainey
City Attorney, Roxanne Diaz

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Agenda Items only:

1. Javier Gonzalez;
2. Heather Wilson;
3. Veronica Guardado;
4. Todd Smith;
5. Daisy Uykimpang.

PRESENTATION(S)

Proclamation

The City of Maywood Proclaims September "Childhood Cancer and Blood Cancer Awareness Month"

Presentation(s)

Re-Grand Opening Certificate of Recognition

Tacos El Compa

Back to School Family Resource Fair & National Night Out Certificates of Recognition

Senator Lena Gonzalez
Stella Health Insurance Agency
Letty's Barbering and Cosmetology College
Gamma Zeta Alpha Fraternity, Inc. Eta Chapter
SCE Credit Union
Blue Shield
Kaiser Permanente
Kiwanis
Family Health Care Centers of Greater Los Angeles

I-710 Early Action Project (Slauson Avenue/Atlantic Boulevard Congestion Relief Project)

Presentation by Nicole Jules, Traffic Engineer, Interwest Group

PUBLIC HEARING

1. Public hearing to consider an Ordinance adopting regulations and procedures to administer installation of wireless telecommunications facilities in the public rights-of-way and making a finding of exemption under the California Environmental Quality Act. **Motion to introduce the ordinance, waive full reading and read the ordinance by title only by Alvarez. Second by De La Riva. AYES: Marquez, Lara, and De La Riva. PASSES.**

CONSENT CALENDAR

Item 5 was pulled from the consent calendar for further discussion

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. Minutes for 08/12/19 Joint City Council and Planning Commission Meeting. **Motion to approve by Lara. Second by De La Riva. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

2. Minutes for 08/14/19 Council Meeting. **Motion to approve by Lara. Second by De La Riva. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

3. A Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving the Warrants for Payment. **Motion to approve by Lara. Second by De La Riva. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

4. Revenue Report for the month of July 2019. **Motion to approve by Lara. Second by De La Riva. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

5. Second reading of Ordinance 19-03 amending Chapter 45 of the Maywood Municipal Code and the Zoning Ordinance to prohibit the commercial cultivation, dispensing, manufacture, distribution, and testing of cannabis within City limits, except for legal nonconforming uses, and making a finding of exemption under the California Environmental Quality Act. **Motion to approve by De La Riva. Second by Lara. AYES: Marquez, Lara, and De La Riva. NOES: Alvarez and Medina. PASSES**

6. Second reading of Ordinance 19-04 amending the Maywood Zoning Ordinance to clarify final decisions of the Planning Commission and their review and to modify requirements for certain conditional use permits relating to businesses with on-site accessory consumption of alcoholic beverages that is incidental to food sale. **Motion to approve by Lara. Second by De La Riva. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

DISCUSSION/ACTION ITEMS

7. Consideration to approve $1,000 for the City of Maywood's Residential Holiday Decoration Competition to be implemented during the 2019 Holiday Season. **Motion to approve, with the condition that Halloween and Christmas be acknowledged, by Medina. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

8. Resolution approving the acceptance of the 2019 National Fitness Campaign Grant in the amount of $30,000 for the installation of an outdoor fitness court at Riverfront Park. **Motion to approve by De La Riva. Second by Marquez. AYES: Marquez, Lara, and De La Riva. NOES: Alvarez and Medina. PASSES**

CLOSED SESSION

Conference with Labor Negotiator, Government Code Section 54957.6; City Negotiator: Jennifer Vasquez, City Manager; Unrepresented Employees: Director of Building and Planning/Assistant City Manager, Building Inspection/Code Compliance Supervisor, Code Compliance Officer I, Secretary of Building and Planning, Parking Enforcement I, Parking Enforcement II, Senior Parking

Enforcement Officer, Executive Assistant, Public Works Coordinator, Public Works-Part Time, Finance Director, Fund Accountant, Accounting Specialist I, Accounting Specialist II, Finance Specialist, Customer Service Representative I, Customer Service Representative II, Administrative Assistant, Community Service Officer, Lead Maintenance Worker, Administrative Analyst, Community Outreach Specialist

The City Council returned from closed session and the City Attorney announced there was no reportable action.

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Non-Agenda Items:

1. Heather Wilson;
2. Mary Mariscal;
3. Maria Iniguez;
4. Jaime Gutierrez;
5. Luis Mesa;
6. Veronica Duran;
7. Javier Gonzalez.

ADJOURNMENT Meeting adjourned at approximately 9:33 p.m. to September 11, 2019 at 7:00 pm for the regular meeting of the Maywood City Council.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk

COUNCIL AGENDA

ITEM No. 2

RESOLUTION NO. 6064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD AND SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY APPROVING THE WARRANTS FOR PAYMENT

WHEREAS, the following listed demands have been reviewed by the Interim Director of Finance, and

WHEREAS, the Interim Director of Finance has certified to the accuracy and availability of funds for payment thereof, and

WHEREAS, the register of audited demands is hereby submitted to the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency for approval.

NOW, THEREFORE, BE IT RESOLVED, that the listed Warrants and Wire Transfers/Automated Clearing House (ACH) Transactions for $299,273.03 are hereby ratified:

- Exhibit A – Summary of Warrants and Wire Transfers/ACH Transactions
- Exhibit B – Detail of Warrants
- Exhibit C – NOTES-Summary Warrants for Payment and Wire Transfers/ACH Transactions

PASSED, APPROVED AND ADOPTED THIS 11th day of September, 2019.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF MAYWOOD)

I, Gerardo Mayagoitia, City Clerk of the City Council of the City of Maywood, do hereby certify that foregoing Resolution No. 6064 was duly passed and adopted by the City Council of the City of Maywood, at a regular meeting of the City Council held on the 11th of September, 2019 by the following roll call vote, to wit:

AYES: DeLaRiva, Lara, and Marquez

NAYES:

ABSENT: Medina and Alvarez

ABSTAINED:

Gerardo Mayagoitia, City Clerk

City of Maywood
Summary Warrants for Payment and Wire Transfers/ACH Transactions
Council Meeting Date
Wednesday, September 11, 2019

			Amount
Accounts Payable			
Accounts Payable prepaid warrants for payment:			
Checks No. 086391 - 086398, 086402, 086405, 086414, 086416-086418, 086421, 086423-086425		$	14,370.22
Accounts Payable regular warrants for payment:			
Checks No. 086399 - 086401, 086403, 086406, 086413, 086415, 086419, 086420, 086422, 086426 - 086428		$	207,183.37
	Sub-total	$	221,553.59
Wire Transfers/ACH Transactions			
08/20/19	Unemployment Insurance Benefit charge	$	4,950.99
08/21/19	State Compensation Insurance Policy Premium for 7/1/19-7/1/20	$	28,305.75
08/21/19	Berkshire Hathaway Auto Insurance for 7/1/19-7/1/20	$	36,696.48
08/23/19	Lease Payment for Front Counter Cash Registers - August 2019	$	87.04
08/23/19	GASB 68 Reporting Services Fee, CalPERS	$	1,050.00
08/23/19	CalPERS Employer Contribution - Pay Period 8/04/19-8/17/19	$	6,167.04
08/30/19	ADP Payroll Fees	$	3.23
09/03/19	Merchant Fees	$	458.91
	Sub-total	$	77,719.44
	Total Demands	**$**	**299,273.03**

EXHIBIT A

City of Maywood
Detail Warrants for Payment
Warrants No. 086391 to 086428

Check No.	Prepaids	Date	Vendor Name	Check Amt	Transaction Description
086391	P	8/30/2019	ADR Services, Inc.	4,833.33	Mediation Hearing: Vasquez v. Maywood
086392	P	9/5/2019	AFLAC	237.36	Aflac Employee Contributions Payroll Deductions August 2019
086393	P	9/5/2019	Allen B. McDade	632.25	Retiree Medical Reimbursement September 2019
086394	P	9/5/2019	American Paper Plastic	196.74	Janitorial Services: City Hall
086395	P	9/5/2019	Angel Villegas	492.63	Retiree Medical Reimbursement September 2019
086396	P	9/5/2019	AT&T	21.22	MTA Line 07/17/19 to 08/16/19
086397	P	9/5/2019	Brent Talmo	284.77	Retiree Medical Reimbursement September 2019
086398	P	9/5/2019	Bruce Leflar	1,101.28	Retiree Medical Reimbursement September 2019
086399		9/5/2019	California Contract Cities Association	3,400.00	Annual Membership Dues 7/1/19-6/30/20
086400		9/5/2019	Calmex Graphics	324.12	Business Cards: Council and Public Works
086401		9/5/2019	Carpenter Rothan & Dumont LLP	44,095.98	Legal Services March thru July 2019 - Ortiz Claim Legal Services March thru July 2019 - Vasquez Claim
086402	P	9/5/2019	Christine M. Locher	258.83	Retiree Medical Reimbursement September 2019
086403		9/5/2019	County of Los Angeles Department of Animal Control	12,705.30	Animal Control Services July 2019
086404		9/5/2019	Dave And Frank Automotive	267.06	City Fleet Vehicle Balance Tires
086405	P	9/5/2019	Edward Ahrens	1,101.28	Retiree Medical Reimbursement September 2019
086406		9/5/2019	Expert Building Maintenance	2,975.00	City Hall Janitorial Service: August 2019 Extra Services - Strip/Clean/Wax Floors & Steam Carpets
086407		9/5/2019	Guillermo Padilla	22.76	Mileage Reimbursement Norwalk Registrar office
086408		9/5/2019	Hinderliter, de Llamas & Associates	1,164.64	3rd Quarter Sales Tax & Audit Service Cannabis Management Program
086409		9/5/2019	Interwest Consulting Group	6,794.45	City Engineering Services July 2019 ADA Transition Plan Building & Safety Plan Review Services July 2019 Professional Services June 2019
086410		9/5/2019	JCL Traffic Services	1,201.00	28" Orange Cones - Public Works
086411		9/5/2019	Kluger Architects	1,567.50	Maywood Park Bleacher Replacement
086412		9/5/2019	Metro Transit Services	33,703.10	Public Transporation Services Express & Dial-A-Ride August 2019

EXHIBIT B

City of Maywood
Detail Warrants for Payment
Warrants No. 086391 to 086428

Check No.	Prepaids	Date	Vendor Name	Check Amt	Transaction Description
086413		9/5/2019	MunieTemps - Municipal Staffing	7,524.00	Temp Labor: Interim Finance Director
086414	P	9/5/2019	OnTrac	132.50	Document Shipping/Delivery Service: Building & Planning
086415		9/5/2019	Pacheco & Neach PC	21,218.93	July 2019 to August 2019 Retainer: CDS Legal Services September 2019 to October 2019 Retainer: CDS Legal Services
086416	P	9/5/2019	Paul Pine	1,101.28	Retiree Medical Reimbursement September 2019
086417	P	9/5/2019	Robert Leach	1,005.00	Retiree Medical Reimbursement September 2019
086418	P	9/5/2019	Ronald Lindsey	1,102.61	Retiree Medical Reimbursement September 2019
086419		9/5/2019	Richards, Watson & Gershon	18,956.38	Legal Services - General (July 2019)
086420		9/5/2019	Salazar Landscaping	8,649.00	Landscape Maintenance August 2019
086421	P	9/5/2019	Scott C. Anderson	1,101.28	Retiree Medical Reimbursement September 2019
086422		9/5/2019	Siemens Industry, Inc	2,275.14	Traffic Signal Maintenance July 2019 Traffic Signal Response Call Out July 2019
086423	P	9/5/2019	Sparkletts Drinking Water Corp	77.28	City Hall Office Water
086424	P	9/5/2019	Sprint	490.12	Cell Phone Service: 07/24/2019-08/23/2019
086425	P	9/5/2019	Total Funds	200.46	Postage Machine
086426		9/5/2019	U.S. Bank Corporate Payment System	4,896.83	Credit Card Expense -Finance Department PC Monitor -Fence Privacy Screen City Hall Parking Lot -Home Depot & Harbor Freight: Public Works tools -Iron Mountain: Shredding service -Costco: office supplies -Hotel Accomodations: Code Enforcement Training -Hotel Accomodations: City Clerk Training -Staples: Budget Book supplies -Arctuition: Building/Planning Software -Citrix/Sharefile: Cloud Storage subscription -League of California Cities: Annual Conference Registration -CALBO: Building/Planinng Membership -League of California Cities: Webinar Strategies for Addressing Homelessness -National Notary Association: City Clerk Notary package

City of Maywood
Detail Warrants for Payment
Warrants No. 086391 to 086428

Check No.	Prepaids	Date	Vendor Name	Check Amt	Transaction Description
086427		9/5/2019	V & M Iron Works	33,814.68	City Hall and Library Maintenance & Repair May 2019 Park Maintenance May 2019 (Riverfront included) Street Maintenance May 2019 Payment Plan: Installment 23
086428		9/5/2019	Willdan Engineering	1,627.50	Maywood Planning Services rendered through 06/30/2019 Maywood Planning Services rendered through 07/26/2019
			TOTAL:	**$221,553.59**	

EXHIBIT C

NOTES – Summary Warrants for Payment and Wire Transfers/ACH Transactions

I. **Accounts Payable** – This is depicted on:

A. The first section of **EXHIBIT A** *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for Checks 086391 through 086398, 086402, 086405, 086414, 086416 through 086418, 086421, 086423 through 086425 – designated with a "P" for "Prepaids" on **EXHIBIT B**, *Detail Warrants for Payment* totaling $14,370.22.

B. The first section of **EXHIBIT A** *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for Checks 086399 through 086401, 086403, 086406, 086413, 086415, 086419, 086420, 086422, 086426 through 086428 on **EXHIBIT B**, *Detail Warrants for Payment* totaling $207,183.37. **EXHIBIT B** portrays the respective dates, vendor names, check amounts, and a brief transaction description of each "warrant" by its respective check number.

II. **Wire Transfers/Automated Clearing House (ACH) Transactions** – This is depicted on:

A. Within the second section of **EXHIBIT A** 08/20/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***Unemployment Insurance Benefit Charge*** totaling $4,950.99. This is the City's payment to the California Unemployment Insurance Benefits.

B. Within the second section of **EXHIBIT A** 08/21/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***State Compensation Insurance Fund –Premium for 7/01/19 – 7/01/20*** totaling $28,305.75. This is the City's contribution to the California workers' compensation premium for the year.

C. Within the second section of **EXHIBIT A** 08/21/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***Berkshire Hathaway Auto Insurance –Premium for 7/01/19 – 7/01/20*** totaling $36,696.48. This is the City's payment for Auto Liability Insurance.

D. Within the second section of **EXHIBIT A** 08/23/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***Lease Payment for Front Counter Registers –August 2019*** totaling $87.04. This is the City's payment to the lease the Point of Sale equipment for the front counter registers.

E. Within the second section of **EXHIBIT A** 08/23/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***GASB 68 Reporting Services Fee, CalPERS*** totaling $1,050.00. This is the City's payment to report GASB 68 to CalPERS.

F. Within the second section of **EXHIBIT A** 08/23/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***CalPERS Employer Contribution – Pay Period 8/04/19 – 8/17/19*** totaling $6,167.04. This is the City's contributions to the California Public Employees' Retirement System (CalPERS) for Pay Period.

G. Within the second section of **EXHIBIT A** 08/30/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***ADP (Automatic Data Processing Inc.) Payroll Fees*** totaling $3.23. This is the City's payment for payroll processing services.

H. Within the second section of **EXHIBIT A** 09/03/19 *Summary Warrants for Payment and Wire Transfers/ACH Transactions* for ***Merchant Fees*** totaling $458.91. This is the City's payment for credit card processing services.

Consent Calendar

AGENDA 3
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 11, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER

RE: REVENUE REPORT FOR THE MONTHS OF JULY - AUGUST 2019.

RECOMMENDATION

Staff recommends that the City Council receive and file the Revenue Report for the Months of July through August 2019.

FISCAL IMPACT

There is no fiscal impact involved with this action.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

In an effort to maintain transparency, the City's Finance Department prepares a monthly Revenue report for the City Council's review. The Revenue Report is a tool used by the Council to monitor and oversee the financial health of the City.

DISCUSSION

The attached analysis (see Attachment 1) compares each Revenue Fund (*GENERAL FUND, ENTERPRISE FUND* and *SPECIAL REVENUE FUND*) in Column A by: Column B - Monthly Revenue – July & Aug 2018, Column C - Fiscal year to Date Revenue – July & Aug 2019, Column D - July & Aug 2018 YTD versus July & Aug 2019 YTD $ Difference, Column E - July & Aug 2019 YTD versus July & Aug 2018 YTD % Difference, Column F - Percentage Fiscal Year Reaming as of July & Aug 2019, Column G - Adopted Budget FY 2019-2020, and Column H - % of FY 2019 - 2020 YTD Revenue Received

The total GENERAL FUND revenue received[1] during the month of July - Aug 2019 totaled $1,150,194.43 which is 17.92% higher than the same period last year. However there is not enough data to make a valid projection of the remaining 10 months as 83.06% of the Fiscal Year (depicted in Column F) remains.

- *GENERAL FUND – TAXES:* Finance is monitoring the effect on Franchise & Collectors Fees of the transition to the new Trash Collector. Finance is also monitoring the Utility Users Tax collections that are lower than the same period a year ago.
- *GENERAL FUND – LICENSES & PERMITS:* A contributing factor of the reduction in Parking Permits for July - Aug 2019 from that of July - Aug 2018 is the City's implementation of a new parking process that, in the long-term, will allow citizens to renew and apply for parking permits electronically rather than physically having to come in.
- *GENERAL FUND – FINES AND FORFEITURES*: A contributing factor of the reduction in Parking Fines revenue is the loss of parking enforcement coverage on weekends. Since April 2019 there has been a vacancy for the Part-time Parking Enforcement Officer position that diminished our capacity to issue parking citations.
- *ENTERPRISE FUND – SEWER*: The Jul - Aug 2019 revenues are running ahead of July - Aug 2018 because on June 13, 2018 the City Council adopted Ordinance Number 18-07 that supplements Chapter 11 – Sanitary Sewer Management Plan by implementing the City of Maywood's Fats, Oils, - Grease (FOG) Program. Raw sewage that overflows onto streets often makes its way into our storm water drains and waterways, polluting our city and ocean. The purpose of the FOG program is to reduce the number of blockages in the city's sewer lines and sewage overflows on to our streets. These funds would pay for an inspector to determine if a food service establishment (FSE) is complying with the FOG program by monitoring records of their grease pickups and cleaning of their grease traps.

ATTACHMENT(S)

Attachment No. 1 – July - August 2019 Revenue Report

[1] See row entitled General Fund Revenue Totals

ATTACHMENT NO. 1

A - Fiscal Year to Date Revenue Summary By Fund and Revenue Type - July - Aug 2019	B - Fiscal Year to Date Revenue - July - Aug 2018	C - Fiscal Year to Date Revenue - July - Aug 2019	D - July - Aug 2019 YTD versus 2018 $ Difference	E - July - Aug 2019 YTD versus 2018 % Difference	F - Percentage of Fiscal Year Remaining as of July - Aug 2019	G - Adopted Budget FY 2019-20	H - % of FY 2019-2020 YTD Revenue Received
			(C minus B)	*(C divided by B minus 1)*	*(1 minus remaining 2 months past [July 2019 through August 2019 or 2/12ths] divided by 12 months)*		*(C divided by G)*
GENERAL FUND **Taxes:**	**TAXES**: A tax is a compulsory monetary contribution to the City's revenue, assessed and imposed by the City on the activities, expenditure, income, occupation, privilege, property, etc., of individuals and organizations.						
Franchise & Collectors Fee	$80,969.43	$18,233.90	($62,735.53)	-77.48%	83.06%	$165,000.00	11.05%
Property Taxes	$53,497.29	$49,378.51	($4,118.78)	-7.70%	83.06%	$700,800.00	7.05%
Utility Users Tax	$158,386.69	$120,757.94	($37,628.75)	-23.76%	83.06%	$980,000.00	12.32%
Transfer Tax (Real Estate)	$1,614.26	$983.13	($631.13)	-39.10%	83.06%	$25,000.00	3.93%
Transient Occupancy Tax	$17,330.59	$16,069.86	($1,260.73)	-7.27%	83.06%	$60,000.00	26.78%
Cannabis Sales Tax	$148,075.49	$353,457.90	$205,382.41	138.70%	83.06%	$1,200,000.00	29.45%
Sales Tax Revenue	$212,392.69	$366,873.76	$154,481.07	72.73%	83.06%	$1,710,400.00	21.45%
Taxes Totals	**$672,266.44**	**$925,755.00**	**$253,488.56**	**37.71%**	83.06%	$4,841,200.00	19.12%
GENERAL FUND **Licenses & Permits:**	**FEES**: A fee is a charge imposed on an individual for a service that the person chooses to receive. A fee may not exceed the estimated reasonable cost of providing the particular service or product for which the fee is charged, plus overhead. Fees are charged for specific services, and fee revenue may fund only those services and related expenses. **LICENSES** and **PERMITS** are types of fees allowing for the operation within the City.						
Compliance Program Fee	$0.00	$0.00	$0.00	0.00%	83.06%	$45,000.00	0.00%
Residential & Building Permits	$12,845.50	$15,845.70	$3,000.20	23.36%	83.06%	$47,000.00	33.71%
Public Works Permit Fees	$6,025.50	$8,550.00	$2,524.50	41.90%	83.06%	$50,000.00	17.10%
Other Fees & Permits	$6,052.00	$6,631.80	$579.80	9.58%	83.06%	$46,400.00	14.29%
Occupancy Permits	$5,141.90	$3,465.80	($1,676.10)	-32.60%	83.06%	$25,000.00	13.86%
Building Permits	$16,098.33	$14,025.66	($2,072.67)	-12.88%	83.06%	$75,000.00	18.70%
Commercial Cannabis Applications	$19,922.03	$22,787.00	$2,864.97	14.38%	83.06%	$18,000.00	126.59%
Parking Permits	$23,055.80	$5,700.80	($17,355.00)	-75.27%	83.06%	$100,000.00	5.70%
Apartment License	$261.50	$822.94	$561.44	214.70%	83.06%	$30,000.00	2.74%
Business License	$1,617.00	$1,657.50	$40.50	2.50%	83.06%	$215,000.00	0.77%
Vehicle License Fee - LA County	$0.00	$0.00	$0.00	0.00%	83.06%	$2,820,000.00	0.00%
Licenses and Permits Totals	**$91,019.56**	**$79,487.20**	**($11,532.36)**	**-12.67%**	83.06%	$3,426,400.00	2.32%
GENERAL FUND **Charges for Services:**	**CHARGES FOR SERVICES:** Charges to cover administrative costs for the provision of services.						
All Other Charges for Services	$7.70	$1,876.00	$1,868.30	24264%	83.06%	$3,400.00	55.18%
Compliance and Review Fees - Cannabis	$0.00	$0.00	$0.00	0.00%	83.06%	$36,000.00	0.00%
Rubbish Assessment	$106.31	$93.30	($13.01)	-12%	83.06%	$65,000.00	0.14%
Plan Check Fees	$5,666.89	$5,995.07	$328.18	6%	83.06%	$25,900.00	23.15%
Rents & Concessions	$3,780.00	$3,780.00	$0.00	0%	83.06%	$23,000.00	16.43%
Charges for Services Totals	**$9,560.90**	**$11,744.37**	**$2,183.47**	**23%**	83.06%	$153,300.00	7.66%
GENERAL FUND **Fines and Forfeitures:**	**FINES AND FORFEITURES**: Penalties imposed by the City in the form of money or goods for a violation of an ordinance, law, regulation or rule.						
Penalties: Apt & Bus License	$36.75	$272.25	$235.50	640.82%	83.06%	$8,000.00	3.40%
SEMC: Court Collections (DMV)	$25,695.95	$24,381.19	($1,314.76)	-5.12%	83.06%	$120,000.00	20.32%
Parking Fines	$73,026.99	$32,791.14	($40,235.85)	-55.10%	83.06%	$290,000.00	11.31%
Fines and Forfeitures Totals	**$98,759.69**	**$57,444.58**	**($41,315.11)**	**-41.83%**	83.06%	$418,000.00	13.74%

A - Fiscal Year to Date Revenue Summary By Fund and Revenue Type - July - Aug 2019	B - Fiscal Year to Date Revenue - July - Aug 2018	C - Fiscal Year to Date Revenue - July - Aug 2019	D - July - Aug 2019 YTD versus 2018 $ Difference	E - July - Aug 2019 YTD versus 2018 % Difference	F - Percentage of Fiscal Year Remaining as of July - Aug 2019	G - Adopted Budget FY 2019-20	H - % of FY 2019-2020 YTD Revenue Received
			(C minus B)	*(C divided by B minus 1)*	*(1 minus remaining 2 months past [July 2019 through August 2019 or 2/12ths] divided by 12 months)*		*(C divided by G)*
GENERAL FUND **Leases and Concessions:**	**LEASES AND CONCESSIONS:** A rent or lease or payment for the use of a the City's property.						
Leased Property Rental Income	$10,500.00	$13,295.10	$2,795.10	26.62%	83.06%	$61,400.00	21.65%
Leases and Concessions Totals	**$10,500.00**	**$13,295.10**	**$2,795.10**	**26.62%**	83.06%	$61,400.00	21.65%
GENERAL FUND **Miscellaneous:**	**MISCELANEOUS**: A General Fund revenue not covered in another revenue category.						
Interest Income	$86.63	$35,671.54	$35,584.91	41076.89%	83.06%	$116,000.00	30.75%
Miscellaneous Revenue	$19,042.99	$9,604.35	($9,438.64)	-49.56%	83.06%	$64,900.00	14.80%
Rebate for Electrical Cars	$0.00	$0.00	$0.00	0.00%	83.06%	$0.00	0.00%
Other (Recycle + ABx1 Reimbursement)	$7,262.00	$0.00	($7,262.00)	-100.00%	83.06%	$7,300.00	0.00%
Street Fair Revenue	$49,120.00	$0.00	($49,120.00)	0.00%	83.06%	$0.00	0.00%
Trade of Prop A Funds	$0.00	$0.00	$0.00	0.00%	83.06%	$387,800.00	0.00%
Miscellaneous Revenue Totals	**$75,511.62**	**$45,275.89**	**($30,235.73)**	**-40.04%**	83.06%	$576,000.00	7.86%
GENERAL FUND **Retiree Pension Levy:**	**RETIREE PENSION LEVY**: An amount of revenue from the property tax levy approved by the voters for the purpose of paying the cost to the City of the Public Employees Retirement System (PERS).						
Retiree Pension Levy	$17,798.63	$17,192.29	($606.34)	-3.41%	83.06%	$950,000.00	1.81%
Retiree Pension Levy Totals	**$17,798.63**	**$17,192.29**	**($606.34)**	**-3.41%**	83.06%	$950,000.00	1.81%
General Fund Revenue Totals	**$975,416.84**	**$1,150,194.43**	**$174,777.59**	**17.92%**	**83.06%**	**$10,426,300.00**	**11.03%**
ENTERPRISE FUND **Sewer:**	**SEWER SERVICE CHARGE**: Annual sewer charges to be collected on the Los Angels County tax roll.						
Sewer	$0.00	$10,553.60	$10,553.60		83.06%	$284,000.00	3.72%
Sewer Revenue Totals	**$0.00**	**$10,553.60**	**$10,553.60**		83.06%	$284,000.00	3.72%
Enterprise Fund Revenue Totals	**$0.00**	**$10,553.60**	**$10,553.60**		**83.06%**	**$284,000.00**	**3.72%**
SPECIAL REVENUE FUND **Metro Funds:**	**SPECIAL REVENUE FUND**: Collections of revenues in special funds that must be used for the established purposes of the funds to provide an extra level of accountability and transparency.						
"Gas Tax"	$91,310.33	$98,859.16	$7,548.83	8.27%	83.06%	$735,800.00	13.44%
Transportation Development Act (TDA) Bikeway	$9.07	$0.00	($9.07)	-100.00%	83.06%	$20,400.00	0.00%
Proposition A	$86,408.49	$96,008.04	$9,599.55	11.11%	83.06%	$568,800.00	16.88%
Proposition C	$73,572.34	$81,196.03	$7,623.69	10.36%	83.06%	$482,500.00	16.83%
Measure R	$53,988.09	$59,682.86	$5,694.77	10.55%	83.06%	$355,000.00	16.81%
Measure M	$62,421.32	$66,539.01	$4,117.69	6.60%	83.06%	$401,000.00	16.59%
Senate Bill 1 (SB 1)	$59,379.57	$91,783.14	$32,403.57	54.57%	83.06%	$460,900.00	19.91%
Surface Transportation Program (STP) Federal Grant	$0.00	$0.00	$0.00	0.00%	83.06%	$200.00	0.00%
Community Development Block Grant (CDBG)	$34,732.00	$206,954.00	$172,222.00	495.86%	83.06%	$545,700.00	37.92%
Air Quality Management District (AQMD) Grant	$9,223.64	$9,430.19	$206.55	2.24%	83.06%	$34,100.00	27.65%
Supplemental Law Enforcement Services Fund (SLESF) Grant	$0.00	$0.00	$0.00	0.00%	83.06%	$140,000.00	0.00%
Grant/Reimbursements from Federal/State/County Governments	$0.00	$0.00	$0.00	0.00%	83.06%	$134,000.00	0.00%
Measure A	$0.00	$0.00	$0.00	0.00%	83.06%	$143,500.00	0.00%
Lighting & Landscaping	$4,899.02	$2,747.97	($2,151.05)	-43.91%	83.06%	$174,500.00	1.57%
Successor Agency Trust Fund - City of Maywood serves as the Successor Agency to the Maywood Redevelopment Agency	$407.65	$0.00	($407.65)	-100.00%	83.06%	$1,258,700.00	0.00%
Special Revenue Totals	**$476,351.52**	**$713,200.40**	**$236,848.88**	**49.72%**	**83.06%**	**$5,455,100.00**	**13.07%**
All Funds (General, Enterprise, Special Revenue) Totals	**$1,451,768.36**	**$1,873,948.43**	**$422,180.07**	**29.08%**	**83.06%**	**$16,165,400.00**	**11.59%**

Consent Calendar

AGENDA 4
ITEM NO. ____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER

BY: NICOLE JULES, CONSULTING ENGINEER

RE: SECOND READING OF ORDINANCE 19-05 ADOPTING REGULATIONS AND PROCEDURES TO ADMINISTER INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION

Staff recommends that the City Council adopts Ordinance No. 19-05 by title only as follows: An Ordinance of the City Council of the City of Maywood Regulating Wireless Telecommunications Facilities City-Wide, Amending Section 7-1.02 of Chapter 1 (Excavations and Repairs) of Title 7 (Public Works) to the Maywood Municipal Code, and Adding Chapter 3 (Wireless Telecommunications Facilities) to Title 7 (Public Works) of the Maywood Municipal Code, and Making a Finding of Exemption under the California Environmental Quality Act" and adopt Resolution No. 6062 adopting a city-wide policy regarding permitting requirements and development standards for wireless telecommunications facilities.

FISCAL IMPACT

There is no fiscal impact associated with consideration of this ordinance. The establishment of fees to recover costs will be adopted in a separate resolution.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

Following adoption of the Telecommunications Act of 1996, local jurisdictions experienced an increasing number of applications for the installation of wireless communications facilities. Chapter 1 (Excavations and Repairs) of Title 7 (Public Works) of the Maywood Municipal Code specifies the standards for right of way encroachments and excavation permits but does not establish regulations for governing deployment of small wireless facilities. The City has generally deferred to State and Federal regulations.

In subsequent years, the state and federal government have issued regulations to encourage streamlined review and installation of wireless facilities. On September 26, 2018, the FCC issued a ruling addressing the emerging Small Cell Wireless (5G) technology, and amending the "shot clock" regulations which specify time limits in which a state and local agency must act on an application for a wireless communications facility.

The wireless industry, as well as state and federal laws, have evolved substantially in recent years. In response to these changes, it is recommended that Council consider the adoption of a new draft ordinance to establish consistent regulations and a proposed resolution which outlines the procedures to administer the projects. The proposed ordinance and resolution incorporates updated federal and state regulations and definitions, and provides more detailed submittal, locational and processing requirements.

With regard to small cell (5G) wireless facilities, it is anticipated that state and federal laws will experience further modification as the technology evolves. Staff has reviewed approaches taken by other jurisdictions to establish permissible local regulations. The draft ordinance is complemented by a resolution establishing local regulations and appropriate provisions to administer Chapter 7.

DISCUSSION

Adoption of the attached Ordinance and Resolution establishing policies, procedures, standards and limitations for review of Small Cell (5G) Wireless Facilities will supersede existing City regulations that conflict with the FCC's Report and Order and will establish consistent regulations and procedures for the fair and equitable deployment of small wireless facilities.

On August 28, 2019, the City Council held a public hearing to consider this ordinance. After receiving a report delivered by staff and input provided by

community members in attendance; the City Council voted 5-0, to introduce the ordinance and make the finding of exemption from environmental review.

ENVIRONMENTAL ASSESSMENT

The proposed text amendments to the Maywood Municipal Code have been reviewed for compliance with the California Environmental Quality Act (CEQA). The proposed ordinance has been determined to be exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed text amendments add clarity and uniformity to applicable regulations for new wireless telecommunications facilities and protect the appearance of the public right-of-way.

ATTACHMENT(S)

Attachment No. 1 – Ordinance No. 19-05

Attachment No. 2 – Resolution No. 6062

ATTACHMENT NO. 1

ORDINANCE NO. 19-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES CITY-WIDE, AMENDING SECTION 7-1.02 OF CHAPTER 1 (EXCAVATIONS AND REPAIRS) OF TITLE 7 (PUBLIC WORKS) TO THE MAYWOOD MUNICIPAL CODE, AND ADDING CHAPTER 3 (WIRELESS TELECOMMUNICATIONS FACILITIES) TO TITLE 7 (PUBLIC WORKS) OF THE MAYWOOD MUNICIPAL CODE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF MAYWOOD ORDAINS AS FOLLOWS:

SECTION 1. Findings:

(a) On September 26, 2018, the Federal Communications Commission ("FCC") adopted its Declaratory Ruling and Third Report and Order ("Report and Order") relating to placement of small wireless facilities in public rights-of-way. The Report and Order went into effect on January 14, 2019.

(b) The Report and Order purports to give providers of wireless services rights to utilize public rights-of-way and to attach so-called "small wireless facilities" to public infrastructure including infrastructure of the City of Maywood, subject to payment of "presumed reasonable", non-recurring and recurring fees. The ability of local agencies to regulate use of their rights-of-way is substantially limited under the Report and Order.

(c) Notwithstanding the limitations imposed on local regulation of small wireless facilities in public rights-of-way by the Report and Order, local agencies retain the ability to regulate the aesthetics of small wireless facilities, including location, compatibility with surrounding facilities, spacing, and overall size of the facility, provided the aesthetic requirements are: (i) "reasonable", i.e., "technically feasible and reasonably directed to avoiding or remedying the intangible public harm or unsightly or out-of-character deployments"; (ii) "objective", i.e., they "incorporate clearly-defined and ascertainable standards, applied in a principled manner"; are (iii) published in advance. Regulations that do not satisfy the foregoing requirements are likely to be subject to invalidation, as are any other regulations that "materially inhibit wireless service" (e.g., overly restrictive spacing requirements).

(d) Local agencies also retain the ability to regulate small wireless facilities in the public rights-of-way in order to more fully protect the public health and safety, ensure continued quality of telecommunications services, and safeguard the rights of consumers.

(e) It is the intent of the City Council in adopting this Ordinance to supersede regulations of the City that conflict with the Report and Order, and to establish consistent regulations governing deployment of small wireless facilities in order to more fully protect the public health, safety, and welfare. The City Council declares that it adopts this Ordinance with the understanding that the City expressly reserves all rights to re-enact

and/or establish new regulations consistent with State and federal law as it existed prior to adoption of the Report and Order in the event the Report and Order is invalidated, modified, or limited in any way.

SECTION 2. The City Council hereby amends Section 7-1.02 of Chapter 1 (Excavations and Repairs) of Title 7 (Public Works) of the Maywood Municipal Code to read as follows (additions are *highlighted* and deletions are marked by ~~strike-outs~~):

"**7-1.02 - Permits: Applications: Form.**

(a) Except as otherwise provided in Chapter 3 of this Title, street ~~Street~~ excavation permits shall be issued by the Street Superintendent upon a written application therefor and upon the applicant making the deposit or filing the bond required by the provisions of this chapter. Every such application shall contain the following information:

~~(a)~~*(1)* The location of the proposed excavation;

~~(b)~~*(2)* The width, length, and depth of the proposed excavation;

~~(c)~~*(3)* The purpose for which the excavation is to be made;

~~(d)~~*(4)* The probable length of time the excavation will remain open;

~~(e)~~*(5)* The date of the application; and

~~(f)~~*(6)* The signature and address of the applicant.

(b) Installation of wireless telecommunications facilities shall require approval of a permit issued in accordance with Chapter 3 of this Title.

SECTION 3. The City Council hereby amends Title 7 (Public Works) of the Maywood Municipal Code by adding a new Chapter 3 (Wireless Telecommunications Facilities) to read as follows:

"**Chapter 3 - WIRELESS TELECOMMUNICATION FACILITIES**

7-3.01 -- Purpose and Intent.

The City Council of the City of Maywood expressly finds that the installation of wireless telecommunications facilities within City, including but not limited to, in City rights-of-way and on City infrastructure, requires City regulation, consistent with state and federal law as it currently exists, in order to more fully protect the public health and safety, preserve and protect the City's aesthetic interests, protect City infrastructure and other public facilities, and to provide for the orderly deployment of wireless telecommunications facilities in order to ensure the continued quality of telecommunications services to the public.

The City Council further finds that regulations established herein are not intended to, nor shall they be interpreted or applied to:

(a) Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;

(b) Prohibit or effectively prohibit any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations;

(c) Unreasonably discriminate among providers of functionally equivalent services;

(d) 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 facilities comply with the Federal Communication Commission's regulations concerning such emissions;

(e) Prohibit any collocation or modification that the City may not deny under federal or state law;

(f) Impose any unfair, unreasonable, discriminatory or arbitrary fees that exceed the reasonable cost to provide the services for which the fee is charged; or

(g) Otherwise authorize the City to act in conflict with any applicable federal or state law or regulation.

7-3.02 -- Definitions.

Unless the particular provisions or applicable law or the context otherwise requires, the definitions contained in this Section shall govern the construction, meaning and application of words and phrases used in this Chapter.

"Administrative review" means ministerial review by the City of an application relating to the review and issuance of a wireless telecommunications permit, including review by the approval authority to determine whether the issuance of a permit is in conformity with the applicable provisions of this Chapter, the Policy adopted by resolution pursuant to this Chapter, and this Code.

"Applicant" means any natural person, firm, partnership, association, joint venture, corporation, or other entity (or combination of entities), and the agents, employees, and contractors of such person or entity that seeks City permits or other authorizations under this Chapter.

"Application" means a written request, on a form provided by the City, for a wireless telecommunications facility permit under the authority of this Chapter.

"Approval authority" means the City official(s) designated to review and issue a decision on a proposed permit or other authorization under this Chapter.

"C.F.R." means the Code of Federal Regulations.

"City" means the City of Maywood.

"Day" means a calendar day, except as otherwise set forth in this Chapter or the Policy.

"Department" means the Public Works Department or Community Development Department of the City of Maywood, as specified in the Policy.

"Deployment" means the installation, placement, construction, collocation or modification of a small wireless facility, eligible facility or other wireless telecommunications facility.

"Eligible facility request" means a request for approval of an eligible facility pursuant to Section 6409(a), and as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), or any successor regulation, which defines that term as any 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: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"FCC Shot Clock" means the presumptively reasonable time frame within which the City generally must act on a given wireless telecommunications permit application, as defined by the FCC and as may be amended or superseded, and as further set forth in the Policy.

"Infrastructure" means any City-owned or operated facility, equipment, pole, pipe, cabinet, or other structure located in the public right-of-way or in or on any other City-owned or operated property outside of the public right-of-way.

"Master agreement" means an agreement between the City and a permittee authorizing the installation and maintenance of one or more wireless telecommunications facilities.

"Municipal Code" or "Code" means the Maywood Municipal Code, as amended from time to time.

"Ministerial permit" means any City-issued non-discretionary permit required to commence or complete any construction, excavation, or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, building permits, construction permits, electrical permits, encroachment permits, excavation permits, traffic

control permits and/or any similar over-the-counter approval issued by the City's departments.

"Notice of deficiency" means a notice issued by the applicable department identifying information and/or documentation necessary in order for the City to deem a wireless telecommunications permit application complete.

"Ordinance" means this Chapter 3 of Title 7 of the Maywood Municipal Code, as may be amended from time to time.

"Permit" means a written authorization (in electronic or hard copy format) to install a wireless telecommunications facility permit at a specified location(s) in the City, including but not limited to, in public right-of-way, on any other City-owned or operated property, facility, or other building or structure outside the PROW, or in or on any other public or private property, facility, building or other structure located anywhere else in the City. A permit may also consist of a master agreement between the applicant and the City to install and maintain one or more wireless telecommunications facilities in or on any property, building, facility or other structure in the City.

"Permittee" means an applicant that has received a permit issued by the City under this Chapter, and all successors-in-interest.

"Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.

"Personal wireless services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.

"Personal wireless service facilities" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded.

"Policy" means of the "City-Wide Policy Regarding Permitting Requirements and Development Standards for Wireless Telecommunications Facilities", as adopted and amended from time to time by City Council resolution, which further implements the requirements and regulations applicable to the deployment of wireless telecommunications facilities in the City.

"Public right-of-way" or "PROW" means any land which has been reserved for or dedicated to the City for the use of the general public for public road purposes, including but not limited to, any public roads, streets, highways, sidewalks, alleys, and unpaved areas. The term does not include a federal or state highway or other areas that are not within the legal jurisdiction, ownership or control of the City.

"Section 6409(a)" 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) (also known as the "Spectrum Act'), as may be amended or superseded.

"Small wireless facility" or "small wireless facilities" means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded, and which defines a small wireless facility as a wireless telecommunications facility that meets each of the following conditions:

(a) The facility—

(1) is mounted on structures 50 feet or less in height including its antennas as defined in this section; or

(2) is mounted on structures no more than 10 percent taller than other adjacent structures, or

(3) does not extend existing structures on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(b) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in this section), is no more than three cubic feet in volume;

(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(d) The facility does not require antenna structure registration under Part 17 of Subchapter A of Chapter 1 of Title 47 C.F.R., or its successor regulations;

(e) The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x), or its successor regulation; and

(f) The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b), or its successor regulation.

"State" means the State of California.

"Substantial change" means, with respect to an eligible facility, the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), or any successor regulation, which defines that term differently based on the type of eligible support structure (tower or base station) and location (in or outside the PROW). For clarity, this definition organizes the FCC's criteria and thresholds for determining if a collocation or modification substantially changes the physical dimensions of a wireless tower or base station based on the type and location.

(a) For towers outside the PROW, a substantial change occurs when:

(1) The proposed collocation or modification increases the overall height of the tower by more than 10% or the height of one additional antenna array with

separation from the nearest existing antenna not to exceed 20 feet (whichever is greater); or

(2) The proposed collocation or modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or

(3) The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four; or

(4) The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.

(b) For towers in the PROW and for all base stations, a substantial change occurs when:

(1) The proposed collocation or modification increases the overall height of the tower more than 10% or 10 feet (whichever is greater); or

(2) The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the tower or base station by more than six feet; or

(3) The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets when there are no pre-existing ground-mounted equipment cabinets associated with the structure; or

(4) The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are more than 10% larger in height or overall volume than any other existing ground-mounted equipment cabinets; or

(5) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

(c) In addition, for all towers and base stations wherever located, a substantial change occurs when:

(1) The proposed collocation or modification would defeat the existing concealment elements of the eligible support structure (wireless tower or base station) as reasonably determined by the Director; or

(2) 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.

(d) For purposes of this definition, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

"Wireless telecommunications facility" (or "WTCF") means the equipment at a fixed location or locations in the City that enables wireless telecommunications services. The term does not include: (1) the support structure, tower or pole on, under, or within which the equipment is located or collocated; or (2) coaxial, fiber-optic or other cabling that is between telecommunications facilities or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. Examples of wireless telecommunications facilities include small wireless facilities and eligible facilities.

"Wireless Telecommunications Facility Permit" or "WTCFP" means a permit issued by the City pursuant to this Chapter and the Policy, and including the following categories:

(a) "Small Wireless Facility Permit" or "SWFP" means a permit issued by the approval authority pursuant to the requirements of this Chapter and the Policy for (a) the deployment of a new small wireless facility, or (b) the replacement of, collocation on, or modification of an existing small wireless facility.

(b) "Eligible Facility Permit" or "EFP" means a permit issued for an eligible facility as defined in Section 6409(a) and subject to the requirements of this Chapter and the Policy.

"Wireless telecommunications services" means any wireless telecommunications services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

"Wireless telecommunications services provider" means a person who provides wireless telecommunications services.

7-3.03 – Permit Required.

Notwithstanding any provision of the Code to the contrary, a wireless telecommunications facility shall not be deployed in the City, including but not limited to, in or on any City-owned rights-of-way or City infrastructure, except upon approval of a wireless telecommunications facility permit issued in accordance with the requirements of this Chapter and the rules, regulations, procedures and policies adopted from time to time by resolution of the City Council pursuant to Section 7-3.02 of this Chapter, and upon approval of all other related ministerial permits.

7-3.04 -- Compliance with the City-Wide Policy Regarding Permitting Requirements and Development Standards for Wireless Telecommunications Facilities.

(a) Notwithstanding any provision of the Maywood Municipal Code to the contrary, all small wireless facilities and eligible facilities that are proposed to be located anywhere in the City are subject to the requirements of the "City-Wide Policy Regarding Permitting Requirements and Development Standards for Wireless Telecommunications Facilities" ("Policy"), as adopted and amended from time to time by City Council resolution, and all such wireless telecommunications facilities shall comply with that Policy.

(b) The Policy may include provisions to implement and administer this Chapter, including but not limited to, provisions establishing the following:

(1) Application submittal, timing, notices of deficiency, and permit review and action requirements and procedures;

(2) Application fees;

(3) Aesthetic, development, locational and other design standards and requirements;

(4) Conditions of approval;

(5) Findings for decisions on WTCFP applications;

(6) Exceptions from design, aesthetic and development standards;

(7) Operation and maintenance standards; and

(8) Such other terms, provisions and requirements deemed necessary and appropriate by the City Council to administer and implement this Chapter.

7-3.05 -- Permit Term; Expiration.

A wireless telecommunications permit shall be valid for a period of ten (10) years, unless it is revoked sooner in accordance with this Chapter or pursuant to any other provision of federal or state law that authorizes the City to issue a WTCFP with a shorter term, or such WTCFP is extended pursuant to Section 7-3.06. At the end of the term, the WTCFP shall automatically expire. Any other permits or approvals issued in connection with any collocation, modification or other change to the WTCFP, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend the ten-year term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

7-3.06 -- Extensions.

A permittee may apply for extensions of its WTCFP in increments of no more than ten years and no sooner than 180 days (six months) prior to expiration of the permit. Any request for an extension that is filed less than 180 days (six months) prior to expiration shall require a new permit. Procedures and requirements for extension requests and decisions shall be set forth in the Policy.

7-3.07 -- Cessation of Use or Abandonment.

(a) Determination. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days. If there are two or more users of a single WTCF, then this provision shall not become effective until all users cease using the WTCF.

(b) Notification. The operator of a wireless telecommunications facility shall notify the City in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including an unpermitted site) within 10 days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the WTCF shall provide written notice to the approval authority of any discontinuation of operations of 30 days or more.

(c) Violation. Failure to inform the approval authority of cessation or discontinuation of operations of any existing wireless telecommunications facility as required by this Section shall constitute a violation of any approvals and be grounds for enforcement pursuant to Section 7-3.08 - Permit Revocation or Modification; Removal, any other provision of this Chapter, or the Code.

7-3.08 - Permit Revocation or Modification; Removal.

(a) Revocation or Modification of WTCFP. The approval authority may modify or revoke any wireless telecommunications permit if the operation or maintenance of the WTCF violates any of the permit's terms or conditions, this Section or any other ordinance or law, in accordance with the following procedures.

(1) When the approval authority has reason to believe that grounds exist for the modification or revocation of a WTCFP, he or she shall give written notice by certified mail thereof to the permittee setting forth a statement of the facts and grounds. The permittee shall have not less than 10 days to submit a written response and supporting documentation to the approval authority prior to the approval authority's decision. The approval authority's decision shall be issued in writing, and shall be posted on the City's website in accordance with the procedures set out in the Policy.

(2) The approval authority may revoke or modify the wireless telecommunications facility permit if he or she makes any of the following findings:

(i) The WTCFP has expired as provided for in Section 7-3.07 - Permit Term; Expiration.

(ii) The WTCFP has been abandoned as provided in Section 7-3.07 - Cessation of Use or Abandonment.

(iii) The permittee has failed to comply with one or more of the conditions of approval, the Policy, this Chapter or any other provision of this Code.

(iv) The WTCF has been substantially changed in character or substantially expanded beyond the approval set forth in the permit.

(3) If the approval authority determines that modification of the WTCFP is warranted, he or she may impose any revised or new conditions that he or she deems appropriate based on his or her other findings.

(4) Decisions of the approval authority to modify or revoke a WTCFP shall be subject to the appeal procedures of Chapter 4 of Title 1 of this Code and any procedures or requirements set forth in the Policy.

(b) Permittee's Removal Obligation. Upon the expiration date of the WTCFP, including any extensions, earlier termination or revocation of the WTCFP or abandonment of the WTCF, the WTCFP shall become null and void, and the permittee, owner or operator shall completely remove its WTCF. Removal shall be in accordance with proper health and safety requirements, this Chapter, the Policy, and all other ordinances, rules, and regulations of the City. The WTCF shall be removed from the property within 30 days, at no cost or expense to the City. If the WTCFP is located on another WTCF or other private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration.

(c) Failure to Remove. Failure of the permittee, owner, or operator to promptly remove its WTCF and restore the property within 30 days after expiration, earlier termination, or revocation of the WTCFP, or abandonment of the WTCF, shall be a violation of this Code, and be grounds for:

(1) Prosecution;

(2) Calling of any bond or other assurance required by this Section or conditions of approval of permit;

(3) Removal of the wireless telecommunications facility by the City in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or

(4) Any other remedies permitted under this Code or federal or state law.

(d) Summary Removal. In the event the approval authority determines that the condition or placement of a wireless telecommunications facility located in the PROW or on any other City property constitutes a dangerous condition, obstruction of the PROW, or an imminent threat to public safety, or determines other exigent circumstances require

immediate corrective action (collectively, "exigent circumstances"), the approval authority may cause the WTCF to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall be served upon the person who owns the WTCF within five (5) business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the WTCF shall be treated as abandoned property.

(e) Removal of Facilities by City. In the event the City removes a wireless telecommunications facility wireless in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the City for any damage to such WCTF that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the City may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the City has no obligation to store such WTCF. Neither the permittee nor the owner nor operator shall have any claim if the City destroys any such WTCF not timely removed by the permittee, owner, or operator after notice, or removed by the City due to exigent circumstances.

(f) Non-Exclusive Remedies. Each and every remedy available for the enforcement of this Chapter or the Policy shall be non-exclusive and it is within the discretion of the authorized inspector or enforcing attorney to seek cumulative remedies set forth in this Code, except that multiple monetary fines or penalties shall not be available for any single violation of this Chapter or this Policy.

7-3.09 -- Deemed Granted.

In the event that an application for a wireless telecommunications facility is deemed granted by rule of federal or state law, all conditions, development and design standards, and operations and maintenance requirements imposed by this Chapter and the Policy for the type of wireless telecommunications facility are still applicable and required for the installation.

7-3.10 -- Exceptions.

An exception from the strict locational, physical, development or other design requirements of this Chapter or the Policy may be granted by the approval authority in his or her discretion, when it is shown to the approval authority's satisfaction based on substantial evidence that, because of special, unique circumstances applicable to the proposed location, the strict application of the requirements of this Chapter or the Policy would deprive the applicant of privileges enjoyed by other permittees in the vicinity operating a similar facility. Any exception granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other wireless providers seeking to locate any wireless telecommunications facility in the area where such property is situated.

Procedures for application, review, findings and decisions on exception applications shall be set forth in the Policy.

7-3.11 -- Fees.

Each applicant/permittee shall pay one-time and recurring fees, per each small wireless facility or other WTCF, in amounts (i) set forth in the City-Wide Policy Regarding Permitting Requirements and Development Standards for Wireless Telecommunications Facilities, or (ii) as established by resolution of the City Council that are not less than those amounts deemed presumptively reasonable under the Report and Order or then-in effect federal law or regulations; or that otherwise are determined to be a reasonable, non-discriminatory approximation of the City's costs in processing applications and administering permits for small wireless facilities; or (iii) as agreed upon by the City and an applicant or permittee in a site or master agreement.

7-3.12 -- Violations and Penalties.

(a) It shall be unlawful for any person to violate or fail, neglect, or refuse to comply with any of the provisions of this Chapter.

(b) Failure or refusal to comply with the City-Wide Policy Regarding Permitting Requirements And Development Standards For Wireless Telecommunications Facilities constitutes a violation of this Chapter.

(c) The City Council may institute a civil action or undertake any other civil or criminal remedies available under state or federal law to compel compliance with this Chapter or any provision of the City-Wide Policy Regarding Permitting Requirements And Development Standards For Wireless Telecommunications Facilities.

7-3.13 -- Conflicting provisions superseded.

The provisions of this Chapter shall govern and supersede any conflicting provisions of the Maywood Municipal Code with respect to the permitting and regulation of wireless telecommunications facilities within the City, including but not limited to wireless telecommunications facilities in City rights-of-way and on City infrastructure.

7-3.14 -- Severability.

If any subsection or portion of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portion of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section or subsection thereof, irrespective of the fact that any one (1) or more sections or subsections thereof be declared invalid or unconstitutional.

SECTION 4. Environmental Determination. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, City staff for the City of Maywood determined that the proposed

Ordinance has no possibility of causing a significant impact on the environment. The City of Maywood has concluded that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. In addition, the City of Maywood has determined that this Ordinance is categorically exempt pursuant to Section 15301 of the CEQA Regulations applicable to minor alterations of existing governmental and/or utility-owned structures.

SECTION 5. Future Modifications. The City Council finds and declares that it is adopting this Ordinance in order to more fully protect and preserve the public health and safety with respect to City rights-of-way in light of the adoption of the Report and Order. Notice is hereby given to any and all wireless providers obtaining a permit pursuant to the Maywood Municipal Code as amended herein, that the City expressly reserves any and all rights it possessed prior to the adoption of the Report and Order concerning its authority to regulate its public rights-of-way and other City-owned or City-operated property. In the event the Report and Order is invalidated, modified, or limited in any way, the City Council reserves the right, subject to reasonable notice and due process, to modify the terms and conditions applicable to any permit issued hereunder including, but not limited to, the term, fees charged, and scope of any future wireless deployments within the City's rights-of-way.

SECTION 6. Severability. If any sections, subsections, sentence, clause, or phrase of the Chapter adopted by this Ordinance is for any reason held to be invalid or unconstitutional by the decision or legislation of any court of competent jurisdiction, or by reason of preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of the Chapter, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases thereof is declared invalid or unconstitutional.

SECTION 7. Publication. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law. This Ordinance shall take effect thirty (30) days after its final passage.

PASSED, APPROVED AND ADOPTED this 11th day of September, 2019, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Eduardo De La Riva, Mayor

ATTEST:

_____
Gerardo Mayagoitia City Clerk

APPROVED AS TO FORM:

_____
Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Ordinance No. 19-05 was adopted at a regular meeting of the City Council of the City of Maywood held on the 11th day of September, 2019 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Gerardo Mayagoitia, City Clerk

ATTACHMENT NO. 2

RESOLUTION NO. 6062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, ADOPTING A CITY-WIDE POLICY REGARDING PERMITTING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES PURSUANT TO CHAPTER 3 OF TITLE 7 OF THE MAYWOOD MUNICIPAL CODE

WHEREAS, on September 26, 2018, the Federal Communications Commission ("FCC") adopted its Declaratory Ruling and Third Report and Order ("Report and Order") relating to placement of small wireless facilities in the City, including public rights-of-way; and

WHEREAS, the Report and Order purports to give providers of wireless services rights to utilize public rights-of-way and to attach so-called "small wireless facilities" to public infrastructure, including infrastructure of the City of Maywood, subject to payment of "presumed reasonable", non-recurring and recurring fees, and the ability of local agencies to regulate use of their rights-of-way is substantially limited under the Report and Order; and

WHEREAS, notwithstanding the limitations imposed on local regulation of small wireless facilities in public rights-of-way by the Report and Order, local agencies retain the ability to regulate the aesthetics of small wireless facilities, including location, compatibility with surrounding facilities, spacing, and overall size of the facility, provided the aesthetic requirements are: (i) "reasonable," i.e., "technically feasible and reasonably directed to avoiding or remedying the intangible public harm or unsightly or out-of-character deployments"; (ii) "objective," i.e., they "incorporate clearly-defined and ascertainable standards, applied in a principled manner"; and (iii) published in advance. Regulations that do not satisfy the foregoing requirements may be subject to invalidation, as are any other regulations that "materially inhibit wireless service," (e.g., overly restrictive spacing requirements); and

WHEREAS, local agencies also retain the ability to regulate small wireless facilities and other wireless telecommunications facilities in the City, including but not limited to the City's public rights-of-way, on public infrastructure, and on private property in order to more fully protect the public health and safety, ensure continued quality of telecommunications services, and safeguard the rights of consumers, and pursuant to this authority retained, the City Council has amended the Maywood Municipal Code by the addition of Chapter 3 (Small Wireless Facilities) to Title 7 (Public Works) (the "Ordinance") to require all wireless telecommunications facilities, as defined, to comply with the requirements of a policy adopted by resolution of the City Council entitled "City-Wide Policy Regarding Permitting Requirements And Development Standards For Wireless Telecommunications Facilities."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein as if set forth in full.

Section 2. Adoption of Policy. The City Council of Maywood hereby adopts the "City-Wide Policy Regarding Permitting Requirements And Development Standards For Wireless Telecommunications Facilities" set forth in Exhibit A to this Resolution, and which is incorporated by reference herein.

Section 3. Amendments. Any and all amendments to the Policy, as deemed necessary from time-to-time, shall be adopted by resolution of the City Council.

Section 4. CEQA. The City of Maywood has determined that the adoption of this Resolution is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State Section 15061(b)(3) of the CEQA Guidelines covering activities with no possibility of having a significant effect on the environment. In addition, the City of Maywood has determined that this Resolution is categorically exempt pursuant to Section 15301 of the CEQA Regulations applicable to minor alterations of existing governmental and/or utility-owned structures.

Section 5. Severability. If any sections, subsections, sentence, clause, or phrase of this Resolution or the Policy adopted by this Resolution is for any reason held to be invalid or unconstitutional by the decision or legislation of any court of competent jurisdiction, or by reason of preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of this Resolution or the Policy, and to this end, the provisions of this Resolution and the Policy are each declared to be severable. The City Council declares that it would have passed this Resolution and the attached Policy, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases thereof is declared invalid or unconstitutional.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 7. Certification. The City Clerk shall certify to the adoption of this Resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 11th day of September, 2019.

_____

Eduardo De La Riva, Mayor

ATTEST:

_____
Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:

_____
Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. 6062 was adopted at a regular meeting of the City Council of the City of Maywood held on the 11th day of September, 2019 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Gerardo Mayagoitia, City Clerk

EXHIBIT A

CITY-WIDE POLICY REGARDING PERMITTING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES (PURSUANT TO CHAPTER 3 OF TITLE 7 OF THE MAYWOOD MUNICIPAL CODE)

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.1. PURPOSE AND INTENT

A. On September 26, 2018, the Federal Communications Commission ("FCC") adopted a Declaratory Ruling and Third Report and Order, FCC 18-133 (the "Report and 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 regulations adopted in the Report and Order significantly curtail the local authority over wireless and wireline communication facilities reserved to State and local governments under sections 253 and 704 in the federal Telecommunications Act. Numerous legal challenges to the Report and Order have been raised but its regulations have become effective while such challenges are pending. Although the provisions may well be invalidated by future action, the City recognizes the practical reality that failure to comply with the Report and Order while it remains in effect will likely result in greater harm to the City's interests than if the City ignored the FCC's ruling. Accordingly, the City Council adopts this Policy ("Policy") as a means to accomplish such compliance that can be quickly amended or repealed in the future without the need to amend the City's Municipal Code.

B. The City of Maywood intends this Policy to establish reasonable, uniform and comprehensive standards and procedures for wireless telecommunications facilities construction, installation, collocation, modification, operation, relocation and other deployment and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits from advanced wireless telecommunications services with local values, which include without limitation the aesthetic character of the City. This Policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by wireless telecommunications facilities and related telecommunications 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; and (5) promoting access to high-quality, advanced wireless services for the City's residents, businesses and visitors.

C. 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 preempt any applicable federal or California law.

SECTION 1.2. DEFINITIONS

A. Undefined Terms. Except as otherwise expressly defined herein, terms and phrases used in this Policy shall have the meaning ascribed to them in Chapter 3 of Title 7 of the Maywood Municipal Code, unless the context in which they are used clearly requires otherwise, or unless otherwise defined in 47 C.F.R. § 1.6002, as amended or superseded from time to time. If any definition assigned to any phrase, term or word in this Section 1.2 conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

B. Defined Terms.

1. "Accessory equipment" means the same as "antenna equipment" as defined by FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.

2. "Antenna" means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.

3. "Antenna equipment" means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

4. "Base station" for purposes of an eligible facility request, means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), or any successor regulation, which defines that term as a structure or equipment at a fixed

location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

5. "City Engineer" means the City Engineer of the City of Maywood.

6. "Collocation" means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.

7. "Community Development Director" means the Community Development Director of the City of Maywood.

8. "Concealed" or "concealment" means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment and would not likely recognize the existence of the wireless facility or concealment technique.

9. "Construction codes" means the California Building, Fire, Electrical, Plumbing and/or Mechanical Codes adopted by the City.

10. "CPUC" means the California Public Utilities Commission.

11. "Decorative pole" means any pole that includes decorative or ornamental lighting, features and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located. Decorative or ornamental features include, but are not limited to, fluted poles, ornate luminaires and artistic embellishments. Cobra head luminaires and octagonal shafts made of concrete or crushed stone composite material are not considered decorative or ornamental.

12. "Department" means:

    (a) For wireless telecommunications facilities located in the PROW, or on City infrastructure or City-owned or City-operated buildings or facilities regardless of where located in the City, "department" means the Public Works Department of the City of Maywood.

    (b) For wireless telecommunications facilities located on all other property in the City, "department" means the Community Development Department of the City of Maywood.

13. "Eligible facility request" means a request for approval of an eligible facility pursuant to Section 6409(a), and as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), or any successor regulation, which defines that term as any 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: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

14. "FCC Shot Clock" means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended or superseded. (See also Section 2.3(E) and Section 3.4(B) of this Policy.)

15. "Municipal Code" means the Maywood Municipal Code, as amended from time to time.

16. "Notice of deficiency" means a notice issued by the applicable department identifying information and/or documentation necessary in order for the City to deem a wireless telecommunications facilities permit application complete.

17. "Ordinance" means Chapter 3 of Title 7 of the Maywood Municipal Code, as may be amended from time to time.

18. "RF" means radio frequency or electromagnetic waves.

19. "SCJPC" means the Southern California Joint Pole Committee.

20. "Structure" for this Policy, means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded.

21. "Support structure" means a structure in the public right-of-way other than a pole or a tower to which a wireless telecommunications facility is attached at the time of the application.

22. "Tower", for purposes of an eligible facilities request, means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), or any successor regulation, which defines that term as any 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, monotrees and lattice towers.

ARTICLE 2. SMALL WIRELESS FACILITIES

SECTION 2.1. APPLICABILITY; REQUIRED PERMITS AND APPROVALS

A. Applicable Facilities. Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, remove or otherwise deploy small

wireless facilities within the City's jurisdictional and territorial boundaries, including within the public rights-of-way, on any property, buildings, facilities or other structures located within the PROW, on any property or buildings owned or operated by the City of Maywood located anywhere else in the City, or on private property.

B. Approval Authority. The approval authority for small wireless facilities in public rights-of-way, or on City-owned or City-operated buildings or facilities regardless of where located, shall be the City Engineer or his or her designee. The approval authority for small wireless facilities located on all other property shall be the Community Development Director or his or her designee.

C. Small Wireless Facility Permit (SWFP). A small wireless facility permit, subject to the approval authority's prior review and approval, is required for any small wireless facility proposed on an existing, new or replacement structure, including but expressly not limited to any City-owned building or structure.

D. Requests for Approval pursuant to Section 6409(a). Requests for approval to collocate, replace or remove transmission equipment or other wireless facilities at an existing wireless tower or base station submitted pursuant to Section 6409(a), and qualifying as an "eligible facility" pursuant to Section 6409(a) and applicable federal regulations, shall require approval of an Eligible Facility Permit (EFP), reviewed in accordance with Section 6409(a), and Article 3 of this Policy, and all other standards required by law.

E. Other Permits and Approvals. In addition to a small wireless facility permit, the applicant shall obtain all other permits and regulatory approvals as may be required by the City or any other federal, state or local government agencies, including but expressly not limited to any ministerial permits and/or other approvals issued by other City departments or divisions, or approval by Southern California Edison for utility pole attachments in compliance with FCC, CPUC and/or SCJPC pole attachment rules. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid small wireless facility permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such SWFP may be denied without prejudice. Furthermore, any SWFP granted under this Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

SECTION 2.2. SMALL WIRELESS FACILITY PERMIT APPLICATION REQUIREMENTS

A. Application Contents. All applications for a small wireless facility permit must include all the information and materials required in this subsection (A).

1. Application Form. The applicant shall submit a complete, duly executed SWFP application using the then-current City form, which must include the

information and documentation described in this subsection (A), and in accordance with the original and number of copies and format required by the department.

2. Application Fee. The applicant shall submit the applicable small wireless facility permit application fee (non-recurring) as set forth in this Policy, the Ordinance, or as established by City Council resolution, or otherwise in such amount as presumed "reasonable" by the FCC in the Small Wireless Facilities Order. See also, Section 2.5(A)(16), of this Policy. Batched applications must include the applicable SWFP application fee for each SWF in the batch. If no permit application fee has been established, then the applicant shall submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application within ten (10) days after the City issues a written demand for reimbursement.

3. Address Labels; Public Notices. The applicant shall submit address labels for all properties and record owners of properties within 300 feet of the proposed installation. Notice of the SWFP application shall be provided in accordance with Section 2.4. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.

4. Construction Drawings. The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project and project site, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 250 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that the proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, CPUC regulations and orders including, but not limited to, CPUC General Order 95 and 128, and the SCJPC pole attachment rules.

5. Site Plan. The applicant shall submit a site plan and survey prepared, signed and stamped by a California licensed or registered engineer. The

site plan and survey must identify and depict the proposed project site and all existing boundaries, encroachments, buildings, walls, fences and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.

6. Photographs and Photo Simulations. The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the SWF from a vantage point approximately 50 feet from the proposed support structure or location.

7. Project Narrative and Justification. The applicant shall submit a written statement that explains in plain factual detail why the proposed wireless telecommunications facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis must state the applicable standard and all the facts that allow the City to conclude the standard has been met. Bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a "structure" as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless telecommunications facility meets each required finding as provided in Section 2.4 of this Policy.

8. RF Compliance Report. The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless telecommunications facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF exposure compliance report must be prepared and certified by an RF engineer acceptable to the City. The RF exposure compliance report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such

boundary shall be clearly marked and identified for every transmitting antenna at the project site.

9. Regulatory Authorization. The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the SWF proposed in the application.

10. Site Agreement. When determined necessary by the approval authority in order to more fully protect the public health and safety, and/or when installation is proposed on a City-owned or City-operated structure requiring terms and conditions for such use that are not otherwise sufficiently addressed in this Policy, the City may require the applicant to enter into a site agreement. In such cases, the City may require and the applicant shall submit a partially-executed site agreement on a form prepared by the City that states the terms and conditions for such use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete. Refusal to accept the terms and conditions in the City's site agreement shall be an independently sufficient basis to deny the application. The City may, but is not required to, enter into a master agreement upon an applicant's request, when multiple facilities are proposed.

11. Title Report and Property Owner's Authorization. The applicant must submit a title report issued within 30 days from the date the applicant filed the SWFP application; and (ii) if the applicant is not the property owner, a written authorization signed by the non-City property owner that authorizes the applicant to submit a SWFP application in connection with the subject property and also demonstrating that the property owner approves the application and installation or collocation of the proposed wireless telecommunications facility. The following additional requirements shall also be met:

    a. Southern California Edison. If the SWF is proposed on a pole or other support structure owned by Southern California Edison (SCE), the applicant shall indicate the status of the following in the application and submit prior to obtaining encroachment permit for construction:

        i. Final plans approved by Southern California Edison;

        ii. SCE Letter of Authorization;

        iii. SCE Consent Letter;

        iv. SCE Disconnect Letter;

        v. Lighting Study for the proposed installation, collocation or modification will be required if the proposed site deviates from

the existing lighting levels as determined by the City Engineer, and

vi. Any other documents required by SCE.

b. Other Utility. If the SWF is proposed on a pole or other structure owned by any other public or private utility, the applicant shall provide detailed plans approved by the utility and all authorizations required by that utility.

c. SCJPC. For any proposed SWF on a wooden utility pole or other pole subject to any pole attachment rules, including but not limited to the SCJPC, the applicant must submit the following with the application:

i. Any and all documents demonstrating that such pole is subject to the applicable pole attachment rules, all applicable pole attachment requirements, and the manner in which the proposed facility complies with the applicable pole attachment rules;

ii. All plans approved by the SCJPC or other owner; and

iii. If required by the SCJPC for a pole attachment, the applicant must provide sufficient information to Southern California Edison to permit it to file a Notice of Intention to Place Wireless Antenna as well as the SCJPC approval for installation or collocation of the small wireless facility.

12. Acoustic Analysis. The applicant shall submit a written statement for the proposed SWF and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. In addition to the acoustic statement, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.

13. Wind Velocity Test. The applicant must include an evaluation of high wind load capacity of the proposed SWF, including but not limited to the impact of a modification or collocation to an existing wireless telecommunications facility as part of the structural analysis submitted with the application.

14. Justification for Non-Preferred Location or Structure. If a SWF is proposed anywhere other than the most preferred location or the most preferred structure within 500 feet of the proposed location as described in Section 2.6(B) or (C), the applicant shall demonstrate with clear and convincing written evidence all of the following:

a. A clearly defined technical service objective, and a map showing areas that meets that objective;

b. A technical analysis that includes the factual reasons why a more preferred location(s) and/or more preferred structure(s) within 500 feet of the proposed location is not technically feasible;

c. Bare conclusions that are not factually supported do not constitute clear and convincing written evidence.

15. Historic Preservation Review. If a SWF is proposed on any building or structure designated as historic in the City, the City shall comply with all city, county, state and federal laws applicable to modifications or attachments to historic buildings and structures.

16. Traffic Control Plan. The applicant must include a traffic control plan if the proposed SWF is to be sited on any street adjacent to or within a non-residential zone.

B. Additional Requirements. The City Council authorizes the approval authority 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 approval authority finds necessary, appropriate or useful for processing any SWFP application governed under this Policy. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice.

SECTION 2.3. SMALL WIRELESS FACILITY PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

A. Requirements for a Duly Filed Application. Any application for a small wireless facility permit will not be considered duly filed unless submitted in accordance with the requirements in this Subsection (A).

1. Submittal in Person. All applications for SWFPs shall be submitted in person at Maywood City Hall, 4319 Slauson Avenue, Maywood, California 90270 to the attention of the City Engineer.

2. Submittal Appointment. The City may require that all SWFP applications must be submitted to the City at a pre-scheduled appointment with the approval authority. The requirement for an appointment shall be published on the applicable department's website and posted at the department's front counter. Potential applicants may generally submit either one application or one batched application per appointment as provided below. Potential applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project. If an appointment is required, the approval authority shall use reasonable efforts to offer an appointment within five working days

after the approval authority receives a written request from a potential applicant. If an appointment is required, any purported application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed, whether the City retains, returns or destroys the materials received.

3. Pre-Submittal Conferences. The City encourages, but does not require, potential applicants to schedule and attend a pre-submittal conference with the approval authority for all proposed projects that involve small wireless facilities. A voluntary pre-submittal conference is intended to streamline the review process through informal discussion between the potential applicant and staff that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues.

B. Applications Deemed Withdrawn. To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any SWFP application governed under this Policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the approval authority within sixty (60) calendar days after the approval authority deems the application incomplete in a written notice to the applicant. As used in this subsection (b), a "substantive response" must include all materials identified as necessary to deem the SWFP application complete in the approval authority's notice of deficiency.

C. Batched Applications. Applicants may submit SWFP applications individually or in a batch; provided, that the number of small wireless facilities in a batch should be limited to five and all facilities in the batch should be substantially the same with respect to equipment, configuration, and support structure. Applications submitted as a batch shall be reviewed together, provided that each application in the batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any individual application within a batch is deemed incomplete, the entire batch shall be automatically deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, all other applications in the same batch shall be automatically deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.

D. Additional Procedures. The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed SWFP applications, which may include without limitation regular hours for appointments with applicants, as the approval authority deems necessary or appropriate to organize, document and manage the application intake process. All such rules and

regulations must be in written form and publicly stated to provide all interested parties with prior notice.

E. FCC Shot Clocks. SWFP applications shall be processed in compliance with the following federally established timelines:

1. Subject to tolling provisions in this Subsection (E), the City shall have sixty (60) days from the date of receipt of an application for a small wireless facility permit to collocate one or more small wireless facilities on a structure, within which to act on the application. The foregoing period shall be ninety (90) days for applications to install one or more SWFs involving no collocation, or where SWFs identified in the application will be both collocated and not collocated.

2. Unless otherwise agreed upon in writing by the applicant and City, for an initial application to install one or more SWFs, if the City notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the time for the City to act on the SWFP application is tolled, and the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the City in the notice of deficiency to render the application complete.

3. For any resubmitted application following the City's notice of deficiency, the time for the City to act on the application shall be tolled for the number of days from:

   a. The day after the date when the City notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and identifies the missing documents or information that need to be submitted based on the City's original request under Subsection (E)(2), above, until;

   b. The date when the applicant submits all the documents and information identified by the City to render the SWFP application complete, provided the notice pursuant to Subsection (E)(3)(A), above is served on or before the 10th day after the date when the applicant makes a supplemental submission in response to the City's request under Subsection (E)(2), above.

4. The "shot clock date" or starting date for a SWFP application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified in this Subsection (E), provided, that if the date calculated in this manner is a local, State, or federal holiday within the City or State

("legal holiday"), the shot clock date is the next business day after such date. The term "business day" means any week day that is not a legal holiday of the City or State.

5. Timelines for processing SWFP applications for installation on any utility owned pole, including poles owned by the Southern California Edison, shall be governed by applicable FCC, CPUC, and/or SCJPC rules.

6. The applicant's response and submission of supplemental materials and information in response to a notice of deficiency must be given to the City in one submittal packet.

SECTION 2.4. SMALL WIRELESS FACILITY PERMIT APPROVALS AND DENIALS

A. Public Notice. Prior to any approval, conditional approval or denial, public notice shall be mailed by the City to all properties and record owners and occupants of properties within a 300-foot radius of the project site in accordance with this Subsection (A).

1. Form of Notice. The public notice shall be completed and submitted by the applicant as part of the SWFP application package for City approval, and shall be in a form and content that complies with the requirements of this Subsection and the City's application requirements.

2. Mailing. The notice shall be mailed not less than five (5) business days prior to installation of the mock-up and will include photo simulations depicting before and after images.

3. Contents. The notice shall be prepared by the applicant and submitted for City approval along with address labels as provided in Section 2.2(A)(3), and must contain the following information:

a. A general project description;

b. The applicant's identification and contact information as provided on the application submitted to the City;

c. Contact information for the City to use to communicate with the applicant;

d. A statement that the approval authority will act on the SWFP application without a public hearing but that the approval authority will, for a minimum of ten (10) days from the date of the notice, accept written public comments that evaluate the SWFP application for compliance with the standards in this Policy and the Ordinance; and

e. A statement that the FCC requires the City to act on SWFP applications, which includes any administrative appeals, in sixty (60) days for attachments to existing structures and ninety (90) days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review.

B. Public Comment. Within ten (10) days from service of the notice, any interested person may submit comments on the proposed SWF to the City by U.S. mail or through the City's website. Any timely public comments received will be considered during the approval authority's review of the application.

C. Administrative Review by Approval Authority. Not less than ten (10) days after the public notice required in Subsection (A), the approval authority shall review a complete and properly filed application for a small wireless facility and except as otherwise provided in Section 2.4(A), may act on such application without a public hearing.

D. Required Findings. The approval authority may approve or conditionally approve a complete and duly filed application for a small wireless facility permit when the approval authority finds:

1. The proposed project meets the definition for a "small wireless facility" as defined by the FCC;

2. The proposed SWF would be in the most preferred location provided in Section 2.6(A) or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 500 feet would be technically infeasible;

3. The proposed SWF would not be located on a prohibited support structure identified in this Policy;

4. The proposed SWF would be on the most preferred support structure provided in Section 2.6(B) or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 500 feet would be technically infeasible;

5. The proposed SWF complies with all applicable aesthetic, design and development standards in this Policy;

6. The applicant has demonstrated that the proposed SWF will be in compliance with all applicable construction codes, and health and safety regulations, including but expressly not limited to, the Americans with Disabilities Act, and all FCC regulations and guidelines for human exposure to RF emissions; and

7. All public notices required for the application have been given.

E. Conditional Approvals; Denials without Prejudice. Subject to any applicable federal or California laws, nothing in this Policy is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any SWFP application as may be necessary or appropriate to ensure compliance with this Policy.

F. Decision Notices. Within five days after the approval authority acts on a SWFP application or before the applicable FCC Shot Clock expires (whichever occurs first), the approval authority shall notify the applicant of the decision by written notice. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.

G. Appeals. Any decision to approve, conditionally approve or deny a small wireless facility shall be appealable directly to the City Manager or his/her designee for non-compliance issues. Appeals shall be filed within five (5) calendar days of a decision having been rendered. The appeal shall be made on a form prescribed by the Department, and shall include a letter identifying the name, address and contact information for the appellant, the specific reasons for the appeal based on the alleged noncompliance with the required findings in Section 2.4(D), and all supporting documentation and information. Any such appeal shall be subject to the appeal fees established in the City's Master Fee Schedule. Appeals from an approval will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations. The appeal hearing shall be conducted in accordance with Chapter 4 of Title 1 of this code, except that the City Council shall issue its final decision on the appeal no later than thirty days after the filing of the appeal or before the applicable FCC Shot Clock expires (whichever occurs first).

SECTION 2.5. STANDARD CONDITIONS OF APPROVAL

A. General Conditions. In addition to all other conditions adopted by the approval authority, small wireless facility permits issued under this Policy shall be automatically subject to the conditions in this subsection (A).

1. Permit Term. As provided in Section 7-3.05 of the Ordinance, the SWFP will automatically expire ten (10) years and one day from its issuance unless California Government Code § 65964(b) or other state or federal law authorizes the City to establish a shorter term for public safety or other reasons. 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.

2. Permit Extension. No sooner than 365 days (twelve months) prior to the expiration date of the SWFP, the permittee may submit an application for permit renewal. To be eligible for an extension, the permittee must

demonstrate that the subject small wireless facility is in compliance with all the conditions of approval associated with this permit and all applicable provisions in the Maywood Municipal Code and this Policy that exist at the time the decision to renew the permit is rendered. The approval authority shall have discretion to modify or amend the conditions of approval for permit renewal on a case-by-case basis as may be necessary or appropriate to ensure compliance with this Policy. Upon approval of the extension, the permit will automatically expire ten (10) years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, or other state or federal law, authorizes the City to establish a shorter term for public safety reasons.

3. Post-Installation Certification. Within sixty (60) calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the SWF has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, and site photographs.

4. Build-Out Period. Each small wireless facility permit will automatically expire twelve (12) months from the approval date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved SWF, which includes without limitation any construction or other permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the SWF or its use. If this build-out period expires, the permittee may request an extension in writing to be approved by the City Engineer. If denied, the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.

5. Site Maintenance. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions of this SWFP. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

6. Compliance with 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 small wireless facility permit, which includes

without limitation any laws applicable to human exposure to RF emissions. 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 enforce compliance with any applicable provision in the Municipal Code, this Policy, the approved SWFP or any other permit applicable to that small wireless facility, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in the Municipal Code, this Policy, the SWFP, any other permit, any permit condition, or any applicable law or regulation.

7. 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 normal construction work hours authorized by the Municipal Code. 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 a state of emergency within the City. The approval authority may issue a stop work order for any activities that violate this condition in whole or in part.

8. Inspections; Emergencies. The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment. 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 expressly waives any claims and releases the City in advance from any and all liabilities for such actions taken by the City as authorized herein. The permittee, if present, may observe the City's officers, officials, staff, contractors or other designees while any such inspection or emergency action occurs.

9. Permittee's Contact Information. Within ten (10) days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct

telephone number, 24/7 emergency telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.

10. Indemnification and Assumption of Risk. To the maximum extent permitted by law, the permittee shall defend, indemnify and hold the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees"), harmless with respect to any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, stop notices, demands, lawsuits, writs and other actions proceedings ("claims") brought against any of the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (ii) 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 small wireless facility permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee who shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees 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 shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this section are a material consideration that motivates the City to approve this small wireless facility permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this small wireless facility permit.

The permittee understands and agrees that by locating its small wireless facility in the public rights-of-way, there is a real risk that some or all its facility may be damaged or destroyed. By accepting the SWFP and locating its small wireless facility in the public right-of-way, the permittee nevertheless expressly and knowingly assumes all such potential risks, including all costs of repair and replacement, to the extent such damage or destruction is caused by the acts or omissions of any third party, or by City agents when acting pursuant to Section 2.5 (A)(8), above.

11. Performance bond required for small wireless facilities within public rights-of-way or on other City property of any kind. Before the City issues any permits required to commence construction in connection with this SWFP, the permittee shall post a performance bond from a surety in a form acceptable to the approval authority 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 small wireless facility 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 SWF, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws and substantially to their original condition. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the approval authority 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 performance 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.

12. Permit Revocation. The approval authority may recall this approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this approval after notice and an opportunity to cure the violation is provided to the permittee. If the noncompliance thereafter continues, the approval authority may, following notice and an opportunity for the permittee to be heard (which hearing may be limited to written submittals), revoke the SWFP approval or amend the conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

13. Records retention requirements for all small wireless facilities within public rights-of-way or on City-owned or operated buildings or structures. The permittee shall maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the permitted small wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicting provisions in the permittee's electronic copies, and complete originals will control over all other copies in any form.

14. Abandoned Wireless Telecommunications Facilities. A small wireless facility shall be deemed abandoned if not operated for any continuous six-month period. Within ninety (90) days after a SWF is abandoned or deemed

abandoned, the permittee shall completely remove the SWF and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Municipal Code. In the event that the permittee does not comply with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee shall be liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

15. Landscaping. 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. Only workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size, and same species, as the damaged tree unless otherwise approved by the approval authority. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

16. Cost reimbursement applicable to small wireless facilities within public rights-of-way. The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the SWF will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and monitoring, and any other recurring and non-recurring costs reasonably related to or caused by the request for authorization and the permit to construct, install and/or operate the SWF; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the SWF until and unless any outstanding costs have been reimbursed to the City by the permittee. The recurring and non-recurring fees charged to the permittee pursuant to this subsection and this Policy shall be no less than the "presumed reasonable" fees stated by the FCC in the Report and Order.

If the City Council has, by resolution, adopted recurring and non-recurring fees applicable to small wireless facility permits, then those fees shall be paid in lieu of the fees set forth above in this Subsection (A)(16).

17. Future undergrounding programs applicable to small wireless facilities within public rights-of-way. Notwithstanding any term remaining on any SWFP, if other utilities or communications providers in the PROW underground their facilities in the segment of the PROW where the permittee's SWF is located, the permittee must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time, and in compliance with all applicable CPUC orders, rules, and regulations. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the CPUC for undergrounding costs.

18. Electric meter upgrade requirements applicable to small wireless facilities within public rights-of-way. If Southern California Edison or other public or private 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.

19. Rearrangement and relocation requirements applicable to small wireless facilities within public rights-of-way. The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) 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 (iii) 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 small wireless facility permit. If the City Engineer determines that any City work will require the permittee's SWF located in the PROW 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 SWF within a reasonable time after the City Engineer'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 SWF without prior notice to permittee when the City Engineer determines that the 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 ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs is mailed to the permittee.

SECTION 2.6. LOCATION REQUIREMENTS.

A. Purpose and Intent. To better assist applicants and the approval authority in understanding and responding to the community's aesthetic preferences and values, subsections (B) and (C) set out listed preferences for locations and support structures to be used in connection with small wireless facilities in an ordered hierarchy. Applications that involve less-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 500 feet from the proposed site; or (2) any more preferred locations or structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection (D) identifies "prohibited" support structures on which the City shall not approve any small wireless facility permit application for any competitor or potential competitor.

B. Locational Preferences. The City prefers small wireless facilities to be installed in locations, ordered from most preferred to least preferred, as follows:

1. Any location in a non-residential zone or non-residential Specific Plan designation;

2. Any location in a residential zone 250 feet or more from any structure approved for a residential use;

3. If located in a residential area, a location that is as far as possible from any structure approved for a residential use.

For purposes of these location preferences, the applicant's proposed location in the public right-of-way shall be classified by the same zoning district that applies to the nearest adjacent parcel.

C. Support Structures in Public Rights-of-Way. The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:

1. Existing or replacement streetlight poles;

2. New, non-replacement streetlight poles;

3. New or replacement traffic signal poles;

4. New, non-replacement poles;

5. Existing or replacement wood utility poles.

D. Prohibited Support Structures in Public Rights-of-Way. The City prohibits small wireless facilities to be installed on the following support structures:

1. Decorative poles;

2. Signs;

3. Any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the small wireless facility permit application;

4. New, non-replacement wood poles.

SECTION 2.7. DESIGN STANDARDS.

A. General Standards.

1. Noise. Noise emitted from small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable City noise control standards.

2. Lights. Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under FAA, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this Subsection (A)(2) shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy.

3. Landscape Features. Small wireless facilities shall not displace any other existing landscape features unless: (a) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (b) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscaping and landscape maintenance must be performed in accordance with all applicable provisions of the Municipal Code.

4. Site Security Measures. Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The

approval authority shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.

5. Signage; Advertisements. All small wireless facilities must include signage or a tamper proof tag not to exceed one (1) square feet in sign area that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free, 24/7 emergency number to the owner/operator's network operations center. SWFs may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under regulations of the FCC, Division of Occupational Safety and Health ("CalOSHA") of the California Department of Industrial Relations, or the federal Occupational Safety and Health Administration and/or other State or United States governmental agencies for compliance with RF emissions regulations.

6. Compliance with Health and Safety Regulations. All small wireless facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.).

7. CPUC and SCJPC Rules, Regulations, and Orders. Small wireless facilities, including but not limited to those proposed to be attached to poles owned or operated by the Southern California Edison, must comply with all applicable rules, regulations and orders of the CPUC. Such CPUC rules, regulations and orders include, but are not limited to, General Order 95 and 128, which establish minimum separation from electrical lines. SWFs proposed to be attached to poles owned or operated by the SCJPC must also comply with all applicable rules, regulations and requirements of the SCJPC. In the event of any conflict between any provision of this Policy and the provisions of the CPUC or SCJPC rules, regulations, orders, or requirements, the CPUC or SCJPC rules, regulations, orders or requirements shall govern.

B. Small Wireless Facilities within Public Rights-of-Way.

1. Antennas.

a. Concealment. All antennas and associated mounting equipment, hardware, cables or other connecters must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.

b, Antenna Volume. Each individual antenna may not exceed three cubic feet in volume.

2. Accessory Equipment.

a. Installation Preferences. All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) underground in any area in which the existing utilities are primarily located underground; (ii) on the pole or support structure; or (iii) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically feasible as supported by clear and convincing evidence in the written record.

b. Undergrounded Accessory Equipment. 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. 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. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

c. Pole-Mounted Accessory Equipment. All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, 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, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure. Exposed cables or wires are prohibited.

d. Base-Mounted Accessory Equipment. All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal

integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.

e, Ground-Mounted Accessory Equipment. The approval authority shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters, unless specific and unique conditions of the site would make ground mounting less aesthetically and visually intrusive to public view, than an otherwise preferred location, as set forth in a written finding by the approval authority.

f. Accessory Equipment Volume. All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

3. Streetlights. The City may require applicants that propose to install small wireless facilities on an existing streetlight to remove and replace the existing streetlight with one substantially similar to the design(s) for SWFs on streetlights described in any and all applicable City and/or Southern California Edison policies and standards, as applicable. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (a) be located as close to the removed pole as possible; (b) be aligned with the other existing streetlights; and (c) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

4. Wood Utility Poles. To the extent permitted or allowed by the SCJPC pole attachment rules or regulations, applicants that propose to install SWFs on an existing wood utility pole must install all antennas in a radome above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the radome and stand-off bracket. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.

5. New, Non-Replacement Poles. Applicants that propose to install a small wireless facility on a new, non-replacement pole must install a new streetlight substantially similar to the City's and/or Southern California Edison's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, then, subject to approval of Southern California Edison, if applicable, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

6, Encroachments over Private Property. Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.

7. Backup Power Sources. Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.

8. Obstructions; Public Safety and Circulation. Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (a) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (b) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (c) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (d) fire hydrant or water valve; (e) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (f) access to any fire escape. Above ground improvements must be setback a minimum of 2 feet from existing or planned sidewalks, trails, curb faces or road surfaces.

9. Utility Connections. All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment

shall be routed through and concealed from view within: (a) internal risers or conduits if on a concrete, composite or similar pole; or (b) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

10. 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.

11. 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 is not available, applicants may install a shrouded smart meter. The approval authority shall not approve a separate ground-mounted electric meter pedestal unless required by Southern California Edison or other utility company.

12. Street Trees. To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain comparably sized replacement trees approved by the approval authority at the site for the duration of the permit term.

13. Lines of Sight. No wireless facility shall be located so as to obstruct pedestrian or vehicular lines-of-sight or sight distance, or in any other location determined by the City's traffic engineer as creating any risk to the public health and safety.

C. Small Wireless Facilities Outside of Public Rights-of-Way

1. Setbacks. Small wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning district.

2. Backup Power Sources. The approval authority shall not approve any fossil fuel generators or other similarly noise or odor producing generators in or within 250 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

3. Parking; Access. Any equipment or improvements constructed or installed in connection with any SWFs must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, SWFs must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements

must be the minimum size necessary to reasonably accommodate the proposed use and comply with all applicable development standards.

4. Freestanding Small Wireless Facilities. All new poles or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches.

5. Small Wireless Facilities on Existing Buildings.

   a. All components of building-mounted wireless facilities must be completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts to or visibility from any publicly accessible areas. Examples include, but are not limited to, antennas and wiring concealed behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials.

   b. If the applicant demonstrates with clear and convincing evidence that integration with existing building features is technically infeasible, the applicant may propose to conceal the wireless facility within a new architectural element designed to match or mimic the architectural details of the building including length, width, depth, shape, spacing, color, and texture.

6. Small Wireless Facilities on Existing Lattice Tower Utility Poles.

   a. Antennas must be flush-mounted to the side of the pole and designed to match the color and texture of the pole. If technologically infeasible to flush-mount an antenna, it may be mounted on an extension arm that protrudes as little as possible from the edge of the existing pole provided that the wires are concealed inside the extension arm. The extension arm shall match the color of the pole.

   b. Wiring must be concealed in conduit that is flush-mounted to the pole. The conduit and mounting hardware shall match the color of the pole.

   c. All accessory equipment must be placed underground unless undergrounding would be technically infeasible as supported by clear and convincing evidence in the written record. Above-ground accessory equipment mounted on a pole, if any, shall be enclosed in

a cabinet that matches the color and finish of the structures on which they are mounted. Above-ground cabinets not mounted on a structure, if any, shall be dark green in color.

d. No antenna or accessory equipment shall be attached to a utility line, cable or guy wire.

e. The installation must otherwise comply with the SCJPC pole attachment rules, and rules and regulations of Southern California Edison or other utility pole owner.

7. Small Wireless Facilities on Existing Wood Utility Poles.

a. All antennas must be installed within a cylindrical shroud (radome) above the top of the pole unless the applicant demonstrates that mounting antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record.

b. All antennas must be concealed within a shroud (radome) designed to match the color of the pole, except as described in subsection (7)(e).

c. No antenna or accessory equipment shall be attached to a utility line, cable or guy wire.

d. If it is technically infeasible to mount an antenna above the pole, it may be flush-mounted to the side of the pole. If it is technically infeasible to flush-mount the antenna to the side of the pole, it may be installed at the top of a stand-off bracket/extension arm that protrudes as little as possible beyond the side of the pole. Antenna shrouds on stand-off brackets must be a medium gray color to blend in with the daytime sky.

e. Wires must be concealed within the antenna shroud, extension bracket/extension arm and conduit that is flush-mounted to the pole. The conduit and mounting hardware shall match the color of the pole.

f. All accessory equipment must be placed underground, unless undergrounding would be technically infeasible as supported by clear and convincing evidence in the written record. Above-ground accessory equipment mounted on a pole, if any, shall be enclosed in a cabinet that matches the color and finish of the pole. Above-ground cabinets not mounted on a structure, if any, shall be dark green in color.

g. If the utility pole is owned or operated by the SCJPC, the installation must otherwise comply with the SCJPC pole attachment rules, and

rules and regulations of Southern California Edison or other utility pole owner.

SECTION 2.8 EXCEPTIONS.

A. Standard. In accordance with Section 7-3.10 of the Ordinance, an exception from the strict locational, physical, development or other design requirements of this Policy may be granted by the approval authority in his or her discretion, when it is shown to the approval authority's satisfaction based on substantial evidence that, because of special, unique circumstances applicable to the proposed location, the strict application of the requirements of this Policy would deprive the applicant of privileges enjoyed by other permittees in the vicinity operating a similar facility.

B. Justification Analyses. If the applicant contends that it is entitled to an exception, the application must also include a written explanation, along with all information, reports, studies and other documents necessary for the City to evaluate the request for an exception to the requirements of this Policy. The narrative must demonstrate with clear and convincing evidence that denial of the small wireless facility would violate state and/or federal law, violate the provisions of the Ordinance or this Article, as applied to the applicant, or deprive the applicant of its rights under state and/or federal law.

C. Findings. An exception from the strict locational, physical, development or other design requirements of this Policy may be granted by the approval authority in his or her discretion, when it is shown to the approval authority's satisfaction, based on substantial evidence, any of the following:

1. Because of special, unique circumstances applicable to the proposed location and/or the proposed small wireless facility, the strict application of the requirements of this Policy would deprive the applicant of privileges enjoyed by other permittees in the vicinity operating a similar WTCF; or

2. Denial of the SWF as proposed would violate federal law, state law, or both; or

3. A provision of this Policy with regard to locational, physical, development or design requirements, section, as applied to applicant, would deprive applicant of its rights under federal law, state law, or both.

D. Conditions. Any exception granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other wireless telecommunications providers seeking to locate any small wireless facility in the area where such property is situated.

SECTION 2.9 PERMIT EXTENSIONS.

A. Time of application. A permittee may apply for extensions of its SWFP in increments of no more than ten years and no sooner than 180 days (six months) prior to expiration of the permit. Any request for an extension that is filed less than 180 days (six months) prior to expiration shall require a new permit in accordance with the application and procedural requirements of the then-current requirements of this code.

B. Application requirements. In addition to all other requirements of this Section, the permittee's application for extension shall include proof that the permittee continues to have the legal authority to occupy and use the PROW or other public or private property for the purpose set forth in its SWFP, that the SWFP site as it exists at the time of the extension application is in full compliance with all applicable City permits issued for the site, and shall be accompanied by an affidavit and supporting documentation that the SWFP is in compliance with all applicable FCC, FAA and other governmental regulations. At the approval authority's discretion, additional studies and information may be required of the applicant. The application shall be accompanied by the fee for renewal, as set by the City Council from time to time. Grounds for non-renewal of the WTCFP shall include, but are not limited to, the permittee's failure to submit the affidavit or proof of legal authority to occupy or use the proposed site. The burden is on the permittee to demonstrate that the WTCF complies with all requirements for an extension.

C. Approval Authority Decision. If a SWFP has not expired at the time a timely application is made for an extension, the approval authority may administratively extend the term of the permit for subsequent ten-year terms upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, all provisions set forth in Subsection (B). above, and any other applicable provisions of the Municipal Code that are in effect at the time the permit extension is granted. The approval authority's decision shall be issued in the form of a written decision in accordance with Section 2.4(F) of this Policy. The approval authority's decision on an application for an extension of a SWFP may be appealed in accordance with Section 2.4.G of this Article.

ARTICLE 3ELIGIBLE FACILITIES UNDER SECTION 6409(a).

SECTION 3.1 SCOPE.

This Article further implements the requirements for the proposed modification or collocation of all proposed WTCFs in the City that qualify as Eligible Facilities under the Ordinance and Section 6409(a). This Article and all applications and permits processed pursuant to this Article shall be interpreted in a manner to be consistent with the requirements of the Ordinance and applicable law.

SECTION 3.2 ELIGIBLE FACILITY REQUIRED PERMITS AND APPROVALS

A. Standard. An application for approval of an eligible facility request shall comply with all requirements set forth in this Section 3.2 and applicable law.

B. Required Permits.

1, Eligible Facility Permit (EFP). A request for approval of an eligible facility pursuant to Section 6409(a) shall require approval of an eligible facility permit issued in accordance with this Article 3.

2. Other Permits and Approvals. In addition to an eligible facility permit, the applicant shall obtain all other permits and regulatory approvals as may be required by the City or any other federal, state or local government agencies, including but expressly not limited to any ministerial permits and/or other approvals issued by other City departments or divisions, approval by Southern California Edison for utility pole attachments in compliance with FCC, CPUC and/or SCJPC pole attachment rules. All applications for ministerial permits submitted in connection with a proposed eligible facility must contain a valid EFP issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such small wireless facility permit may be denied without prejudice. Furthermore, any EFP granted under this Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

SECTION 3.3 ELIGIBLE FACILITY PERMIT APPLICATION REQUIREMENTS.

A. Application Contents. All applications for a small wireless facility permit must include all the information and materials required in this Subsection (A).

1. Application Form. The applicant shall submit a complete, duly executed EFP application using the then-current City form, which must include the information and documentation described in this Subsection (A), and in accordance with the original and number of copies and format required by the department.

2. Application Fee. The applicant shall submit the applicable EFP application fee (non-recurring) as set forth in this Policy, the Ordinance, or as established by City Council resolution, or otherwise in such amount as presumed "reasonable" by the FCC in the Small Wireless Facilities Order or any other applicable FCC ruling or order. See also, Section 2.5(A)(16), of this Policy.

3. Address Labels; Public Notices. The applicant shall submit address labels for all properties and record owners of properties within 500 feet of the proposed installation. Notice of the EFP application shall be provided in

accordance with Section 3.4(A) of this Article. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.

4. Identification of Eligible Facilities Request. An applicant who contends that the proposed WTCF constitutes an eligible facility under Section 6409(a) shall clearly indicate in the application that the applicant is claiming eligible facilities status under Section 6409(a), in accordance with the City-approved form.

5. Section 6409(a) Justification Analysis. The application shall include a written statement that explains in factual detail the basis for the applicant's claim that the proposed wireless telecommunications facility is an eligible facility and whether and why Section 6409(a) and the related FCC regulations at 47 C.F.R. § 1.6100 et seq., or any successor regulation, require approval for the specific proposed eligible facility. The applicant's written statement shall include the following:

    1. The applicable standard and all the facts that allow the City to conclude the standard and qualification as an eligible facility has been met;

    2. An explanation and analysis setting forth whether and why the support structure qualifies as an existing tower or existing base station; and

    3. An explanation and analysis setting forth whether and why the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance.

6. Eligible Facility Plans. Detailed construction plans of the proposed eligible facility, including height, shape, size and nature of construction in accordance with the requirements established by the approval authority. The plans shall include, but are not limited to, a fully dimensioned diagram of the proposed eligible and antennas, including height, diameter, design, shape, size, structural integrity, power output and frequency, power generators (if any), nature of construction, and purpose of the facility, and technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to the minimum height and diameter required from a technological standpoint for the proposed site. The plans for a monopole must provide sufficient detail to demonstrate that the structure will be able to accommodate at least one other similar telecommunications provider in addition to the applicant. The plans should include a diagram showing the separation between the proposed eligible facility and any existing facility or facilities on the same support structure or site.

7. Site Plans. A fully-dimensioned site/landscaping plan that includes, at a minimum, the following information: specific placement of the proposed tower, equipment shelters, and any other WTCF on the site; setbacks from adjacent property lines; the location of existing structures, trees, and other significant site features identifying those features proposed to be removed; the type and locations of plant materials proposed to screen antenna and other components; the proposed materials and color(s) for the eligible facility, and all other information required by the approval authority.

8. Photographs and Photo Simulations. Photographs of the eligible facility and all antenna, equipment and components; accurate and scaled photo-simulations showing views of the proposed eligible facility from surrounding residential properties and public rights-of-way at varying distances and angles with a map indicating the locations used for the analysis and their distances from the site.

8. Additional Requirements. The EFP application shall also comply with the following provisions of Article 2, Section 2.2:

a. Section 2.2(a)(8), RF Compliance Report.

b. Section 2.2(a)(9), Regulatory Authorization.

c. Section 2.2(a)(10), Site Agreement.

d. Section 2.2(a)(11), Title Report and Property Owner's Authorization.

e. Section 2.2(a)(12), Acoustic Analysis.

f. Section 2.2(a)(13), Wind Velocity Test.

g. Section 2.2(a)(15), Historic Preservation.

h. Section 2.2(a)(16), Traffic Control Plan.

SECTION 3.4 ELIGIBLE FACILITY PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REQUIREMENTS.

A. Requirements for a Duly Filed Application. Any application for an eligible facility permit will not be considered duly filed unless submitted in accordance with the requirements of this subsection (A).

1. Incorporation by reference. An application for an EFP shall comply with the provisions of Article 2, Section 2.3, Subsections (A), (B), (C) and (D) of this Policy.

B. FCC Shot Clock; Timeline for Review and Action. The timeline for review of and action on an EFP application shall begin to run when the application is submitted

in writing to the department but may be tolled by mutual agreement or upon the City's issuance of a notice of deficiency to the applicant pursuant to Subsection (B)(2) of this section. Applications shall be processed in conformance with the time periods and procedures established by applicable state and federal law, and FCC regulations and orders. The following provisions shall apply:

1. 60 Days. Within sixty (60) days of the date on which an applicant submits a written request seeking approval of an eligible facilities request under this section, the City will approve the application unless the City determines that the application is not covered by this section or the 60-day deadline is tolled pursuant to mutual agreement or Subsection (B)(2).

2 Tolling of Shot Clock. The 60-day timeframe for review of a proposed eligible facility shall begin to run when the application for the EFP is submitted in writing to the Department but may be tolled by mutual agreement or upon the City's issuance of a notice of deficiency to the applicant pursuant to this subsection.

   a. First Notice of Deficiency. Within thirty (30) days of the City's receipt of the initial application for an EFP, Department staff shall provide written notice to the applicant that the application is complete or incomplete. If the application is incomplete, the notice shall clearly and specifically delineate all missing information and documents. The 30-day shot clock date shall be tolled until the applicant makes a supplemental submission in response to the city's notice of deficiency.

   b. Subsequent Notices of Deficiency. Within ten (10) days of each supplemental submission, the City shall deem the EFP application complete or incomplete. If the supplemental submission is incomplete, the notice shall clearly and specifically delineate all missing information and documents from the supplemental submission based on the information or documents identified in the first notice delineating missing information or documentation. The 10-day timeframe is tolled in the case of second or subsequent notices pursuant to this procedure. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

3. One Submittal. The applicant's response and submission of supplemental materials and information in response to a notice of deficiency must be given to the City in one submittal packet.

SECTION 3.4 ELIGIBLE FACILITY PERMIT APPROVALS AND DENIALS.

A. Public Notice. Prior to any approval, conditional approval or denial of an EFP, public notice shall be mailed by the City to all properties and record owners and

occupants of properties within a 500-foot radius of the proposed eligible facility site in accordance with this Section.

1. Form of Notice. The public notice shall be completed and submitted by the applicant as part of the application package for City approval, and shall be in a form and content that complies with the requirements of this Section and the City's application requirements.

2. Mailing. The notice shall be mailed not less than five (5) business days prior to installation of the mock-up and will include photo simulations depicting before and after images.

3. Contents. The notice shall be prepared by the applicant and submitted for City approval along with address labels as provided in Section 3.3(A)(3), and must contain the following information:

   a. All information required by Article 2, Section 2.4(A)(3)(a) through (c); and

   b. A statement substantially similar to the following: "Federal Communications Commission regulations may deem this application granted by the operation of law unless the city approves or denies the application within 60 days from the filing date, or the city and applicant reach a mutual tolling agreement."

B. Public Comment. Within ten (10) days from service of the notice, any interested person may submit comments on the proposed eligible facility to the City by U.S. mail or through the city's website. Any timely public comments received will be considered during the approval authority's review of the application.

C. Administrative Review by Approval Authority. Not less than ten (10) days after the public notice required in Subsection (A), the approval authority shall review a complete and properly filed application for an eligible facility and except as otherwise provided in Section 2.4(A), may act on such application without a public hearing.

D. Required Findings for EFP Approval. The approval authority shall approve or conditionally approve a complete and duly filed application for an eligible facility permit pursuant to Section 6409(a) and this Article if the approval authority makes all of the following findings.

1. The applicant has provided all forms, information, materials, and documentation for the proposed project required by this section;

2 The proposed project is for the collocation, removal or replacement of transmission equipment on an existing wireless tower or base station;

3. The proposed project does not constitute a substantial change to the physical dimensions of the existing wireless tower or base station, as defined in Section 7-3.02 and this Policy; and

4. The proposed project otherwise qualifies as an eligible facility under then-existing provisions of Section 6409(a).

E. Criteria for Denial Without Prejudice. Notwithstanding any other provisions in this chapter, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice an application for approval of an EFP when the approval authority finds that the proposed project:

1. Does not satisfy the findings for approval as an eligible facility under subsection (D) of this Section;

2. Involves the replacement of the entire support structure;

3. Violates any legally enforceable standard or permit condition related to compliance with generally applicable disability access requirements or other construction codes;

4. Violates any legally enforceable standard or permit condition reasonably related to public health and safety then in effect; or

5. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

F. Conditional Approvals. Subject to any applicable limitations in federal or state law, and in addition to the standard conditions of approval required by Section 3.6, nothing in this section is intended to limit the City's authority to conditionally approve an application for an EFP under Section 6409(a) to protect and promote the public health, safety and welfare in accordance with the Ordinance and this Policy, including, but not limited to, construction codes and such other reasonable time, place and manner conditions authorized under applicable federal and state laws and regulations. The standard conditions set forth in of Section 2.5 of Article 2 shall apply to all eligible facilities.

G. Decision Notices. Within five days after the approval authority acts on an eligible facility permit application or before the applicable FCC Shot Clock expires (whichever occurs first), the approval authority shall notify the applicant of the decision by written notice. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.

H. Appeals. Any decision to approve, conditionally approve or deny an eligible facility shall be appealable directly to the City Council. Appeals shall be filed within five (5) calendar days of a decision having been rendered. The appeal shall be made on a form prescribed by the Department, and shall include a letter identifying the name, address and contact information for the appellant, the specific reasons for

the appeal based on the alleged noncompliance with the required findings in Section 2.8(C), and all supporting documentation and information. Any such appeal shall be subject to the appeal fees established in the City's Master Fee Schedule. Appeals from an approval will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations. The appeal hearing shall be conducted in accordance with Chapter 4 of Title 1 of this code, except that the City Council shall issue its final decision on the appeal no later than thirty days after the filing of the appeal or before the applicable FCC Shot Clock expires (whichever occurs first).

I. Deemed Approved.

1. If the City fails to act on an EFP application within the 60-day review period referenced in Section 3.3(B), subject to any tolling pursuant to written agreement or Subsection 3.3(B), the applicant may provide the City written notice that the time period for acting has lapsed.

2. The applicant shall provide written notice to the City at least seven (7) days prior to beginning construction or collocation pursuant to an EFP issued pursuant to a deemed approved application.

3. An EFP deemed approved pursuant to Section 6409(a) shall comply with all applicable construction codes deemed applicable by the approval authority.

4. Effect of Changes to Federal Law. This subsection does not and shall not be construed to grant any rights beyond those granted by Section 6409(a) and its implementing federal regulations. In the event Section 6409(a) or applicable regulations are stayed, amended, revised or otherwise not in effect, no modifications to an eligible facility shall be processed or approved under this subsection or any other provision of this Code.

SECTION 3.5 DESIGN STANDARDS

A. Requirements. All proposed eligible facilities in the PROW shall comply with the following aesthetic development and design standards unless the approval authority approves an exception pursuant to Section 7-3.10 of the Municipal Code and Article 2, Section 2.8 of this Policy.

1. Towers and Base Stations in the PROW. Towers and base stations proposed in the PROW shall be designed so that they do not constitute a substantial change as defined in Section 7-3.02 of the Municipal Code, Section 6409(a) and 47 C.F.R. § 1.6100(b), as amended or superseded.

2. Application of Federal and State Aesthetic, Development and Design Standards. All eligible facilities shall be subject to and comply with any applicable construction codes and other state and federal laws. In the event

that any applicable state and federal laws conflict with any requirement of this Article, the applicable law shall take precedence.

SECTION 3.6 STANDARD CONDITIONS OF APPROVAL.

All EFP approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Subsection, in addition to any conditions imposed pursuant to applicable law. The approval authority shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved eligible facility consistent with the goals of this section.

A. Permit term. The City's grant or grant by operation of law of an EFP constitutes a federally-mandated modification to the underlying permit, approval or other prior regulatory authorization for the subject tower or base station pursuant to Section 6409(a), for ten years, subject to the following provisions. The City's grant or grant by operation of law of an EFP will not extend the term, if any, for any ministerial permit or other underlying prior regulatory permit, approval or other authorization. Accordingly, the term for an EFP approval shall be coterminous with the ministerial permit and other underlying permit, approval or other prior regulatory authorization for the subject tower or base station. This condition shall not be applied or interpreted in any way that would cause the term of the underlying permit for the modified facility to be less than ten years in total length, unless such underlying permit is abandoned or revoked pursuant to the Municipal Code or any other provision of federal or state law.

B. Accelerated approval terms due to invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any eligible facilities request pursuant to Section 6409(a), such EFP approval shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of any previously approved EFP 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 any equipment, components, structures and improvements approved under the invalidated EFP approval when it has submitted an application for either a small wireless facility permit under the Ordinance and this Policy for those WTCFs before the one-year period ends. If the SWFP is denied, the permittee shall remove all its equipment, components, structures and improvements before the one-year period ends.

C. No waiver of standing. The approval of an EFP (either by express approval or by operation of law) does not waive, and shall not be construed to waive, any standing

by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) and/or any eligible facilities approval pursuant to Section 6409(a) (whether by the approval authority or by operation of law).

D. Strict compliance with approved plans. Any application filed by the permittee for a ministerial permit to construct or install the eligible facility approved by an EFP must incorporate the EFP approval, all conditions associated with the EFP approval and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the eligible facility in strict compliance 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 eligible facility, must be submitted in a written request subject to the approval authority's prior review and approval, who may revoke the EFP approval if the Director finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by Section 6409(a) or the FCC in 47 C.F.R. § 1.6100(b)(7), as may be re-numbered or amended.

E. Additional Conditions. In addition to the conditions set forth in Subsections (A) through (D), above, the standard conditions set forth in Section 2.5(A)(3) through (19) shall apply to all EFP approvals.

ARTICLE 4 POLICIES, REGULATIONS AND FORMS

Section 4.1. Approval Authority Responsibility.

A. Amendments and Supplemental Requirements.

1. Due to rapidly changing technology and regulatory requirements, and pursuant to Section 7-3.04(b)(8) of the Ordinance, the City Council authorizes the approval authority to publish policies, rules, regulations and guidelines to serve as further regulatory guidance and clarification for WTCFPs issued by his or her department, and to issue updates at the approval authority's discretion to adjust for new technologies and regulations, and compliance therewith is a condition of approval in every SWFP and EFP.

2. The approval authority is authorized to create all forms and notices required in order to administer the Ordinance and this Policy. All forms and notices shall be construed in a manner consistent with the Ordinance and this Policy, and applicable federal and state law.

B. Publication. Any rules, regulations, guidelines and forms adopted by the approval authority to further implement the Ordinance and /or this Policy shall be published on the City's website, including the applicable department, and made available for inspection at the City.

Consent Calendar

AGENDA 5
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 11, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER

BY: DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: CONSIDER THE ADOPTION OF A RESOLUTION GRANTING COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, RETAIL DISPENSARY, VEHICLE DISPENSARY AND DISTRIBUTION LICENSES FOR PMB GROUP LLC, LOCATED AT 3580 FRUITLAND AVENUE

RECOMMENDATION

Staff recommends that the City Council consider the adoption of a resolution granting Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary, and Distribution Licenses for PMB Group, LLC. ("PMB"), located at 3580 Fruitland Avenue; and if granted, authorize staff to issue said license for a period not to exceed one year.

FISCAL IMPACT

There is no fiscal impact associated with the license issuance. However, when operating and based on the local tax measure, the type of cannabis business proposed will generate 10% of their gross receipts for the general fund.

LEGAL REVIEW

The City Attorney has reviewed this staff report.

BACKGROUND

On February 22, 2017, the Maywood City Council approved a fee schedule and reviewed an evaluation procedure for commercial cannabis license applications. This was accomplished pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City." In order to provide a robust framework for the evaluation and licensing of cannabis businesses, fees must be collected to defray the staff and consultant resources expended to support said regulatory framework. Currently, Maywood ordinance 18-12 governs the issuance of commercial cannabis licenses.

To provide expert evaluation, City staff is working with HdL Companies ("HdL"), a consultant who provided a fee study and licensing procedure. HdL has established a specialized division with expert staff that have been working closely with the Department of Consumer Affairs, Department of Food and Agriculture, Department of Public Health and the State Board of Equalization in the implementation of the Adult Use of Marijuana Act (AUMA) and the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA). In addition, they have partnered with the League of California Cities, CSAC, and the Police Chiefs Association to develop policy and regulatory strategies to manage the Cannabis Industry in California. They also offer the resources and expertise to assist cities and counties with the design and implementation of all aspects of their regulatory and taxation policies and programs.

On July 10, 2019, the City Council considered the license award but a motion to approve failed to garner a second and was thus continued.

On July 24, 2019, the City Council once again considered the license award but a motion to approve failed to garner a second and was thus continued.

DISCUSSION

As required by the City's application and evaluation procedures there are four phases to evaluating a license application. Phase 2 requires an "initial rating" of an application based on a point scale that rates the application on the following criteria: location of business, business plan, neighborhood compatibility and safety and security plan. If the applicant receives a minimum score of 80%, the application moves on to Phase 3 for a second rating. Phase 3 requires an evaluation on additional criteria (which is listed below) and a minimum 80% overall score is required.

After the completion of the Phase 3 evaluation and prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the

final review process, the final score is tabulated and a minimum 80% overall score is required.

The City Council reserves the right to award any or no licenses. All Applicants which are being recommended by Staff for consideration to the City Council are asked to attend the City Council meeting to provide a public presentation before the Mayor and City Council introducing their team and providing an overview of their proposal.

It should be noted that being awarded a Commercial Cannabis license does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits.

As scored by HdL and evaluated by staff, the PMB application for Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary, and Distribution Licenses located at 3580 Fruitland Avenue received a composite score as follows in Phase 2 and Phase 3 of the process:

Category (Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location	182	200	91%
Business Plan	320	400	80%
Neighborhood Compatibility	240	300	80%
Safety & Security	220	300	73%
Air Quality Plan	73	100	73%
Labor & Employment Plan	165	200	83%
Total Points & Average%	**1,200**	**1,500**	**80%**

Category (Phase 3)	Points Given	Points Allowed	Percentage
Final Location	180	200	90%
Business Plan	275	300	92%
Community Benefits	258	300	86%
Enhanced Product Safety	175	200	88%
Environmental Benefits	170	200	85%
Labor & Employment	175	200	88%
Local Enterprise	180	200	90%
Neighborhood Compatibility	175	200	88%
Qualifications of Principals	258	300	86%
Safety & Security	155	200	78%
Air Quality Plan	155	200	78%
SUB-TOTAL	2156	2500	84%
TOTAL SCORE	**3,356**	**4,000**	**84%**

At previous City Council meetings, there have been discussions regarding the low rating in the categories of Air Quality and Safety & Security, areas which impact the health, welfare and safety of the community as well as the employees of the facility. Accordingly, staff discussed the matter with HdL who indicated that if the Applicant made adjustments to its previously submitted plans in those areas, the Applicant could achieve a minimum score of 80%. HdL provided a written list of areas that needed to be addressed to achieve a score of 80%.

The City Manager and the Director of Building and Planning had a telephone discussion with the Kintu Patel, the applicant, on August 8, 2019 to discuss the matter to see if he could make adjustments to the submitted plans. He seemed to indicate that in some areas here may be newer technology that can address the issue of odor, for example. Staff emailed him the list provided by HdL. Mr. Patel was going to get back to the City but to date he has not. In the meantime, the applicant filed a lawsuit against the City. Nevertheless, through its City Attorney's office, we provided the written list of areas that need to be addressed to the Applicant's attorneys.

Since the applicant is proposing new construction and that the plans have a score of 78%, it is the City's belief that with some revisions to its plans in these areas a score of 80% is achievable and will not be a burden to the Applicant. In addition, it is necessary to ensure that the public health, safety and welfare are protected from the effects that cannabis has on the community in the area of air quality and safety.

Accordingly, a condition has been added to require the Applicant to revise its plans in order to achieve a minimum score of 80% in both categories. The Applicant will be provided 45 days to revise its plans.

It is the assessment of staff that all minimum requirements have been met. Furthermore, no evidence has been found to deny the application, per Maywood Municipal Code section 5-45.04 (Grounds for denial), which states that no license shall be granted under this chapter if the applicant:

- Does not qualify for licensure under this ordinance or state law;
- Has made any false or misleading statements during the application;
- Lacks the adequate right to occupy or use the premises as described in the Application.
- Has failed to demonstrate ability to adequately satisfy requirements of this ordinance, based on evidence submitted during the application process.

Further as conditioned, this will ensure that the Applicant has satisfied the requirements in Ordinance 18-12 regarding air quality and safety and security. Pursuant to Municipal Code Section 5-45.05, the City Council has authority to

impose conditions on the operation and the conduct of the business as is necessary to protest the health, safety and welfare of the City and its inhabitants.

Therefore, staff recommends that the City Council consider the approval of the application for Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary and Distribution licenses for PMB Group LLC, located at 3580 Fruitland Avenue.

ATTACHMENT(S)

Attachment No. 1 – Resolution No. 6047

ATTACHMENT NO. 1

RESOLUTION NO. 6047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, GRANTING COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, RETAIL DISPENSARY, VEHICLE DISPENSARY AND DISTRIBUTION LICENSES FOR PMB GROUP LLC, LOCATED AT 3580 FRUITLAND AVENUE

THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, On February 22, 2017, the Maywood City Council approved a fee schedule and an application and evaluation procedure for commercial cannabis license applications pursuant to Maywood ordinance 16-03 titled "Code Amendment Permitting Marijuana Businesses in Certain Zones of the City;"

WHEREAS, PMB Group LLC, ("Applicant") has been issued a conditional use permit for commercial cannabis cultivation, manufacturing, retail dispensary, vehicle delivery and distribution for the property located at 3580 Fruitland Avenue and has applied for a commercial cannabis license for cultivation, manufacturing, retail dispensary, vehicle dispensing and distribution;

WHEREAS, City staff worked with HdL Companies ("HdL"), a consultant who provided expert evaluation of PMB Group LLC's license application;

WHEREAS, Prior to the final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted an application. Upon the completion of the final review process, the final score is tabulated and a minimum 80% overall score is required in order for the application to move forward to the City Manager for her recommendation and the City Council for review;

WHEREAS, Staff presented to the City Council the final rating for PMB Group LLC along with its recommendation in which the City Council may award a license pursuant to MMC Section 5-45.02;

WHEREAS, Based on the application and evaluation process as scored by HdL and evaluated by staff, the PMB Group LLC application for Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary and Distribution licenses at 3580 Fruitland Avenue received a composite score as follows:

Category (Phase 2)	Points Given	Points Allowed	Percentage
Proposed Location of Business	182	200	91%
Business Plan	320	400	80%
Neighborhood Compatibility Plan	240	300	80%
Safety & Security	220	300	73%
Air Quality Plan	73	100	73%
Labor & Employment Plan	165	200	83%
Total Points & Percentage Avg.	**1,200**	**1,500**	**80%**

Category (Phase 3)	Points Given	Points Allowed	Percentage
Final Location	180	200	90%
Business Plan	275	300	92%
Community Benefits	258	300	86%
Enhanced Product Safety	175	200	88%
Environmental Benefits	170	200	85%
Labor & Employment	175	200	88%
Local Enterprise	180	200	90%
Neighborhood Compatibility Plan	175	200	88%
Qualifications of Principals	258	300	86%
Safety & Security	155	200	78%
Air Quality Plan	155	200	78%
SUB-TOTAL	2156	2500	84%
TOTAL SCORE (PHASE 2 & 3)	**3,356**	**4,000**	**84%**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein as if set forth in full.

Section 2. Based on the entire record before the City Council, including all written and oral evidence including the staff report, and pursuant Section 5-45.04 of the Maywood Municipal Code, the City Council finds as follows: (i) the applicant qualifies for licensure under the provisions of the Maywood Municipal Code; (ii) the applicant has not made any false or misleading statements during the application process; (iii) the applicant has paid the fees associated with its application; (iv) the applicant has the right to occupy or use the premises as described in the application; and (v) the applicant has demonstrated the ability to adequately satisfy the requirements of Ordinance 18-02, based on evidence submitted during the application process.

Section 3. Section 5-45.06(a)(6) and Appendix C of the Maywood Municipal Code requires that a licensee provide an odor absorbing ventilation and exhaust system so that odor generated inside the facility is not detected outside of the facility. While the applicant's composite score is at least 80%, the Applicant scored less than 80% in the "Air Quality Plan" category with scores of 73% during Phase 2 review and 78% during Phase 3 review. In order to ensure that the health, safety and welfare of the community is protected from the effects of cannabis order, the Applicant shall comply with the conditions set forth in Exhibit A.

Section 4. Sections 5-45.03(a)(5), Section 5-45.06(a)(4) and Appendix C of the Maywood Municipal Code requires that a licensee provide a security plan to address the safety and security and both community as well the facility and its employees and customers. While the applicant's composite score is at least 80%, the Applicant scored less than 80% in the "Safety & Security" category with scores of 73% during Phase 2 review and 78% during Phase 3 review. In order to ensure that the health, safety and welfare of the community as well as the facility's employees and customers, the Applicant shall comply with the conditions set forth in Exhibit A.

Section 5. The City Council hereby approves and grants the Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary and Distribution Licenses to PMB Group LLC for a term not to exceed one year from the date this Resolution is adopted subject to the conditions set forth in Exhibit A.

Section 6. PMB Group LLC shall comply with all applicable provisions related to the operation of a Commercial Cannabis Cultivation, Manufacturing, Retail Dispensary, Vehicle Dispensary and Distribution facility as set forth in Ordinance No. 18-12.

Section 7. The City Clerk will certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 11th day of September, 2019.

_____
Eduardo De La Riva, Mayor

ATTEST:

_____
Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:

_____
Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Resolution No. 6047 was adopted at a regular meeting of the City Council of the City of Maywood held on the 11th day of September, 2019 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Gerardo Mayagoitia, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

EXHIBIT A

CONDITIONS OF APPROVAL

1. The Applicant shall revise its Safety and Security Plan and its Air Quality Plan to achieve a minimum percentage score of 80%, as further described in the document entitled "Application Procedure to Operate a Commercial Cannabis Business in Maywood." Within 45 days of the adoption of this Resolution, the Applicant shall revise its plans to address the areas set forth below and resubmit the plan to HdL, through the Director of Building & Planning, for rescoring. The City shall within 30 days rescore the plan. If the plan does not achieve the minimum rating of 80%, the applicant shall make the required revisions and resubmit the plan to HdL until a score of 80% is met. No building permits shall be issued until the Applicant complies with this condition.

SAFETY PLAN

1. The facility's fire safety plan shall be prepared or assessed by a qualified third-party fire prevention and suppression consultant.
2. The detailed safety plan shall describe the fire prevention, suppression, HVAC and alarm systems the business will have in place. The plan will have considered all possible fire, hazardous material, storage and handling of flammable gases and liquids, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation, including but not limited to:
    a. Identification and storage location of all gases, pesticides, and chemicals
    b. Fire alarm and monitoring system
    c. Fire suppression equipment and procedures
    d. Location of fire extinguishers
    e. Emergency procedures (medical, fire, natural disaster, etc.)
    f. Description of evacuation routes and muster stations
    g. Personal protective equipment
    h. Accident and incident reporting procedures
    i. Building Occupancy rating/description

SECURITY PLAN

1. The facility's Security Plan shall be prepared or assessed by a qualified security consultant.
2. The Security Plan shall include details on the operational security, including but not limited to:
    a. General security policies for the facility
    b. Employee-specific policies
    c. Training
    d. Sample written policies
    e. Cash handling security

f. Visitor security
g. Third-party contractor security
h. Delivery security

3. In particular, applications should address:

i. Perimeter Security:

i. An alarm system on all perimeter entry points and perimeter windows shall be professionally installed, maintained, and monitored.

ii. The exterior of the business shall be monitored at all times by a web-based, closed-circuit television for security purposes. The recordings shall be maintained for a period of not less than six months. The owner/operator shall make the recordings available to local law enforcement immediately upon request.

j. Building ingress and egress access security:

i. Sensors are installed to detect entry and exit from all secure areas

ii. Additional security measures for doors and windows, as defined by the City.

k. Product Security

i. All cannabis and cannabis products are stored in a secured and locked room, safe, or vault, and are kept in a manner as to prevent diversion, theft, loss, and unauthorized access.

ii. Overnight inventory storage procedure

l. Internal Security Measures for Access

i. Limited access areas accessible only to authorized cannabis business personnel shall be identified in the Security Plan.

ii. Each cannabis business will have the capability to remain secure and operational during a power outage.

iii. Will ensure that all access doors are not solely controlled by an electronic access panel, ensuring that locks are not released during a power outage.

iv.

4. Proposed floor plan should be accurate, dimensioned and to scale (minimum scale 1/4"). The scale may be smaller if it exceeds more than a 1/2-acre parcel but must not be printed on larger than an 11" x 17" sheet of paper. The floor plan should include:

m. Proposed use of each room
n. Limited access areas
o. Access-controlled doors to all limited access areas
p. Cameras in every room (depending on the size and function of the room, a business will likely need more than one camera per room)
q. Full camera coverage of the outside property

r. Inventory storage/vaults/safes separate from customer areas and not on an external wall adjacent to large streets/highways
s. Separate and defined spaces for different license types, if applicant proposes to have more than one license type in the same facility (e.g., cult./man. or man./dist.)
t. Separate delivery entrance

AIR QUALITY PLAN

1. The Air Quality Plan shall describe the ventilation systems that will be used to prevent the odor of cannabis from being detectable beyond the premises of the business. The plan shall the following:
    a. Facility floor plan. This section should include a facility floor plan, with locations of odor-emitting activity(ies) and emissions specified. Relevant information may include, but is
    not limited to, the location of doors, windows, ventilation systems, and odor sources.
    b. Specific odor-emitting activity(ies)
    This section should describe the odor-emitting activities or processes (e.g., harvesting)
    that take place at the facility, the source(s) (e.g., budding plants) of those odors, and
    reference the location(s) from which they are emitted (e.g., flowering room) on the
    floor plan.
2. Odor Mitigation Practices (based on industry-specific best control technologies and best management practices) For each odor-emitting source/process outlined in the Odor Control Plan, specify the administrative and engineering controls the facility implements or will implement to control odors. Descriptions of 'administrative controls' and 'engineering controls' shall include, but are not limited to, the following sections:
    a. Administrative Controls
    b. Procedural Activities - This section should describe activities such as building management responsibilities (e.g., isolating odor-emitting activities from other areas of
    the buildings through closing doors and windows).
    c. Staff training procedures – This section should describe the organization responsibility(ies) and the role/title(s) of the staff members who will be trained about odor control; the specific administrative and engineering activities that the training will encompass; and the frequency, duration, and format of the training (e.g., 60 minutes in-person training of X staff, including the importance of closing doors and windows and ensuring exhaust and filtration systems are running as required).
    d. Recording keeping systems and forms – This section should include a description of the records that will be maintained (e.g., records of purchases

of replacement carbon, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed training sessions, and monitoring of administrative and engineering controls). Any examples of facility recordkeeping forms should be included as appendices to the OCP.

e. Engineering Controls - The best control technology for marijuana cultivation facilities is carbon filtration. Facilities equipped with alternative engineering controls for odor sources shall provide evidence that engineering controls are sufficient to effectively mitigate odors for all odor sources. This section should include evidence that engineering controls meet at least one of the following:
    i. Are consistent with accepted and available industry-specific best control technologies designed to effectively mitigate odors for all odor sources.
    ii. Have been reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as sufficient to effectively mitigate odors for all odor sources.
f. Components of engineering controls – This section shall include, but is not limited to, technical system design, a description of technical process(es), and an equipment maintenance plan.
g. System Design - The system design should describe in detail the odor control technologies that are installed and operational at the facility (e.g., carbon filtration) and to which odor-emitting activities, sources, and locations they are applied (e.g., bud room exhaust). The description should include installation, maintenance, calculations of number of carbon filters per cubic feet per room and use documents from the equipment manufacturer. You should use the CFM calculator provided by your manufacturer on their website. Otherwise you may need the assistance of a mechanical engineer but must fully answer each section.
h. Operational process – This section should describe the activities being undertaken to ensure the odor mitigation system remains functional, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for such activities (e.g., when trimming activities are conducted, X personnel are responsible for isolating the trim room from non-odorous areas of the facility and ensuring the exhaust system is operational and routed through odor mitigation systems).
i. Maintenance Plan - The maintenance plan should include a description of the maintenance activities that are performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., change carbon filter, every 6 months, carried out by the facility manger).

City of Maywood

Proclamation

Childhood Cancer Awareness Month

September 2019

WHEREAS, each year more than 300,000 children and youth under the age of 19 are diagnosed with cancer worldwide; and

WHEREAS, childhood cancer is the #1 disease-related cause of death for children in the United States and many other countries; and

WHEREAS, two-thirds of those who survive childhood cancer endure chronic health conditions from the toxic effects of cancer treatment, including secondary cancers, and other life-threatening illnesses; and

WHEREAS, the causes of childhood cancer are largely unknown and more study is needed to understand which treatments work best for children; and

WHEREAS, cancer treatments for children often must differ from traditional adult treatments to take into account children's developmental needs and other factors; and

WHEREAS, this month we pay tribute to the families, friends, professionals, and communities who lend their strength to children fighting pediatric cancer. May their courage and commitment continue to move us toward new cures, healthier outcomes, and a brighter future for America's youth.

NOW, THEREFORE, I, Eddie De La Riva, Mayor of the City of Maywood, on behalf of the entire City Council, do hereby proclaim ***September***, as ***Childhood Cancer Awareness Month.*** I encourage the residents of our community, and communities across the country, to join me in reaffirming our commitment to fighting childhood cancer.

On this 28th day of August, 2019

Mayor Eddie De La Riva