



*For further information on an agenda item, please contact
the City at 101 North "D" Street, or call (951) 943-6100*

AGENDA

**JOINT MEETING OF THE CITY COUNCIL, SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCE AUTHORITY,
PUBLIC UTILITY AUTHORITY, HOUSING AUTHORITY, PERRIS JOINT POWERS
AUTHORITY AND PERRIS COMMUNITY ECONOMIC DEVELOPMENT
CORPORATION OF THE CITY OF PERRIS**

Tuesday, April 9, 2019

6:30 P.M.

**City Council Chambers
(Corner of San Jacinto and Perris Boulevard)
101 North "D" Street
Perris, California**

CLOSED SESSION: 6:00 P.M.

ROLL CALL:

Rabb, Rogers, Magaña, Corona, Vargas

- A. Conference with Legal Counsel - Potential Litigation - Government
Code Section 54956.9 (d)(4) - 1 case

1. **CALL TO ORDER:** 6:30 P.M.

2. **ROLL CALL:**

Rabb, Rogers, Magaña, Corona, Vargas

3. **INVOCATION:**

Pastor Joe Sabolick
New Creation Church
57 Business Park Dr.
Perris, CA 92571

4. **PLEDGE OF ALLEGIANCE:**

Councilmember Rabb will lead the Pledge of Allegiance.

5. **REPORT ON CLOSED SESSION ITEMS:**

6. **PRESENTATIONS/ANNOUNCEMENTS:**

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

A. Presentation of a Proclamation proclaiming April 2019 DMV/Donate Life Month.

7. **APPROVAL OF MINUTES:**

A. Approve the Minutes of the Regular Joint Meeting held on March 26, 2019 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and the Perris Joint Powers Authority.

8. **CONSENT CALENDAR:**

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. **Public comment is limited to three (3) minutes.***

A. Adopt Resolution Number (next in order) regarding the annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation No. 34 and set a Public Hearing date for May 28, 2019. Project: Rider 3 (PM 35268) - Owner: IDIG Logistics – APN: 303-130-036

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO [ANNEXATION NO. 34]

- B. Adopt Resolution Number (next in order) regarding the annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation No. 35 and set a Public Hearing date for May 28, 2019. Project: Rider 1 (DPR 06-0635) - Owner: IDIG Logistics – APN: 300-250-017

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO [ANNEXATION NO. 35]

- C. Adopt the Second Reading of Ordinance Number 1381 approving Zone Change No. 17-05148 to change the land use designation of 4.2 acres from Community Commercial (CC) to R-6,000 SHO to facilitate the development of a 141-unit age restricted senior housing apartment complex located at the northwest corner of “A” Street and Ellis Avenue. (Applicant: Greg Lansing, Lansing Properties)

The Proposed Ordinance Number 1381 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 17-05148 TO CHANGE THE ZONING DESIGNATION FROM “CC” COMMERCIAL COMMUNITY TO “R-6000-SHO” ON 4.2 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF A STREET AND ELLISS AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF.

- D. Adopt Resolution Number (next in order) to approve the adopted Project List Utilizing SB-1 Funding for Fiscal Year 2019-2020.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-2020

FUNDED BY SB-1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

- E. Approve rejection of all bids received for the construction of the Off-Leash Dog Park Facility.
- F. Approve and appropriate budget for construction change orders for the Senior Center Billiards Room Remodel Project.
- G. Approve Fee Waiver of rental fees in support of the Easter Movie and Sunday Sunrise Services sponsored by the Free Indeed Christian Fellowship to be held on April 20, 2019 through April 21, 2019 at Foss Field Park.

9. PUBLIC HEARINGS:

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to three (3) minutes.***

- A. Adopt Resolution Number (next in order) regarding the annexation of parcels into CFD 2001-3 (North Perris Public Safety District) Annexation No. 31. for the project located at 1133 Harley Knox Blvd. (PR 17-05194) – APN: 314-153-073 (Owner: Credits Holding, LLC)

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 31 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 31

Introduced By: Ron Carr, Interim Finance Director

PUBLIC COMMENT:

- B. Adopt Resolution Numbers (next in order) regarding the annexation of PR 17-05194 (Harley Knox Dispensary) to the City's Maintenance Districts. PR 17-05194 (Harley Knox Dispensary) is a 0.88 acre commercial project located south of Harley Knox Boulevard and east of Patterson Avenue. (Owner: Credits Holding, LLC)

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO BENEFIT ZONE 144, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO BENEFIT ZONE 110, CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

Introduced By: Habib Motlagh, City Engineer

PUBLIC COMMENT:

- C. Adopt Urgency Ordinance Number (next in order) and the First Reading of Ordinance (next in order) to amend Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties; and adopt Resolution Number (next in order) approving a City Council Policy that provides for regulations for the permitting, operation, and maintenance of small wireless facilities in the City of Perris.

The Proposed Urgency Ordinance Number (next in order) is entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ENACTED PURSUANT TO GOVERNMENT CODE § 36934 AND 36937, WHICH AMENDS

CHAPTER 19.85 OF THE MUNICIPAL CODE IN ITS ENTIRETY TO UPDATE AND REVISE REGULATIONS FOR ALL WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY OF PERRIS.

The Proposed First Reading of Ordinance Number (next in order) is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING CHAPTER 19.85 OF THE MUNICIPAL CODE IN ITS ENTIRETY TO UPDATE AND REVISE REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY OF PERRIS.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING THE CITY COUNCIL POLICY (NEXT IN ORDER) TO ESTABLISH REGULATIONS FOR PERMITTING OPERATION, AND MAINTENANCE OF SMALL WIRELESS FACILITIES (SWF) WITHIN THE CITY OF PERRIS.

Introduced By: Dr. Grace Williams, Director of Planning and Economic Development

PUBLIC COMMENT:

- D. Adopt Resolution Number (next in order) approving the draft 2019-2024 Consolidated Plan and the Fiscal Year 2019-2020 Action Plan with Analysis of Impediments to Fair Housing Choice and Fiscal Year 2019-2020 Action Plan with proposed funding for the Community Development Block Grant (CDBG) Program.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, APPROVING THE DRAFT 2019-2024 CONSOLIDATED PLAN WITH THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND THE FISCAL YEAR 2019-2020 ACTION PLAN WITH PROPOSED FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FEDERAL ENTITLEMENT PROGRAM.

Introduced By: Dr. Grace Williams, Director of Planning and Economic Development

PUBLIC COMMENT:

10. BUSINESS ITEMS: (not requiring a “Public Hearing”):

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. **Public Comment is limited to three (3) minutes.***

A. Annual Overview of Sheriff’s Department Operations

Introduced By: Police Chief Greg Fellows

PUBLIC COMMENT:

11. PUBLIC COMMENT/CITIZEN PARTICIPATION:

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor’s, City Council’s and staff’s ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. **Public comment is limited to three (3) minutes.***

12. COUNCIL COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

*This is an opportunity for the Mayor and City Councilmembers to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. **NO ACTION CAN BE TAKEN AT THIS TIME.***

13. CITY MANAGER’S REPORT:

14. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall at (951) 943-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Proclamation Presentation



CITY OF PERRIS

CITY COUNCIL AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: Approval of Minutes

REQUESTED ACTION: Approve the Minutes of the Regular Joint City Council Meeting held on March 26, 2019

CONTACT: Nancy Salazar, City Clerk **NS**

BACKGROUND/DISCUSSION: None

BUDGET (or FISCAL) IMPACT: None

Prepared by: Judy L. Haughney, CMC, Assistant City Clerk *JLH*

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director _____

Attachments:

Consent:
Public Hearing:
Business Item:
Presentation:
Other: Approval of Minutes

CITY OF PERRIS

MINUTES:

Date of Meeting: March 26, 2019

06:30 PM

Place of Meeting: City Council Chambers

CLOSED SESSION

Mayor Vargas called the Closed Session to order at 6:01 p.m.

ROLL CALL

Present: Corona, Rabb, Rogers, Magaña, Vargas

Staff Present: City Manager Belmudez, City Attorney Dunn and City Clerk Salazar

- A. Conference with Real Property Negotiators – Government Code Section 54956.8
 Property: APN 312-272-005 City Negotiator: Richard Belmudez, City Manager
 Negotiating Parties: Julian and Clementina Rubalcava Under Negotiation: Price and
 Terms of Payment

The City Council adjourned to Closed Session at 6:03 p.m.

1. CALL TO ORDER: 6:30 P.M.

Mayor Vargas called the Regular City Council meeting to order at 6:30 p.m.

2. ROLL CALL: Corona, Rabb, Rogers, Magaña, Vargas

Present: Corona, Rabb, Rogers, Magaña, Vargas

Staff Members Present: City Manager Belmudez, City Attorney Dunn, City Engineer Motlagh, Assistant City Manager Miramontes, Assistant City Manager Carlos, Police Captain Fellows, Chief Information Officer Cervantes, Director of Community Services Chavez, Director of Public Works Hartwill and City Clerk Salazar.

3. INVOCATION: Pastor Conner Smith Temple Baptist Church 745 N. Perris Blvd. Perris, CA 92571

4. PLEDGE OF ALLEGIANCE:

Councilmember Corona led the Pledge of Allegiance.

5. REPORT ON CLOSED SESSION ITEMS:

City Attorney Dunn reported that the City Council met in Closed Session to discuss the items listed on the agenda. He noted that an update was given, direction was given to staff, but no reportable action was taken.

6. PRESENTATIONS/ANNOUNCEMENTS:

A. Introduction of New City Employees.

7. APPROVAL OF MINUTES:

A. Approved the Minutes of the Regular Joint Meeting held on March 12, 2019 of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and the Perris Joint Powers Authority.

The Mayor called for a motion.

M/S/C: Moved by Marisela Magana, seconded by Malcolm Corona to Approve the Minutes, as presented.

AYES: Michael Vargas, David Starr Rabb, Rita Rogers, Malcolm Corona, Marisela Magana

NOES:

ABSENT:

ABSTAIN:

8. CONSENT CALENDAR:

The Mayor called for Public Comment. There was no Public Comment.

A. Approved Final Parcel Map (FPM) 37304 to consolidate fourteen (14) lots into two (2) parcels to facilitate construction of two industrial buildings (1 million square feet and 61,200 square feet) on 55 vacant acres located at the southeast corner of Perris Boulevard and Markham Street. (Applicant: Adam Schmidt, Duke Realty)

B. Adopted Resolution 5461 regarding the annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation Number 29. Project: 1st Perry Logistics (DPR 16-00013) (Owner: First Industrial, L.P.)

Resolution Number 5461 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO [ANNEXATION NO. 29].

C. Adopted Resolutions Numbers 5462, 5463 and 5464 regarding the annexation of DPR 16-00013 to Maintenance District Number 84-1 and set a Public Hearing Date of May 14, 2019. DPR-16-00013 is a 10.95 acre industrial development located at the southwest corner of Redlands Avenue

and Perry Street. Perry Street is located on the north boundary of the project and Redlands Avenue is located to the east of the project. (Owner: First Industrial, L.P.)

Resolution Number 5462 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS, APPOINTING THE ENGINEER OF WORK, ORDERING THE PREPARATION OF A DISTRICT MAP INDICATING THE PROPOSED BOUNDARIES OF AN ANNEXATION TO THE CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, AND FOR PROVIDING OTHER ENGINEERING SERVICES IN THE MATTER OF THE ANNEXATION OF DPR 16-00013 INTO MAINTENANCE DISTRICT NUMBER 84-1.

Resolution Number 5463 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR ANNEXATION OF DPR 16-00013 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1.

Resolution Number 5464 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO MAINTENANCE DISTRICT NUMBER 84-1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF DPR 16-00013 TO MAINTENANCE DISTRICT NUMBER 84-1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON MAY 14, 2019.

- D. Adopted Resolutions Numbers 5465, 5466 and 5467 regarding the annexation of DPR 16-00013 to Landscape Maintenance District Number 1 (LMD 1) and set a Public Hearing Date of May 14, 2019.. DPR-16-00013 is a 10.95 acre industrial development located at the southwest corner of Redlands Avenue and Perry Street. Perry Street is located on the north boundary of the project and Redlands Avenue is located to the east of the project. (Owner: First Industrial, L.P.)

Resolution Number 5465 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS, APPOINTING THE ENGINEER OF WORK, ORDERING THE PREPARATION OF A DISTRICT MAP INDICATING THE PROPOSED BOUNDARIES OF AN ANNEXATION TO THE CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, AND FOR PROVIDING OTHER ENGINEERING

SERVICES IN THE MATTER OF THE ANNEXATION OF BENEFIT ZONE 142 (DPR 16-00013) TO LANDSCAPE MAINTENANCE DISTRICT NUMBER 1.

Resolution Number 5466 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR ANNEXATION OF DPR 16-00013 TO BENEFIT ZONE 142, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1.

Resolution Number 5467 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO ORDER THE ANNEXATION TO BENEFIT ZONE 142, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREA TO BE ANNEXED TO BENEFIT ZONE 142, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID ANNEXATION AS ANNEXATION OF DPR 16-00013 TO BENEFIT ZONE 142, LANDSCAPE MAINTENANCE DISTRICT NUMBER 1; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON MAY 14, 2019.

- E. Adopted Resolution Number 5468 to annex DPR 16-00013 to Flood Control Maintenance District Number 1 (FCMD 1) and set a Public Hearing Date of May 14, 2019. DPR-16-00013 is a 10.95 acre industrial development located at the southwest corner of Redlands Avenue and Perry Street. Perry Street is located on the north boundary of the project and Redlands Avenue is located to the east of the project. (Owner: First Industrial, L.P.)

Resolution Number 5468 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING INTENTION TO AUTHORIZE LEVYING ASSESSMENTS UPON CERTAIN PARCELS OF REAL PROPERTY, TO ORDER ANNEXATION OF DPR 16-00013 TO BENEFIT ZONE 108, FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO ON MAY 14, 2019.

- F. Adopted the Traffic Report prepared by RK Engineering and Authorize Implementation for the intersections of Redlands Avenue & Jarvis Street and Redlands Avenue & Citrus Avenue.
- G. Adopted Resolution Number 5469 authorizing the purchase of 2.85 acres of vacant land identified as Assessor's Parcel Number 326-073-001,

located south of West Metz Road for the future Enchanted Hills Park Project and budget amendment request to allocate \$304,000.00 to include closing costs from Industrial Park Development Impact Fund to Enchanted Hills Park Project Fund. (Owners: Hector and Maricela Valladolid)

Resolution Number 5469 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS FOR 2.85 ACRES VACANT LAND IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 326-073-001 FOR THE FUTURE ENCHANTED HILLS PARK PROJECT LOCATED ON THE 1300 BLOCK OF WEST METZ ROAD IN THE ENCHANTED HILLS COMMUNITY IN PERRIS.

- H. Approved a one-year Extension of Time (19-05029) for Tentative Tract Map 33900 until April 29, 2020 to subdivide 116 acres into 198 residential lots. The project site is located at the southeast corner of Ethanac Road and McPherson Road, north of the San Jacinto River. (Applicant: Brian Hardy, Richland Communities, Inc.)
- I. Approved Change Order Number Two (2) with Rincon Consultants, Inc. for Regulatory Permitting Services for the Nuevo Road Bridge Replacement Project (CIP #S076), and authorize the City Manager to execute the Change Order.
- J. Approved the 2018 Annual Progress Report for the Housing Element.
- K. Approved First Amendment to Western Community Energy Joint Powers Agreement.
- L. Received and Filed the Perris Community Economic Development Corporation (CEDC) State and Federal Tax Returns for 2017-2018.
- M. Approved the City of Perris Monthly Check Register for February 2019.

The Mayor called for a motion.

M/S/C: Moved by Rita Rogers, seconded by Malcolm Corona to Approve the Consent Calendar, as presented.

AYES: Michael Vargas, David Starr Rabb, Rita Rogers, Malcolm Corona, Marisela Magana

NOES:

ABSENT:

ABSTAIN:

9. PUBLIC HEARINGS:

- A. Approved Resolution Number 5470 to provide findings and adopt Mitigated Negative Declaration #2340, and approve Development Plan Review 17-00005 to facilitate a 141-unit age-restricted senior housing apartment complex and Introduced the First Reading of Ordinance Number 1381 to provide findings and approve Zone Change 17-05148 to change 4.21 acres from Community Commercial to R-6,000-SHO (Senior Housing

Overlay). (Applicant: Greg Lansing, Lansing Properties).

Resolution Number 5470 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING NEGATIVE DECLARATION (2340), AND DEVELOPMENT PLAN REVIEW 17-00005 FOR THE PERRIS-ELLIS SENIOR APARTMENT COMPLEX PROJECT LOCATED AT THE NORTHWEST CORNER OF ELLIS AVENUE AND PARK AVENUE (APN: 313-222-002), AND MAKING FINDINGS IN SUPPORT THEREOF.

The First Reading of Ordinance Number 1381 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 17-05148 TO CHANGE THE ZONING DESIGNATION FROM "CC" COMMERCIAL COMMUNITY TO "R-6000-SHO" ON 4.2 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF A STREET AND ELLIS AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.

Planning Manager Phung gave the presentation on this item.

The following Councilmember's spoke:

Rabb

The Mayor opened the Public Hearing at 6:55 p.m. The following person spoke at Public Comment:

Greg Lansing

The Mayor closed the Public Hearing at 6:57 p.m.

The following Councilmember's spoke:

Vargas

Rogers

Corona

Rabb

The Mayor called for a motion.

M/S/C: Moved by Rita Rogers, seconded by Malcolm Corona to Approve Resolution Number 5470 and Introduce the First Reading of Ordinance Number 1381, as presented.

AYES: Michael Vargas, David Starr Rabb, Rita Rogers, Malcolm Corona, Marisela Magana

NOES:

ABSENT:

ABSTAIN:

- B. Introduced First Reading of Ordinance Number 1380 to amend Animal Control Ordinance Number 1168 in its entirety.

The First Reading of Ordinance Number 1380 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING TITLE 8 OF THE PERRIS

**MUNICIPAL CODE CONCERNING REGULATION OF ANIMALS
WITHIN THE CITY.**

Director of Public Works Hartwill gave the presentation on this item. He noted that this item was being brought back for 1st reading due to several pages missing from the March 12, 2019 agenda packet.

The Mayor opened the Public Hearing at 7:08 p.m. There was no Public Comment.

The Mayor closed the Public Hearing at 7:08 p.m.

The Mayor called for a motion.

M/S/C: Moved by David Starr Rabb, seconded by Marisela Magana to Approve the First Reading of Ordinance Number 1380, as presented.

AYES: Michael Vargas, David Starr Rabb, Rita Rogers, Malcolm Corona, Marisela Magana

NOES:

ABSENT:

ABSTAIN:

10. **BUSINESS ITEMS:**

A. **Youth Advisory Committee (YAC) Recruitment Presentation**

This item was introduced by Director of Community Services Chavez and turned over for presentation by Youth Advisory Members Diane Ochoa and Ashley Lopez.

The Mayor called for Public Comment. There was no Public Comment.

**The following Councilmember spoke:
Magaña**

11. **PUBLIC COMMENT/CITIZEN PARTICIPATION:**

**The following person spoke at Public Comment:
Bill Lamb**

12. **COUNCIL COMMUNICATIONS:**

**The following Councilmember's spoke:
Rabb
Corona
Rogers
Magaña
Vargas**

13. **CITY MANAGER'S REPORT:**

14. **ADJOURNMENT:**

There being no further business Mayor Vargas adjourned the Regular City Council meeting at 7:38 p.m.

Respectfully Submitted,

Nancy Salazar, City Clerk



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: **Annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation No. 34**

Project: Rider 3 (PM 35268)
Owner: IDIG Logistics
APN: 303-130-036

REQUESTED ACTION: **Adopt a Resolution of Intention** to Annex Territory into CFD 2001-3

CONTACT: Ron Carr, Interim Finance Director

BACKGROUND/DISCUSSION:

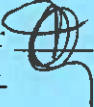
In early 2002, the City Council formed Community Facilities District 2001-3 (North Perris Public Safety) (the “Original District”), for the purpose of paying for additional public safety and fire protection services within the area services by the Original District. On June 10, 2002, the qualified electors within the Original District approved by more than a two-thirds (2/3) vote the proposition of levying a special tax within the Original District. The Original District encompassed certain developments, including the “Villages of Avalon” and “May Farms” developments. Subsequently, several other developments were annexed to the District and adopted the special taxes to be levied therein (the “Annexations” and, together with the Original District, the “District”). Other development and commercial projects in the City will be annexed to the District in the future. The property owners of the parcels listed on the map attached to the following Resolution has filed a petition requesting annexation to the District and waiving the notice and time periods for the election as permitted by the Mello-Roos Community Facilities Act of 1982.

This Resolution will commence the annexation process for the property described on the map attached to the resolution to the District. This resolution will set a public hearing for May 28, 2019 regarding the proposed annexation. An election will be held following the public hearing. At that time, the landowner will vote on annexing their property to the District and levying special taxes within their District. The special tax levy for Fiscal Year 2019-20 is \$350.05 for Single-Family Residential Units, \$70.01 for Multi-Family Residential Units, and \$1,400.24 per Acre for Non-Residential Parcels. For each subsequent fiscal year following Fiscal Year 2019-2020, the Maximum Special Tax may be increased by an amount not to exceed two percent (2.00%) per year.

BUDGET (or FISCAL) IMPACT: The property owner has forwarded a deposit to initiate the annexation process and the City may recoup all costs through the levy of the special tax.

Prepared by: Daniel Louie, Willdan Financial Services

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director DL 

Attachments:

Consent: x
Public Hearing: _____
Business Item: _____
Presentation: _____
Other: _____

RESOLUTION NUMBER XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO [ANNEXATION NO. 34]

WHEREAS, the City Council (the "Council") of the City of Perris, California (the "City"), on December 11, 2001, has adopted its resolution of intention (the "Resolution of Intention") stating its intention to form Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act") being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, within the territory described more fully on the map entitled "Boundary Map, County of Riverside, California, Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris," a copy of which is on file with the City Clerk of the City of Perris; and

WHEREAS, on January 29, 2002, the Council adopted Resolution No. 2912 ("Resolution 2912") which established the District and called an election within the District on the proposition of levying a special tax; and

WHEREAS, on June 10, 2002, an election was held within the District at which the qualified electors approved by more than a two-thirds (2/3) vote the proposition of levying a special tax pursuant to a special tax formula (the "Rate and Method of Apportionment") as set forth in Resolution No. 2912 and attached hereto and incorporated herein as Exhibit "A", showing the tax levels in fiscal year 2005-06 and certain changes to indicate commencement of the levy the special tax; and

WHEREAS, the Council has heretofore adopted an Ordinance (the "Ordinance") which provided for the levying and collection of special taxes (the "Special Taxes") within the District, as provided in the Act and the Ordinance in accordance with the Rate and Method of Apportionment; and

WHEREAS, a petition (the "Petition") requesting the institution of proceedings for annexation to the District signed by the landowner within the proposed territory to be annexed (the "Property") as more fully described in Exhibit "B", attached hereto and incorporated herein, has been received, filed with and accepted by the City Clerk of the City of Perris; and

WHEREAS, the Council has duly considered the admissibility and necessity of instituting proceedings to annex the Property to the District under and pursuant to the terms and conditions and provisions of Article 3.5 of the Act, commencing with Government Code Section 53339; and

WHEREAS, the Council has determined to institute proceedings for the annexation of such Property to the District, and has determined to (a) set forth the boundaries of the territory which is proposed for annexation to the District, (b) state the public services to be provided in and for the Property, (c) specify the special taxes to be levied with the Property, and (d) set a date, time and place for a public hearing relating to the annexation of the Property to the District and the levy of special tax therein to pay for such public facilities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. It is the intention of the Council, acting as the legislative body of the District, to annex the Property to the District under and pursuant to the terms and provisions of the Act. The boundaries of the Property proposed for annexation to the District are more particularly described and shown on that certain map entitled "Annexation Map No. 34 to Community Facilities District No. 2001-3 (North Perris Public Safety)" that has been filed with the City Clerk of the City and a copy of which, together with a legal description of such territory, is described in Exhibit "B". The City Clerk is hereby authorized and directed to endorse the Certificate on said map evidencing the date and adoption of this resolution and is further authorized and directed to file said map with the County Recorder of the County of Riverside in accordance with the provisions of Section 3111 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing as set forth in Section 5 hereof.

Section 3. It is the intention of the Council to order the financing of (1) fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; (2) police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto (collectively, the "Services"); and (3) the incidental expenses to be incurred in connection with financing the Services and forming and administering the District (the "Incidental Expenses"). The Services are public services that the City or a public agency is authorized by law to contribute revenue to or to provide. A description of the types of Services to be financed is set forth in Resolution No. 2912 and incorporated herein by reference. The Services to be financed by or on behalf of the District are necessary to meet increased demand upon the City and other public agencies as a result of development occurring within the boundaries of the Property. The Property, on a per unit basis, will share in the cost of the Services in the same proportion as units with the existing District pursuant to the Rate and Method of Apportionment.

The final nature and location of the Services will be determined upon the preparation of final plans and specifications which may show substitutes in lieu of, or modifications to, the proposed Services. Any such substitution shall not be deemed a change or modification of the Services so long as the substitution provides a service substantially similar to the Services.

Section 4. It is the intention of the City Council that, except where funds are otherwise available, a special tax sufficient to pay for the Services and the Facilities, including the repayment of funds advanced to the District, annual administration expenses in determining, apportioning,

levying and collecting such special taxes, secured by recordation of a continuing lien against all non-exempt real property within the boundaries of the Property, will be levied annually on land within the boundaries of the Property. The Rate and Method of Apportionment shall remain unchanged as a result of the proposed annexation, except that the conditions to commencement of the tax have been met. The Property will be subject to the Special Tax pursuant to the Rate and Method of Apportionment. The special tax as apportioned to each parcel within the Property is fairly apportioned as determined by the City Council and as permitted by Section 53339.3 of the Act, and the apportionment of the special tax is not on or based upon the value or ownership of real property.

Section 5. Notice is hereby given that on the 28th day of May 2019, at the hour of 6:30 p.m., or as soon thereafter as is practicable, in the chambers of the City Council of the City of Perris, 101 North "D" Street, Perris, California 92570, a public hearing will be held at which the City Council, as the legislative body of the District, shall consider the proposed annexation of the Property and all other matters as set forth in this Resolution of Intention. At the above-mentioned time and place for such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the District and the Property proposed to be annexed, may appear and be heard, and such testimony for or against the proposed annexation will be heard and considered.

Section 6. Any protests may be made orally or in writing, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. If written protests against the proposed annexation are filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the existing District, or by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the Property proposed to be annexed, or by owners of one-half (1/2) or more of the area of land included within the existing District, or by owners of one-half (1/2) or more of the area of land proposed to be annexed to the District, the proceedings shall be abandoned as to those matters receiving a majority protest.

Section 7. If, following the public hearing described herein, the Council determines to annex the Property to the District and levy a special tax thereon, the Council shall then submit the annexation of the Property and levy of the special tax to the qualified voters of the Property. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the Property for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters residing within the Property, with each voter having one (1) vote. Otherwise, the vote shall be a mail ballot election, consistent with Section 53327.5 of the Act, by the landowners of the Property who are owners of record at the close of the public hearing, with each landowner having one (1) vote for each acre or portion of an acre of land owned within the Property. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

Section 8. The City may accept advances of funds or work-in-kind from any sources, including, but not limited to, private persons or private entities, for any authorized purpose,

including, but not limited to, paying the cost incurred in annexing the Property to the District. The District may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the Council, with or without interest.

Section 9. The City Clerk is hereby directed, to the extent that such notice is required, to publish a notice (“Notice”) of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed District. Such Notice shall contain the text of this Resolution, state the time and place of the hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed District as provided in Section 53324 of the Act and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

Section 10. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO
HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly
adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April
2019, by the following called vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

City Clerk, Nancy Salazar

Exhibit A

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 2001-3
NORTH PERRIS PUBLIC SAFETY**

SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

A. BASIS OF SPECIAL TAX LEVY

A Special Tax shall be levied on all Taxable Property in Community Facilities District No. 2001-3 ("District"), North Perris Public Safety of the City of Perris and collected each fiscal year commencing in Fiscal Year 2005/06 in an amount determined by the Council through the application of this Rate and Method of Apportionment of the Special Tax. All of the real property in the District unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

B. DEFINITIONS

Act means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

Administrative Expenses means the costs incurred by the City to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports, and any other costs required to administer the District as determined by the Finance Director.

Annual Cost(s) means for each fiscal year, the total of 1) the estimated cost of services provided through the Police & Fire Protection Program adopted by the City; 2) Administrative Expenses, and 3) any amounts needed to cure actual or projected delinquencies in Special Taxes for the current or previous fiscal year.

Annual Tax Escalation Factor means an increase in the Maximum Special Tax Rate each year following the Base Year in an amount not to exceed 2.00% annually.

Base Year means Fiscal Year ending June 30, 2006.

City means the City of Perris, California.

Council means the City Council of the City of Perris as the legislative body for the District under the Act.

County means the County of Riverside, California.

Developed Parcel means for each fiscal year, each Parcel for which a building permit for new construction or renovations was issued prior to March 1 of the previous fiscal year.

District means the Community Facilities District No. 2001-3, ("CFD 2001-3), North Perris Public Safety of the City of Perris.

Exempt Parcel means any Parcel that is not a Residential Parcel or a Non-Residential Parcel. Exempt Parcels are exempt from the levy of Special Taxes.

Finance Director means the Finance Director for the City of Perris or his or her designee.

Fiscal Year means the period starting July 1 and ending the following June 30.

Maximum Special Tax means the greatest amount of Special Tax that can be levied against a Parcel in a given fiscal year calculated by multiplying the Maximum Annual Special Tax Rate by the relevant acres or units of the Parcel.

Maximum Special Tax Rate means the amount determined pursuant to Section D below, which will be used in calculating the Maximum Special Tax for a Parcel based on its land use classification. Each fiscal year following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Tax Escalation Factor and otherwise adjusted as provided in this Special Tax Rate and Method of Apportionment.

Maximum Special Tax Revenue means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Special Tax.

Multi-Family Residential Unit means each multi-family attached residential unit located on a Developed Parcel.

Non-Residential Acres means the acreage of a Non-Residential Parcel. The acreage assigned to such a Parcel shall be that shown on the County assessor's parcel map.

Non-Residential Parcel means a Developed Parcel for which a building permit(s) was issued for private non-residential use. Non-Residential Parcels do not include Parcels that are intended to be, (1) publicly owned or owned by a regulated public utility, or (2) assigned minimal value or is normally exempt from the levy of general *ad valorem* property taxes under California law, including homeowners association property, public utility, public streets; schools; parks; and public drainage ways, public landscaping, greenbelts, and public open space.

Parcel means a lot or parcel shown on an assessor's parcel map with an assigned assessor's parcel number located in the District based on the last equalized tax rolls of the County.

Police & Fire Protection Program means a program adopted by the Council pursuant to Section 53313 of the Act for the provision, in a defined area of benefit, of police and fire protection services that are in addition to those services that would be provided to the area of the District if the District were not in existence.

Residential Parcel means a Developed Parcel for which a building permit(s) was issued for residential use.

Single-Family Residential Unit means a Developed Parcel used for single-family detached residential development.

Special Tax(es) means any tax levy under the Act in the District.

Taxable Property means every Residential Parcel and Non-Residential Parcel.

C. DURATION OF THE SPECIAL TAX

Duration of Special Tax for Taxable Property in the District shall remain subject to the Special Tax in perpetuity.

D. ASSIGNMENT OF MAXIMUM SPECIAL TAXES

1. Classification of Parcels

Each fiscal year, using the Definitions above, each Parcel of Taxable Property is to be classified as either a Residential Parcel or Non-Residential Parcel. Each Residential Parcel is to be further classified as either a Single-Family Unit or as the number of Multi-Family Units located on such Parcel.

2. Maximum Special Tax Rates

TABLE 1
Maximum Special Tax Rate for Developed Property in
Community Facilities District No. 2001-3
Fiscal Year 2005/06

Tax Status	Base Year Maximum Special Tax Rate	Tax Levy Basis
Single Family Residential Unit	\$265.30	Per Unit
Multi-Family Residential Unit	\$53.06	Per Unit
Non-Residential Parcel	\$1,061.21	Per Acre

On July 1st of each fiscal year, commencing July 1, 2006, the Maximum Special Tax Rates shall be increased in accordance with the Annual Tax Escalation Factor.

E. SETTING THE ANNUAL SPECIAL TAX LEVY

The Special Tax levy for each Parcel of Taxable Property will be established annually as follows:

1. Compute the Annual Costs using the definitions in Section A.
2. Calculate the available special tax revenues by taxing each Parcel of Taxable Property at 100.00% of its Maximum Special Tax. If revenues are greater than the Annual Costs, reduce the tax proportionately against all Parcels until the tax levy is set at an amount sufficient to cover Annual Costs.
3. Levy on each Parcel of Taxable Property the amount calculated above. No Special Tax shall be levied on Exempt Parcels.

The City shall make every effort to correctly assign the number of taxable units and calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

F. ADMINISTRATIVE CHANGES AND APPEALS

The Finance Director or designee has the authority to make necessary administrative adjustments to the Special Tax Rate and Method of Apportionment in order to remedy any portions of the Special Tax formula that require clarification.

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Finance Director appealing the levy of the Special Tax. The Finance Director will then promptly review the appeal, and if necessary, meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, a recommendation at that time will be made to the Council and, as appropriate, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to the District.

G. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

Exhibit B

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC
SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 34**

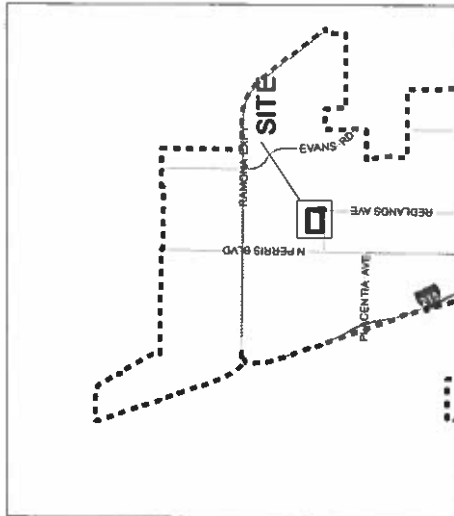
BOUNDARY MAP

[See Attached]

ANNEXATION MAP NO. 34 TO COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)

CITY OF PERRIS
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

VICINITY MAP



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	303-130-036

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ 20
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 34, TO COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS PREPARED BY ME OR UNDER MY SUPERVISION AND WAS FILED AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____ 20____ BY ITS RESOLUTION NO. _____

CITY CLERK
CITY OF PERRIS

FILED THIS _____ DAY OF _____ 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

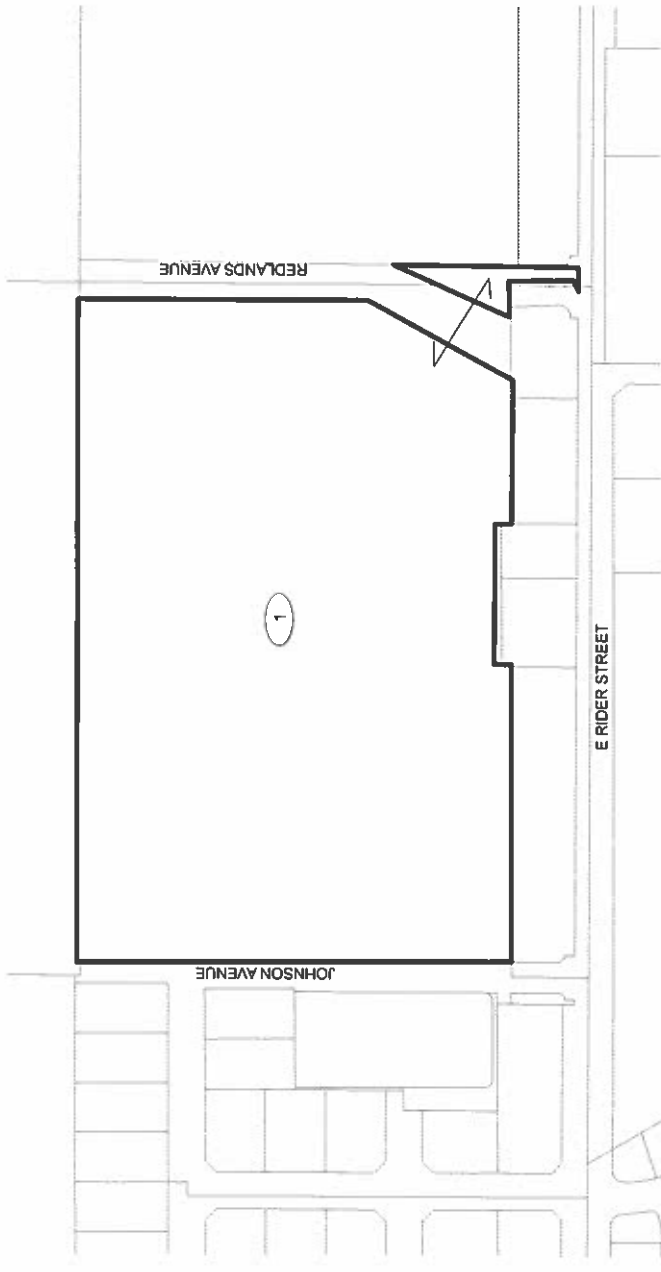
REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 19, 2001, IN BOOK 50 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 48.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

Legend

-  PROPOSED ANNEXATION BOUNDARY
-  MAP REFERENCE NUMBER
-  CITY OF PERRIS BOUNDARY



27388 VIA INDUSTRIA, SUITE #200
TEMECULA, CA 92590
(951) 587-3500

**PUBLIC NOTICE TRANSMITTAL
TO CITY CLERK'S OFFICE**

DATE: _____ DEPARTMENT City Clerk

CONTACT Judy Haughney PHONE/EXTENSION _____

ITEMS SUBMITTED: Annexation of parcels into CFD 2001-3 (North Perris Public Safety District), Annexation No. 34

MEETING DATE: April 9, 2019

Check One: City Council Planning Commission RDA

Other _____

ATTACHMENTS:

- Public Hearing Notice – 45 Day Notice
- Public Hearing Notice – 7 Day Notice prior to May 28, 2019 Public Hearing
- Property Owner Mailing Labels
- Notice Inviting Bids
- Notice of Special Meeting / Cancellation of Meeting
- Other: _____

SERVICE(S) REQUESTED:

- Advertising 1 time Date of Publication: No later than May 21st, 2019 (7 days prior to May 28, 2019 Public Hearing)
- Mailing (Number of Labels _____) Note:
- Other: _____

SPECIAL INSTRUCTIONS: Notice to be sent to City Clerk following Council approval at the Intent Meeting

Delivered by _____ Date _____

Received by _____ Date _____



CITY OF PERRIS

CITY COUNCIL AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: **Annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation No. 35**

Project: Rider 1 (DPR 06-0635)
Owner: IDIG Logistics
APN: 300-250-017

REQUESTED ACTION: **Adopt a Resolution of Intention to Annex Territory into CFD 2001-3**

CONTACT: Ron Carr, Interim Finance Director

BACKGROUND/DISCUSSION:

In early 2002, the City Council formed Community Facilities District 2001-3 (North Perris Public Safety) (the “Original District”), for the purpose of paying for additional public safety and fire protection services within the area services by the Original District. On June 10, 2002, the qualified electors within the Original District approved by more than a two-thirds (2/3) vote the proposition of levying a special tax within the Original District. The Original District encompassed certain developments, including the “Villages of Avalon” and “May Farms” developments. Subsequently, several other developments were annexed to the District and adopted the special taxes to be levied therein (the “Annexations” and, together with the Original District, the “District”). Other development and commercial projects in the City will be annexed to the District in the future. The property owners of the parcels listed on the map attached to the following Resolution has filed a petition requesting annexation to the District and waiving the notice and time periods for the election as permitted by the Mello-Roos Community Facilities Act of 1982.

This Resolution will commence the annexation process for the property described on the map attached to the resolution to the District. This resolution will set a public hearing for May 28, 2019 regarding the proposed annexation. An election will be held following the public hearing. At that time, the landowner will vote on annexing their property to the District and levying special taxes within their District. The special tax levy for Fiscal Year 2019-20 is \$350.05 for Single-Family Residential Units, \$70.01 for Multi-Family Residential Units, and \$1,400.24 per Acre for Non-Residential Parcels. For each subsequent fiscal year following Fiscal Year 2019-2020, the Maximum Special Tax may be increased by an amount not to exceed two percent (2.00%) per year.

BUDGET (or FISCAL) IMPACT: The property owner has forwarded a deposit to initiate the annexation process and the City may recoup all costs through the levy of the special tax.

Prepared by: Daniel Louie, Willdan Financial Services

REVIEWED BY:

City Attorney _____

Assistant City Manager _____

Finance Director De



Attachments:

Consent: x

Public Hearing:

Business Item:

Presentation:

Other:

RESOLUTION NUMBER XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS DECLARING ITS INTENTION TO ANNEX CERTAIN TERRITORY THERETO [ANNEXATION NO. 35]

WHEREAS, the City Council (the "Council") of the City of Perris, California (the "City"), on December 11, 2001, has adopted its resolution of intention (the "Resolution of Intention") stating its intention to form Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act") being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, within the territory described more fully on the map entitled "Boundary Map, County of Riverside, California, Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris," a copy of which is on file with the City Clerk of the City of Perris; and

WHEREAS, on January 29, 2002, the Council adopted Resolution No. 2912 ("Resolution 2912") which established the District and called an election within the District on the proposition of levying a special tax; and

WHEREAS, on June 10, 2002, an election was held within the District at which the qualified electors approved by more than a two-thirds (2/3) vote the proposition of levying a special tax pursuant to a special tax formula (the "Rate and Method of Apportionment") as set forth in Resolution No. 2912 and attached hereto and incorporated herein as Exhibit "A", showing the tax levels in fiscal year 2005-06 and certain changes to indicate commencement of the levy the special tax; and

WHEREAS, the Council has heretofore adopted an Ordinance (the "Ordinance") which provided for the levying and collection of special taxes (the "Special Taxes") within the District, as provided in the Act and the Ordinance in accordance with the Rate and Method of Apportionment; and

WHEREAS, a petition (the "Petition") requesting the institution of proceedings for annexation to the District signed by the landowner within the proposed territory to be annexed (the "Property") as more fully described in Exhibit "B", attached hereto and incorporated herein, has been received, filed with and accepted by the City Clerk of the City of Perris; and

WHEREAS, the Council has duly considered the admissibility and necessity of instituting proceedings to annex the Property to the District under and pursuant to the terms and conditions and provisions of Article 3.5 of the Act, commencing with Government Code Section 53339; and

WHEREAS, the Council has determined to institute proceedings for the annexation of such Property to the District, and has determined to (a) set forth the boundaries of the territory which is proposed for annexation to the District, (b) state the public services to be provided in and for the Property, (c) specify the special taxes to be levied with the Property, and (d) set a date, time and place for a public hearing relating to the annexation of the Property to the District and the levy of special tax therein to pay for such public facilities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. It is the intention of the Council, acting as the legislative body of the District, to annex the Property to the District under and pursuant to the terms and provisions of the Act. The boundaries of the Property proposed for annexation to the District are more particularly described and shown on that certain map entitled "Annexation Map No. 35 to Community Facilities District No. 2001-3 (North Perris Public Safety)" that has been filed with the City Clerk of the City and a copy of which, together with a legal description of such territory, is described in Exhibit "B". The City Clerk is hereby authorized and directed to endorse the Certificate on said map evidencing the date and adoption of this resolution and is further authorized and directed to file said map with the County Recorder of the County of Riverside in accordance with the provisions of Section 3111 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing as set forth in Section 5 hereof.

Section 3. It is the intention of the Council to order the financing of (1) fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; (2) police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto (collectively, the "Services"); and (3) the incidental expenses to be incurred in connection with financing the Services and forming and administering the District (the "Incidental Expenses"). The Services are public services that the City or a public agency is authorized by law to contribute revenue to or to provide. A description of the types of Services to be financed is set forth in Resolution No. 2912 and incorporated herein by reference. The Services to be financed by or on behalf of the District are necessary to meet increased demand upon the City and other public agencies as a result of development occurring within the boundaries of the Property. The Property, on a per unit basis, will share in the cost of the Services in the same proportion as units with the existing District pursuant to the Rate and Method of Apportionment.

The final nature and location of the Services will be determined upon the preparation of final plans and specifications which may show substitutes in lieu of, or modifications to, the proposed Services. Any such substitution shall not be deemed a change or modification of the Services so long as the substitution provides a service substantially similar to the Services.

Section 4. It is the intention of the City Council that, except where funds are otherwise available, a special tax sufficient to pay for the Services and the Facilities, including the repayment of funds advanced to the District, annual administration expenses in determining, apportioning,

levying and collecting such special taxes, secured by recordation of a continuing lien against all non-exempt real property within the boundaries of the Property, will be levied annually on land within the boundaries of the Property. The Rate and Method of Apportionment shall remain unchanged as a result of the proposed annexation, except that the conditions to commencement of the tax have been met. The Property will be subject to the Special Tax pursuant to the Rate and Method of Apportionment. The special tax as apportioned to each parcel within the Property is fairly apportioned as determined by the City Council and as permitted by Section 53339.3 of the Act, and the apportionment of the special tax is not on or based upon the value or ownership of real property.

Section 5. Notice is hereby given that on the 28th day of May 2019, at the hour of 6:30 p.m., or as soon thereafter as is practicable, in the chambers of the City Council of the City of Perris, 101 North "D" Street, Perris, California 92570, a public hearing will be held at which the City Council, as the legislative body of the District, shall consider the proposed annexation of the Property and all other matters as set forth in this Resolution of Intention. At the above-mentioned time and place for such public hearing, any persons interested, including all taxpayers, property owners and registered voters within the District and the Property proposed to be annexed, may appear and be heard, and such testimony for or against the proposed annexation will be heard and considered.

Section 6. Any protests may be made orally or in writing, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. If written protests against the proposed annexation are filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the existing District, or by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the Property proposed to be annexed, or by owners of one-half (1/2) or more of the area of land included within the existing District, or by owners of one-half (1/2) or more of the area of land proposed to be annexed to the District, the proceedings shall be abandoned as to those matters receiving a majority protest.

Section 7. If, following the public hearing described herein, the Council determines to annex the Property to the District and levy a special tax thereon, the Council shall then submit the annexation of the Property and levy of the special tax to the qualified voters of the Property. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the Property for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters residing within the Property, with each voter having one (1) vote. Otherwise, the vote shall be a mail ballot election, consistent with Section 53327.5 of the Act, by the landowners of the Property who are owners of record at the close of the public hearing, with each landowner having one (1) vote for each acre or portion of an acre of land owned within the Property. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

Section 8. The City may accept advances of funds or work-in-kind from any sources, including, but not limited to, private persons or private entities, for any authorized purpose,

including, but not limited to, paying the cost incurred in annexing the Property to the District. The District may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the Council, with or without interest.

Section 9. The City Clerk is hereby directed, to the extent that such notice is required, to publish a notice (“Notice”) of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed District. Such Notice shall contain the text of this Resolution, state the time and place of the hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed District as provided in Section 53324 of the Act and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

Section 10. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO
HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly
adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April
2019, by the following called vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

City Clerk, Nancy Salazar

Exhibit A

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 2001-3
NORTH PERRIS PUBLIC SAFETY**

SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

A. BASIS OF SPECIAL TAX LEVY

A Special Tax shall be levied on all Taxable Property in Community Facilities District No. 2001-3 ("District"), North Perris Public Safety of the City of Perris and collected each fiscal year commencing in Fiscal Year 2005/06 in an amount determined by the Council through the application of this Rate and Method of Apportionment of the Special Tax. All of the real property in the District unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

B. DEFINITIONS

Act means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

Administrative Expenses means the costs incurred by the City to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports, and any other costs required to administer the District as determined by the Finance Director.

Annual Cost(s) means for each fiscal year, the total of 1) the estimated cost of services provided through the Police & Fire Protection Program adopted by the City; 2) Administrative Expenses, and 3) any amounts needed to cure actual or projected delinquencies in Special Taxes for the current or previous fiscal year.

Annual Tax Escalation Factor means an increase in the Maximum Special Tax Rate each year following the Base Year in an amount not to exceed 2.00% annually.

Base Year means Fiscal Year ending June 30, 2006.

City means the City of Perris, California.

Council means the City Council of the City of Perris as the legislative body for the District under the Act.

Resolution No. _____

County means the County of Riverside, California.

Developed Parcel means for each fiscal year, each Parcel for which a building permit for new construction or renovations was issued prior to March 1 of the previous fiscal year.

District means the Community Facilities District No. 2001-3, ("CFD 2001-3), North Perris Public Safety of the City of Perris.

Exempt Parcel means any Parcel that is not a Residential Parcel or a Non-Residential Parcel. Exempt Parcels are exempt from the levy of Special Taxes.

Finance Director means the Finance Director for the City of Perris or his or her designee.

Fiscal Year means the period starting July 1 and ending the following June 30.

Maximum Special Tax means the greatest amount of Special Tax that can be levied against a Parcel in a given fiscal year calculated by multiplying the Maximum Annual Special Tax Rate by the relevant acres or units of the Parcel.

Maximum Special Tax Rate means the amount determined pursuant to Section D below, which will be used in calculating the Maximum Special Tax for a Parcel based on its land use classification. Each fiscal year following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Tax Escalation Factor and otherwise adjusted as provided in this Special Tax Rate and Method of Apportionment.

Maximum Special Tax Revenue means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Special Tax.

Multi-Family Residential Unit means each multi-family attached residential unit located on a Developed Parcel.

Non-Residential Acres means the acreage of a Non-Residential Parcel. The acreage assigned to such a Parcel shall be that shown on the County assessor's parcel map.

Non-Residential Parcel means a Developed Parcel for which a building permit(s) was issued for private non-residential use. Non-Residential Parcels do not include Parcels that are intended to be, (1) publicly owned or owned by a regulated public utility, or (2) assigned minimal value or is normally exempt from the levy of general *ad valorem* property taxes under California law, including homeowners association property, public utility, public streets; schools; parks; and public drainage ways, public landscaping, greenbelts, and public open space.

Parcel means a lot or parcel shown on an assessor's parcel map with an assigned assessor's parcel number located in the District based on the last equalized tax rolls of the County.

Police & Fire Protection Program means a program adopted by the Council pursuant to Section 53313 of the Act for the provision, in a defined area of benefit, of police and fire protection services that are in addition to those services that would be provided to the area of the District if the District were not in existence.

Residential Parcel means a Developed Parcel for which a building permit(s) was issued for residential use.

Single-Family Residential Unit means a Developed Parcel used for single-family detached residential development.

Special Tax(es) means any tax levy under the Act in the District.

Taxable Property means every Residential Parcel and Non-Residential Parcel.

C. DURATION OF THE SPECIAL TAX

Duration of Special Tax for Taxable Property in the District shall remain subject to the Special Tax in perpetuity.

D. ASSIGNMENT OF MAXIMUM SPECIAL TAXES

1. Classification of Parcels

Each fiscal year, using the Definitions above, each Parcel of Taxable Property is to be classified as either a Residential Parcel or Non-Residential Parcel. Each Residential Parcel is to be further classified as either a Single-Family Unit or as the number of Multi-Family Units located on such Parcel.

2. Maximum Special Tax Rates

TABLE 1
Maximum Special Tax Rate for Developed Property in
Community Facilities District No. 2001-3
Fiscal Year 2005/06

Tax Status	Base Year Maximum Special Tax Rate	Tax Levy Basis
Single Family Residential Unit	\$265.30	Per Unit
Multi-Family Residential Unit	\$53.06	Per Unit
Non-Residential Parcel	\$1,061.21	Per Acre

On July 1st of each fiscal year, commencing July 1, 2006, the Maximum Special Tax Rates shall be increased in accordance with the Annual Tax Escalation Factor.

E. SETTING THE ANNUAL SPECIAL TAX LEVY

The Special Tax levy for each Parcel of Taxable Property will be established annually as follows:

1. Compute the Annual Costs using the definitions in Section A.
2. Calculate the available special tax revenues by taxing each Parcel of Taxable Property at 100.00% of its Maximum Special Tax. If revenues are greater than the Annual Costs, reduce the tax proportionately against all Parcels until the tax levy is set at an amount sufficient to cover Annual Costs.
3. Levy on each Parcel of Taxable Property the amount calculated above. No Special Tax shall be levied on Exempt Parcels.

The City shall make every effort to correctly assign the number of taxable units and calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

F. ADMINISTRATIVE CHANGES AND APPEALS

The Finance Director or designee has the authority to make necessary administrative adjustments to the Special Tax Rate and Method of Apportionment in order to remedy any portions of the Special Tax formula that require clarification.

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Finance Director appealing the levy of the Special Tax. The Finance Director will then promptly review the appeal, and if necessary, meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, a recommendation at that time will be made to the Council and, as appropriate, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to the District.

G. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

Exhibit B

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC
SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 35**

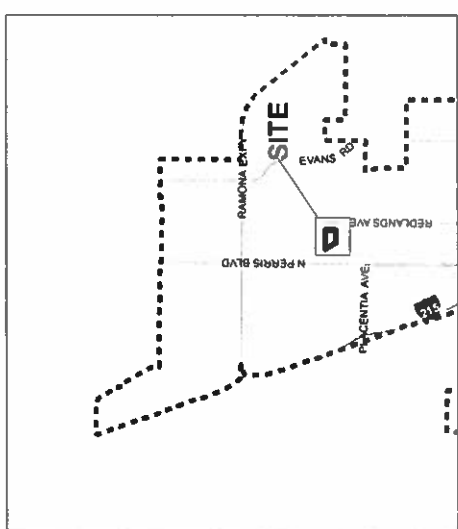
BOUNDARY MAP

[See Attached]

ANNEXATION MAP NO. 35 TO COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)

CITY OF PERRIS
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

VICINITY MAP



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	300-250-017

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 20____.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 35 TO COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY), CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 20____ BY ITS RESOLUTION NO. _____.

CITY CLERK
CITY OF PERRIS

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON DECEMBER 19, 2001 IN BOOK 50 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 48.

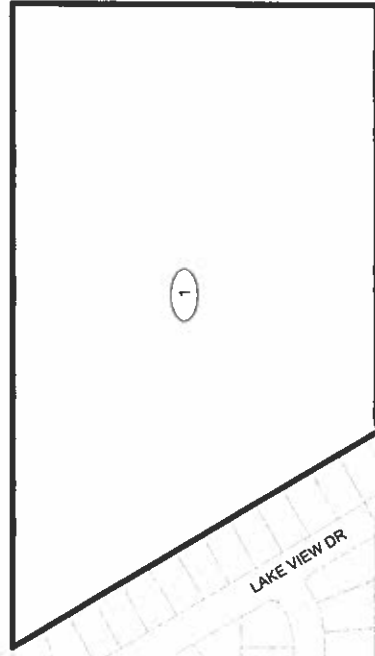
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

E RIDER ST

RELANDS AVE

RUSSEL WAY



LAKE VIEW DR

EL ROSARIO DR

LA PAZ LN

ENSENADA DR

Legend

- PROPOSED ANNEXATION BOUNDARY
- MAP REFERENCE NUMBER
- CITY OF PERRIS BOUNDARY



27068 VIA INDUSTRIA, SUITE #200
TEMECULA, CA 92590
(951) 587-3500

**PUBLIC NOTICE TRANSMITTAL
TO CITY CLERK'S OFFICE**

DATE: _____ DEPARTMENT City Clerk

CONTACT Judy Haughney PHONE/EXTENSION _____

ITEMS SUBMITTED: Annexation of parcels into CFD 2001-3 (North Perris Public Safety District), Annexation No. 35

MEETING DATE: April 9, 2019

Check One: City Council Planning Commission RDA

Other _____

ATTACHMENTS:

- Public Hearing Notice – 45 Day Notice
- Public Hearing Notice – 7 Day Notice prior to May 28, 2019 Public Hearing
- Property Owner Mailing Labels
- Notice Inviting Bids
- Notice of Special Meeting / Cancellation of Meeting
- Other: _____

SERVICE(S) REQUESTED:

- Advertising 1 time Date of Publication: No later than May 21st, 2019 (7 days prior to May 28, 2019 Public Hearing)
- Mailing (Number of Labels _____) Note:
- Other: _____

SPECIAL INSTRUCTIONS: Notice to be sent to City Clerk following Council approval at the Intent Meeting

Delivered by _____ Date _____

Received by _____ Date _____



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: **Second Reading of Ordinance No. 1381 approving Zone Change No. 17-05148** to change the land use designation of 4.2 acres from Community Commercial (CC) to R-6,000-SHO located at the northwest corner of "A" Street & Ellis Avenue. **Applicant:** Greg Lansing, Lansing Properties

REQUESTED ACTION: **ADOPT Ordinance No. 1381 for Zone Change No. 17-05148**, based upon the findings and information contained in this submittal.

CONTACT: Dr. Grace Williams, Director of Planning and Economic Development *GW*

BACKGROUND/DISCUSSION:

On March 26, 2019, the City Council voted to adopt Mitigated Negative Declaration No. 2340 and approve Development Plan Review 17-00005, and Zone Change 17-05148, to facilitate the development of a 141-unit age-restricted senior housing apartment complex with clubhouse and recreational amenities with a density of 33 dwelling units per acre on a 4.21-acre parcel located at the northwest corner of "A" Street & Ellis Avenue.

At the meeting, the City Council also introduced the first reading of Ordinance Number 1381 to approve Zone Change 17-05148 to change the land use designation of 4.2 acres from Community Commercial (CC) to R-6,000-SHO located at the northwest corner of "A" Street & Ellis Avenue to facilitate the development. Upon adoption, the Ordinance to change the land use will become enacted thirty days thereafter (May 9, 2019).

BUDGET (or FISCAL) IMPACT: Costs for staff preparation of this item are borne by the applicant

Prepared by: Mary Blais, Contract Planner

REVIEWED BY: Kenneth Phung, Planning Manager *KP*

City Attorney _____

Assistant City Manager *Ch*

Finance Director *RC*

- Attachments:
 1. City Council Ordinance 1381 including Exhibit 1 Land Use Map
 2. City Council Submittal dated March 26, 2019

Consent: X

Public Hearing:

Business Item:

Presentation:

Other:

ORDINANCE NUMBER 1381

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 17-05148 TO CHANGE THE ZONING DESIGNATION FROM "CC" COMMERCIAL COMMUNITY TO "R-6000-SHO" ON 4.2 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF A STREET AND ELLIS AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City Council adopted a Zoning Ordinance establishing zoning designations and development standards for the City of Perris; and,

WHEREAS, said proposal is consistent with the General Plan Amendment; and,

WHEREAS, on February 20, 2019, the Planning Commission conducted duly noticed public hearings on the proposed Rezoning, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project; and,

WHEREAS, on March 26, 2019, the City Council conducted a duly noticed public hearing on the proposed Zone Change, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or review all of the information and data which constitutes the administrative record for the Zone Change, including all oral and written evidence presented to the City during all project meetings and hearings; and

WHEREAS, all legal prerequisites for the adoption of this resolution have occurred; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has determined that although the proposed project could have a significant effect on the environment, there would not be an adverse effect by this project because revisions to the project have been made by or agreed to by the project proponent, and mitigation measures have been outlined to reduce potential significant impacts to a level of insignificant and a Mitigated Negative Declaration (2340) has been prepared pursuant to the California Environmental Quality Act (CEQA).

Section 3. Based on the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City Staff and members of the public, the City Council hereby finds that:

Zone Change 17-05148

1. The proposed zoning is consistent with the General Plan Land Use Map and Airport Overlay Zoning Map and applicable General Plan objectives, policies, and programs.

The proposed R-6,000-SHO zoning will create consistency with the R-6,000 General Plan land use designation. The General Plan land use designation contemplates residential uses on the site and encourages the application of the SHO zoning overlay on any residential or commercially zoned site in order to facilitate the development of senior housing; therefore the proposed project is consistent with the City's General Plan. It conforms to the goals of the General Plan by complying with the zoning code development standards, which implements the General Plan goals, objectives and policies. Additionally, the project provides for superior site design and building architecture and will extend roadway and utility infrastructure to improve service in the area. The project was also determined to be consistent with the Airport Overlay Map by the Riverside County Airport Land Use Commission.

The project is consistent with General Plan Policy I.A of the General Plan Land Use Element to promote variety in dwelling types, densities and locations to satisfy changing demands as the community evolves and matures. The project is also consistent with Goal 1 of the Housing Element to promote and maintain a variety of housing types for all economic segments of the City and Goal 2 to promote and preserve suitable and affordable housing for persons with special needs, including lower income households, large families, single parent households, large families, the disabled and senior citizens. Finally, as conditioned, the project meets or exceeds the objectives of the R-6,000 General Plan land use designation.

2. The proposed zoning is compatible with or provides adequate buffering of adjoining uses.

The proposed zoning is compatible with the underlying General Plan designation and provides adequate buffering to adjoining uses, as the buildings are placed further away from the existing single-family to the north with a buffer consisting of enhanced landscaping, a carport parking row and a drive aisle. Further, the Zoning Code encourages the application of the SHO zoning overlay on any residential or commercially zoned site in order to facilitate the development of senior housing, which is a needed housing option in the City. As designed and conditioned the site provides adequate building setbacks in combination with enhanced landscaping to provide a buffer and privacy screen between the proposed development and existing residential uses to the north.

3. The proposed zoning is a logical extension of the existing zoning pattern.

The proposed R-6,000 SHO zoning logically extends the existing residential pattern to the north by applying a Senior Housing overlay to the property, which is encouraged by the Zoning Code and contemplated by the City's General Plan, in order to provide an affordable,

age restricted housing option for senior citizens. The project is designed in conformance with the City's Zoning Code to ensure that it integrates into the existing residential neighborhood fabric.

Senior Housing Overlay

1. The proposed project is in compliance with the requirements set forth in section 19.86.030, which identify the eligibility of the project.

The proposed senior housing project is in compliance with the SHO eligibility requirements set forth in Section 19.86.030, in that it meets the acreage, underlying zoning, surrounding land use compatibility and health and safety requirements specified.

2. The proposed project is a use permitted in Section 19.86.040, meets the applicable affordability and age requirements set forth in Sections 19.86.050 and 19.86.060, respectively.

The proposed project is in compliance with Section 19.86.040 as it proposes the development of a multifamily senior housing apartment complex, which is a permitted use. The proposed project also meets the affordability requirements established in Sections 19.86.050, as 3% of the units are available at an affordable housing cost to persons and families of low and moderate income and 40% of the 3% of the dwelling units are intended to be affordable to very low-income households. The project also meets the age restriction requirements set forth in Section 19.86.060, as the project is conditioned to ensure that at least one household member is 55 or older in age.

3. The proposed project is designed such that it has created a senior community that is compatible with its surroundings and has achieved a design that is superior to that which would otherwise be allowed under the underlying conventional zoning.

The proposed project is designed to create a senior community that is compatible and integrated into the existing neighborhood fabric through the application of high quality architecture, landscaping, amenities and site design principles, which exceed the minimum development and design criteria specified by the City's SHO regulations, and together create a project that is superior to that which would otherwise be allowed under the conventional underlying zoning district.

4. The project incorporates the required amenities and design guidelines set forth in 19.86.080.

The proposed project incorporates the required amenities and design characteristics outlined in Section 19.86.080 of the City's Municipal Code, in that the proposed amenities exceed the minimum required and the existing the project design meets or exceeds all of the design criteria specified in Section 19.86.080.

5. The existing or proposed circulation system is adequate to accommodate projected traffic volume.

As conditioned, the proposed project is adequate to accommodate the projected traffic volume as evidenced by the project Traffic Impact Study, which was approved by the City.

6. The existing or proposed infrastructure is adequate to meet the requirements of the proposed project without compromising capacity in other areas of the city.

As conditioned the existing and proposed infrastructure improvements are adequate to meet city requirements without compromising capacity in other areas of the city as evidenced by the Initial Study and Mitigated Negative Declaration (2340).

7. The overall project is keeping with the purpose and intent of the SHO Zone and creates a project that serves the unique needs of seniors while creating a high-quality development, which benefits the overall community.

The overall project meets the purpose and intent of the SHO zone by creating a project that serves the unique needs of seniors, while creating a high-quality development through the incorporation of high quality materials and application of design principles, which meet or exceed development and design criteria outlined in the City's SHO regulations and that serve to create a project that easily integrates into the existing neighborhood and provides connectivity to city services, public facilities and amenities.

Section 4. Based on the foregoing information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City Staff and members of the public, the City Council hereby amends the Zoning Map.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019

Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

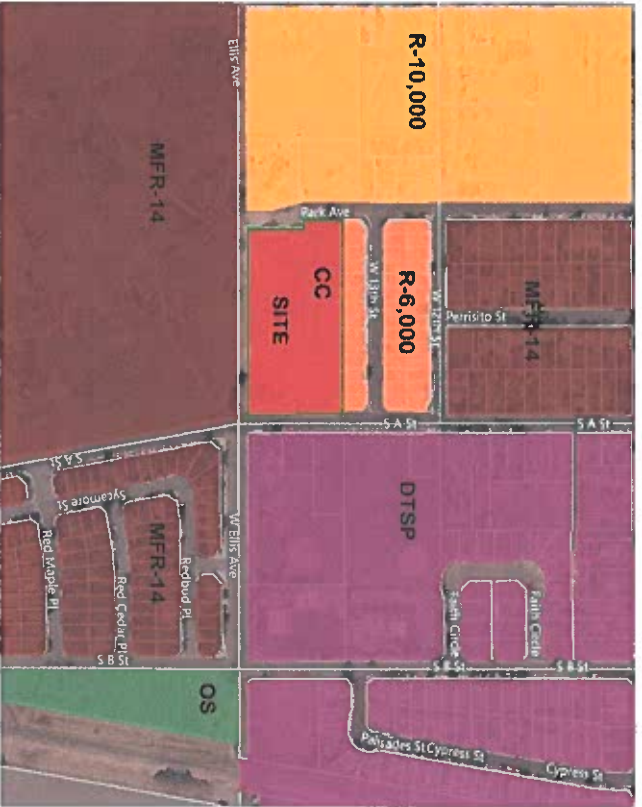
STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1381 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9thth day of April 2019 by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar










Zoning Land Use Map – Existing and Proposed



EXISTING ZONING



PROPOSED ZONE CHANGE

RESIDENTIAL		COMMERCIAL	
	R-20,000 - Residential 20,000		PO - Professional Office
	R-10,000 - Residential 10,000		CC - Commercial Community
	R-6,000 - Residential 6,000		CN - Commercial Neighborhood
	R5 - Mobilehome Subdivision		
	MFR-14 - Multi-Family Residential 14		
	MFR-22 - Multi-Family Residential 22		

Legend Zoning



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: March 26, 2019

SUBJECT: **Development Plan Review (DPR) 17-00005 and Zone Change (ZC) 17-05148** - Proposal for a Zone Change from Community Commercial (CC) to R-6,000-SHO (Senior Housing Overlay) to facilitate the development of a 141-unit age-restricted senior housing apartment complex with clubhouse and recreational amenities with a density of 33 dwelling units per acre on a 4.21-acre parcel located at the northwest corner of "A" Street & Ellis Avenue. **Applicant:** Greg Lansing, Lansing Properties.

REQUESTED ACTION: **Approve Resolution (next in order)** to provide findings and adopt Mitigated Negative Declaration #2340, and approve Development Plan Review 17-00005 to facilitate a 141-unit age-restricted senior housing apartment complex.

Introduce First Reading of Ordinance No. (next in order) to provide findings and approve Zone Change 17-05148 to change 4.21 acres from Community Commercial to R-6,000-SHO (Senior Housing Overlay).

CONTACT: Dr. Grace Williams, Director of Planning and Economic Development

BACKGROUND/DISCUSSION:

On February 20, 2019, the Planning Commission unanimously voted to recommend to the City Council approval of the Ellis Senior Housing project located at the northwest corner of "A" Street and Ellis Avenue, subject to an additional Condition requiring the proposed elevators to be ADA compliant for seniors. The proposal involves construction of a 141-unit age-restricted senior housing apartment complex requiring the following applications: 1) Zone Change to change the 4.21 acre property from Community Commercial to R-6,000-SHO; 2) Development Plan Review to approve the site layout and architecture; and 3) Mitigated Negative Declaration (#2340) to assess environmental impacts. A General Plan Amendment is not required, as the zone change will result in consistency with the current R-6,000 General Plan designation, and the SHO may be applied to any residential or commercial zoned property.

The project provides for the development of a 141-unit age-restricted senior housing apartment complex consisting of 52 studios and 89 one-bedroom units, with a 1,515 sq. ft. recreation/clubhouse building located at the northwest corner of "A" Street and Ellis Avenue. The project will provide amenities such as a Clubhouse, pocket park, swimming pool, spa, amenities room, multi-purpose room, benches, gazebo, picnic area, barbeque grills, and exercise courtyards. A total of 166 parking spaces are provided (e.g., 136

covered and 30 uncovered spaces) throughout the project site. Access will be provided from "A" Street and Park Avenue onto the property.

The Airport Land Use Commission (ALUC) determined the project to be consistent with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (MARB ALUCP) and the Perris Valley Airport Land Use Compatibility Plan (PV ALUCP) on May 10, 2018.

An Initial Study was prepared for the project in accordance with the City's guidelines implementing the California Environmental Quality Act and made available for public review for a twenty (20) day period from January 30, 2019, to February 18, 2019. No comments were received from affected agencies or members of the public during that time. Staff has concluded that all potentially significant effects on the environment can be reduced to a less than significant level through mitigation measures, the design of the development, the zoning code and standard requirements of the City, therefore a Mitigated Negative Declaration (no. 2340) has been prepared. As of the writing of this report, no comments have been received.

As such, per the Planning Commission recommendation, staff is recommending that the City Council adopt the mitigated negative declaration and approve the project, with the addition of Condition No. 20 requiring ADA compliant elevators for seniors.

BUDGET (or FISCAL) IMPACT: Costs for staff preparation of this item are borne by the applicant

Prepared by: Mary Blais, Contract Planner
REVIEWED BY: Kenneth Phung, Planning Manager

City Attorney _____
Assistant City Manager _____
Finance Director _____

Attachments:

- Attachment 1 - City Council Resolution 19- (Next in Order) to Adopt MND and Approve DPR 17-00005 (includes Planning, Engineering, Public Works, Building and ALUC conditions)
- Attachment 2 - City Council Ordinance 19- (Next in Order) to Approve ZC 17-05148
- Attachment 3 - Planning Commission Report Packet Dated February 20, 2019

Consent:
Public Hearing: x
Business Item:
Presentation:
Other:



CITY OF PERRIS

CITY COUNCIL AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: SB-1 Resolution Adopting Fiscal Year 2019/2020 Projects

REQUESTED ACTION: Adopt the Resolution Next In Order; Approve Adopted Project List Utilizing SB-1 Funding for Fiscal Year 2019/2020.

CONTACT: Habib Motlagh, City Engineer

BACKGROUND/DISCUSSION: In accordance with Streets and Highways Code (SHC) Section 2034(a)(1), prior to receiving an apportionment of Road Maintenance and Rehabilitation Account (RMRA) funds from the California State Controller in a fiscal year, a city must submit to the California Transportation Commission an adopted list of projects proposed to be funded with these funds. All projects proposed to receive the fiscal year funding must be adopted by resolution by the applicable City Council at a regular public meeting each fiscal year.

The enclosed resolution includes upcoming street improvement projects which will utilize SB-1 RMRA funding for Fiscal Year 2019/2020.

BUDGET (or FISCAL) IMPACT: The City will receive an estimated \$1,288,330 in SB-1 RMRA funding for Fiscal Year 2019/2020. This funding will be utilized for upcoming street improvement projects for Fiscal Year 2019/2020. All received SB-1 RMRA funding will be expended with City's approved CIP project S-102.

Prepared by:

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director _____

Attachments: SB-1 Resolution
SB-1 Local Streets and Roads – Projected Revenues from CaliforniaCityFinance.com
CIP Sheet S-102

Consent: Yes
Public Hearing:

RESOLUTION NO. (NEXT IN ORDER)

**RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

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

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

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

WHEREAS, the City, will receive an estimated \$1,288,330 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

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

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate various streets throughout the City this year and multiple similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in an "at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "Good" condition; and

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

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

Section 1. The foregoing recitals are true and correct.

Section 2. The following list of proposed projects will be funded in-part or solely with fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues:

- 2020 Citywide Street Improvements Project
 - Rehabilitate pavement for various streets throughout the City, the following streets are possibilities to be included with this project:
 - Murrieta Road (San Jacinto Avenue to Nuevo Road)
 - Case Road (Perris Boulevard to Ellis Avenue)
 - Orange Avenue (Perris Boulevard to Wilson Avenue)
 - Frontage Road (Placentia Avenue to Nuevo Road)
 - Various Downtown Streets
 - Project is anticipated to start construction in Spring 2020

Section 3. The following previously proposed and adopted projects may utilize fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City/County is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

- 2019 Citywide Street Improvements Project
 - Rehabilitate pavement for various streets throughout the City, the following streets are anticipated to be included with this project:
 - Goetz Road (between Ethanac Road and Southern City Limit)
 - Ellis Avenue (between Redlands Avenue and Case Road)
 - Indian Avenue (between Ramona Expressway and Morgan Street)
 - Indian Avenue (between Rider Street and Orange Avenue)
 - Perris Boulevard (between Nuevo Road and Jarvis Street)
 - Project is anticipated to start construction in Summer 2019

Section 4. The City Clerk shall certify as to the adoption of this Resolution.
ADOPTED, SIGNED and **APPROVED** this 9th day of April, 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number (next in order) was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 9th day of April, 2019, and that it was so adopted by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk, Nancy Salazar

Local Streets and Roads - Projected Revenues

Estimated 22 January 2019

	2018-19		2019-20		TOTAL
	Hwy Users Tax Account	SB1 Loan Repayment	Hwy Users Tax Account	SB1 Loan Repayment	
RIVERSIDE COUNTY					
BANNING	634,866	35,277	787,578	35,277	1,340,623
BEAUMONT	973,113	54,397	1,208,596	54,397	2,061,394
BLYTHE	425,092	23,475	526,717	23,475	894,748
CALIMESA	183,873	10,010	227,204	10,010	384,126
CANYON LAKE	227,606	12,425	281,393	12,425	476,184
CATHEDRAL CITY	1,105,363	61,788	1,372,842	61,788	2,341,510
COACHELLA	921,203	51,463	1,143,985	51,463	1,950,781
CORONA	3,377,797	190,102	4,200,742	190,102	7,181,019
DESERT HOT SPRINGS	604,143	33,540	749,338	33,540	1,275,157
EASTVALE	1,306,136	73,137	1,622,746	73,137	2,769,339
HEMET	1,671,435	93,787	2,077,435	93,787	3,547,755
INDIAN WELLS	117,999	6,286	145,211	6,286	243,755
INDIO	1,765,537	99,106	2,194,565	99,106	3,748,278
JURUPA VALLEY	2,130,543	119,598	2,648,278	119,598	4,523,243
LAKE ELSINORE	1,276,411	71,457	1,585,747	71,457	2,705,998
LA QUINTA	832,806	46,466	1,033,956	46,466	1,762,416
MENIFEE	1,845,715	103,638	2,294,363	103,638	3,919,129
MORENO VALLEY	4,156,931	234,144	5,170,535	234,144	8,841,279
MURRIETA	2,279,906	128,041	2,834,191	128,041	4,841,521
NORCO	550,698	30,519	682,814	30,519	1,161,270
PALM DESERT	1,065,024	59,508	1,322,632	59,508	2,255,553
PALM SPRINGS	962,519	53,798	1,195,411	53,798	2,038,821
PERRIS	1,565,123	87,777	1,945,108	87,777	3,321,215
RANCHO MIRAGE	382,617	21,131	474,092	21,131	805,368
RIVERSIDE	6,515,602	367,474	8,106,386	367,474	13,867,376
SAN JACINTO	971,297	54,294	1,206,336	54,294	2,057,526
TEMECULA	2,272,724	127,635	2,825,252	127,635	4,826,217
WILDOMAR	734,714	40,921	911,860	40,921	1,553,390
County of Riverside	37,708,488	1,969,343	46,212,716	1,969,343	77,086,650
Total Cities & County: Riverside	78,565,284	4,260,536	96,988,030	4,260,536	163,781,644



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: Reject all bids received for the construction of the Off-Leash Dog Park facility.

REQUESTED ACTION: Reject all bids received for the construction of the Off-Leash Dog Park facility.

CONTACT: Daryl Hartwill, Director of Public Works

BACKGROUND/DISCUSSION:

The City of Perris is looking forward to the construction of a community based dog park. With the support of the Parks and Public Works Subcommittees, Public Works has moved forward with the construction of the proposed Dog Park. The park will be the first of its kind within the City. The selected location is within a residential community located on the corner of Old Evans Road and East Rider Street.

Staff invited on-line bids on Active Bidder on March 1, 2019 until March 29, 2019. All three bids were received were significantly higher than the \$100,000 approved CIP budget originally established for the project. Bids received included, Sudweeks Construction Inc. (\$244,772), Pineda General Construction, Inc. (\$189,995), and Greer's Contracting and Concrete, Inc. (\$119,123.60), for the construction of the Off-Leash Dog Park. Greer's Contracting and Concrete Inc.

As provided by City Ordinance, the City has the right to reject any and all bids received. Staff is recommending City Council to reject all bids received and authorize to re-advertise the construction of the Off-Leash Dog Park with revisions to the RFP, changing the scope of work for the project and seeking alternative funding sources through the Landscape Maintenance District. Revisions will include alternate options to the RFP, such as LED lighting at the entry ways of the Dog Park as well as a monument sign.

BUDGET (or FISCAL) IMPACT: No budgetary impact at this time.

Prepared by:

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director _____

Attachments: Bid Summary Report and Bidder Submissions

Consent: X

Public Hearing:

Business Item:

Presentation:

Other

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Off Leash Dog Park

Estimated Value: \$80,000**Bid Post Date:** 03/01/2019 18:11 PST**Department:****Bid Due Date:** 03/29/2019 before 15:00 PDT**Bid Bond:** 10%**Performance Bond:** 100%**Payment Bond:** 100%**License Requirements:**

B- License - General Building Contractor

Project Information:

1) Off Leash Dog Park

Type: PRIMARY

Location:

Perris, California 92571

Project Start Date:

05/06/2019

Project End Date:

03/29/2019

Scope of Services:

The project is a development of a new Off Leash Dog Park (Large and Small Dog Park) located at the intersection of Oakleaf Lane and Blazing Star Drive, Perris Ca. The Project consists of, clearing and grubbing, site grading, site drainage, concrete flatwork, protecting existing facilities, installing dog equipment, new fencing, new ADA access to large dog park site, BMP site mitigation, installing and furnishing new light poles, new ADA signage, new Dog Park signage. The City reserves the right to accept the bids and the alternate bid or reject the bids. The Approved plans and specification will be uploaded to the Active Bidder site.

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Registered Bidders / 3 total

#	Name	Company	Address	City	State	Phone
1	Sudweeks, John	Sudweeks Construction, Inc.	31566 Railroad Canyon Rd. Suite 2 #165	Canyon Lake	California	9513784960
2	Greer, John	Greers Contracting & Concrete Inc.	21490 Garfield Rd	Perris	CA	951-233-6439
3	Pineda, Jesse	Pineda General Construction, Inc.	22063 Rosary Ave.	Nuevo	CA	951-385-9149

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Results / 3 total

#	Name	Company	Address	Phone	Amount	Submitted	Status
1	Greer, John	Greers Contracting & Concrete Inc.	21490 Garfield Rd Perris, CA 92570	951-233-6439	\$119,123.6	03/29/2019 13:50:10	Apparent Low Bidder
2	Pineda, Jesse	Pineda General Construction, Inc.	22063 Rosary Ave. Nuevo, CA 92567	951-385-9149	\$189,995	03/29/2019 11:21:58	
3	Sudweeks, John	Sudweeks Construction, Inc.	31566 Railroad Canyon Rd. Suite 2 #165 Canyon Lake, California 92587	9513784960	\$244,772	03/29/2019 14:49:01	

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

1. Apparent low bidder details for: Greer, John / Greers Contracting & Concrete Inc.**1) Off Leash Dog Park**

Item	UM	Qty	Unit Pricing	Item Total	
General Requirements					
1	Mobilization	LS	1	\$4,000	\$4,000
2	Traffic Control	LS	1	\$1,000	\$1,000
3	Utility Coordination, Verification, Potholing	LS	1	\$2,000	\$2,000
4	Construction Fencing with Windscreen	LS	1	\$3,000	\$3,000
5	Erosion Control	LS	1	\$1,500	\$1,500
6	Construction Survey and Staking	LS	1	\$1,500	\$1,500
7	Testing and Laboratory Services	LS	1	\$1,000	\$1,000
8	Protection of Existing Fencing, Utilities, Landscaping, Sidewalk, etc.	LS	1	\$1,000	\$1,000
				Subtotal	\$15,000
Demolition					
1	Site Demolition, Clearing and Grubbing	LS	1	\$3,000	\$3,000
				Subtotal	\$3,000
Site Construction					
1	Earthwork and Grading	LS	1	\$2,500	\$2,500
2	Soil Import/Export and Backfilling	LS	1	\$2,000	\$2,000
3	New LED Light Pole, Furnish and Installation	LS	2	\$7,500	\$15,000
4	Other Site Work, Site Concrete/Landscaping/Irrigation Patching Repairing and/or Replacing	LS	1	\$10,000	\$10,000
				Subtotal	\$29,500
Concrete					
1	New Concrete Slab Footings and Existing Concrete Slab Footing Patch, Repair, and/or Replacement	LS	1	\$25,000	\$25,000
				Subtotal	\$25,000
Metals					
1	ADA Railing	LS	1	\$4,000	\$4,000
2	New 6' Chain Link Fence	LS	1	\$11,000	\$11,000
3	New 6' Chain Link Gate	LS	2	\$2,000	\$4,000
4	ADA Signage and Dog Park Signage	LS	1	\$5,000	\$5,000

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

1. Apparent low bidder details for: Greer, John / Greers Contracting & Concrete Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
5	Miscellaneous Steel or other Metals Used	LS	1	\$1,000	\$1,000
				Subtotal	\$25,000
Dog Park Equipment					
1	Small Bridge Climb	LS	1	\$1,749	\$1,749
2	Large Bridge Climb	LS	1	\$2,519	\$2,519
3	Large Training Platform	LS	2	\$1,089	\$2,178
4	Mini Hill Climb	LS	2	\$1,089	\$2,178
5	Large Jump Hurdle	LS	1	\$506	\$506
6	Small Jump Hurdle	LS	1	\$319	\$319
7	4' Trail Bench Seat	LS	2	\$539	\$1,078
8	4' Trail Bench with Back	LS	1	\$759	\$759
9	4' Natural Park Bench Seat	LS	2	\$539	\$1,078
10	Park Waste Receptacle	LS	2	\$844.8	\$1,689.6
11	Park Rules Sign and Welcome Kit	LS	2	\$297	\$594
12	The Pet Waste Station	LS	5	\$394.9	\$1,974.5
13	Other Wood and Plastic Materials Used	LS	1	\$3,500	\$3,500
14	All Other Fixtures, Furnishings, and Equipment Not Included Elsewhere	LS	1	\$1,501.5	\$1,501.5
				Subtotal	\$21,623.6
				Project Total	\$119,123.6

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

File attachment details for: Greer, John / Greers Contracting & Concrete Inc.

File name	Description	Type	Size	Notes
DOG PARK	Additional	pdf	15.1 MB	
DOG PARK SCHEDULE OF ITEMS1	Additional	pdf	1.5 MB	

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Bid details for: Sudweeks, John / Sudweeks Construction, Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
General Requirements					
1	Mobilization	LS	1	\$15,000	\$15,000
2	Traffic Control	LS	1	\$2,500	\$2,500
3	Utility Coordination, Verification, Potholing	LS	1	\$1,500	\$1,500
4	Construction Fencing with Windscreen	LS	1	\$8,000	\$8,000
5	Erosion Control	LS	1	\$4,500	\$4,500
6	Construction Survey and Staking	LS	1	\$5,000	\$5,000
7	Testing and Laboratory Services	LS	1	\$1,500	\$1,500
8	Protection of Existing Fencing, Utilities, Landscaping, Sidewalk, etc.	LS	1	\$1,500	\$1,500
				Subtotal	\$39,500
Demolition					
1	Site Demolition, Clearing and Grubbing	LS	1	\$5,600	\$5,600
				Subtotal	\$5,600
Site Construction					
1	Earthwork and Grading	LS	1	\$9,000	\$9,000
2	Soil Import/Export and Backfilling	LS	1	\$9,500	\$9,500
3	New LED Light Pole, Furnish and Installation	LS	2	\$6,385	\$12,770
4	Other Site Work, Site Concrete/Landscaping/Irrigation Patching Repairing and/or Replacing	LS	1	\$6,695	\$6,695
				Subtotal	\$37,965
Concrete					
1	New Concrete Slab Footings and Existing Concrete Slab Footing Patch, Repair, and/or Replacement	LS	1	\$34,600	\$34,600
				Subtotal	\$34,600
Metals					
1	ADA Railing	LS	1	\$26,000	\$26,000
2	New 6' Chain Link Fence	LS	1	\$5,600	\$5,600
3	New 6' Chain Link Gate	LS	2	\$7,000	\$14,000
4	ADA Signage and Dog Park Signage	LS	1	\$30,874	\$30,874

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15.00 PDT

Estimated Value: \$80,000

Bid details for: Sudweeks, John / Sudweeks Construction, Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
5	Miscellaneous Steel or other Metals Used	LS	1	\$14,700	\$14,700
				Subtotal	\$91,174
Dog Park Equipment					
1	Small Bridge Climb	LS	1	\$2,190	\$2,190
2	Large Bridge Climb	LS	1	\$2,990	\$2,990
3	Large Training Platform	LS	2	\$1,690	\$3,380
4	Mini Hill Climb	LS	2	\$1,890	\$3,780
5	Large Jump Hurdle	LS	1	\$1,347	\$1,347
6	Small Jump Hurdle	LS	1	\$790	\$790
7	4' Trail Bench Seat	LS	2	\$990	\$1,980
8	4' Trail Bench with Back	LS	1	\$1,190	\$1,190
9	4' Natural Park Bench Seat	LS	2	\$990	\$1,980
10	Park Waste Receptacle	LS	2	\$1,080	\$2,160
11	Park Rules Sign and Welcome Kit	LS	2	\$899	\$1,798
12	The Pet Waste Station	LS	5	\$750	\$3,750
13	Other Wood and Plastic Materials Used	LS	1	\$3,598	\$3,598
14	All Other Fixtures, Furnishings, and Equipment Not Included Elsewhere	LS	1	\$5,000	\$5,000
				Subtotal	\$35,933
				Project Total	\$244,772

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

File attachment details for: Sudweeks, John / Sudweeks Construction, Inc.

File name	Description	Type	Size	Notes
Bid Packet - Off Leash Dog Park - Sudweeks Construction, inc	Additional	pdf	1.5 MB	Please see attached bid packet

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Bid details for: Greer, John / Greers Contracting & Concrete Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
General Requirements					
1	Mobilization	LS	1	\$4,000	\$4,000
2	Traffic Control	LS	1	\$1,000	\$1,000
3	Utility Coordination, Verification, Potholing	LS	1	\$2,000	\$2,000
4	Construction Fencing with Windscreen	LS	1	\$3,000	\$3,000
5	Erosion Control	LS	1	\$1,500	\$1,500
6	Construction Survey and Staking	LS	1	\$1,500	\$1,500
7	Testing and Laboratory Services	LS	1	\$1,000	\$1,000
8	Protection of Existing Fencing, Utilities, Landscaping, Sidewalk, etc.	LS	1	\$1,000	\$1,000
				Subtotal	\$15,000
Demolition					
1	Site Demolition, Clearing and Grubbing	LS	1	\$3,000	\$3,000
				Subtotal	\$3,000
Site Construction					
1	Earthwork and Grading	LS	1	\$2,500	\$2,500
2	Soil Import/Export and Backfilling	LS	1	\$2,000	\$2,000
3	New LED Light Pole, Furnish and Installation	LS	2	\$7,500	\$15,000
4	Other Site Work, Site Concrete/Landscaping/Irrigation Patching Repairing and/or Replacing	LS	1	\$10,000	\$10,000
				Subtotal	\$29,500
Concrete					
1	New Concrete Slab Footings and Existing Concrete Slab Footing Patch, Repair, and/or Replacement	LS	1	\$25,000	\$25,000
				Subtotal	\$25,000
Metals					
1	ADA Railing	LS	1	\$4,000	\$4,000
2	New 6' Chain Link Fence	LS	1	\$11,000	\$11,000
3	New 6' Chain Link Gate	LS	2	\$2,000	\$4,000
4	ADA Signage and Dog Park Signage	LS	1	\$5,000	\$5,000

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Bid details for: Greer, John / Greers Contracting & Concrete Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
5	Miscellaneous Steel or other Metals Used	LS	1	\$1,000	\$1,000
				Subtotal	\$25,000
Dog Park Equipment					
1	Small Bridge Climb	LS	1	\$1,749	\$1,749
2	Large Bridge Climb	LS	1	\$2,519	\$2,519
3	Large Training Platform	LS	2	\$1,089	\$2,178
4	Mini Hill Climb	LS	2	\$1,089	\$2,178
5	Large Jump Hurdle	LS	1	\$506	\$506
6	Small Jump Hurdle	LS	1	\$319	\$319
7	4' Trail Bench Seat	LS	2	\$539	\$1,078
8	4' Trail Bench with Back	LS	1	\$759	\$759
9	4' Natural Park Bench Seat	LS	2	\$539	\$1,078
10	Park Waste Receptacle	LS	2	\$844.8	\$1,689.6
11	Park Rules Sign and Welcome Kit	LS	2	\$297	\$594
12	The Pet Waste Station	LS	5	\$394.9	\$1,974.5
13	Other Wood and Plastic Materials Used	LS	1	\$3,500	\$3,500
14	All Other Fixtures, Furnishings, and Equipment Not Included Elsewhere	LS	1	\$1,501.5	\$1,501.5
				Subtotal	\$21,623.6
				Project Total	\$119,123.6

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

File attachment details for: Greer, John / Greers Contracting & Concrete Inc.

File name	Description	Type	Size	Notes
DOG PARK	Additional	pdf	15.1 MB	
DOG PARK SCHEDULE OF ITEMS1	Additional	pdf	1.5 MB	

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Bid details for: Plineda, Jesse / Plineda General Construction, Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
General Requirements					
1	Mobilization	LS	1	\$19,000	\$19,000
2	Traffic Control	LS	1	\$1,200	\$1,200
3	Utility Coordination, Verification, Potholing	LS	1	\$750	\$750
4	Construction Fencing with Windscreen	LS	1	\$2,750	\$2,750
5	Erosion Control	LS	1	\$2,000	\$2,000
6	Construction Survey and Staking	LS	1	\$1,100	\$1,100
7	Testing and Laboratory Services	LS	1	\$500	\$500
8	Protection of Existing Fencing, Utilities, Landscaping, Sidewalk, etc.	LS	1	\$1,000	\$1,000
				Subtotal	\$28,300
Demolition					
1	Site Demolition, Clearing and Grubbing	LS	1	\$5,500	\$5,500
				Subtotal	\$5,500
Site Construction					
1	Earthwork and Grading	LS	1	\$5,000	\$5,000
2	Soil Import/Export and Backfilling	LS	1	\$4,135	\$4,135
3	New LED Light Pole, Furnish and Installation	LS	2	\$3,997.5	\$7,995
4	Other Site Work, Site Concrete/Landscaping/Irrigation Patching Repairing and/or Replacing	LS	1	\$37,000	\$37,000
				Subtotal	\$54,130
Concrete					
1	New Concrete Slab Footings and Existing Concrete Slab Footing Patch, Repair, and/or Replacement	LS	1	\$44,000	\$44,000
				Subtotal	\$44,000
Metals					
1	ADA Railing	LS	1	\$7,500	\$7,500
2	New 6' Chain Link Fence	LS	1	\$3,600	\$3,600
3	New 6' Chain Link Gate	LS	2	\$1,995	\$3,990
4	ADA Signage and Dog Park Signage	LS	1	\$355	\$355

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

Bid details for: Pineda, Jesse / Pineda General Construction, Inc.

1) Off Leash Dog Park

Item	UM	Qty	Unit Pricing	Item Total	
5	Miscellaneous Steel or other Metals Used	LS	1	\$5,310	\$5,310
				Subtotal	\$20,755
Dog Park Equipment					
1	Small Bridge Climb	LS	1	\$3,845	\$3,845
2	Large Bridge Climb	LS	1	\$4,855	\$4,855
3	Large Training Platform	LS	2	\$2,255	\$4,510
4	Mini Hill Climb	LS	2	\$2,255	\$4,510
5	Large Jump Hurdle	LS	1	\$1,485	\$1,485
6	Small Jump Hurdle	LS	1	\$1,235	\$1,235
7	4' Trail Bench Seat	LS	2	\$1,075	\$2,150
8	4' Trail Bench with Back	LS	1	\$1,345	\$1,345
9	4' Natural Park Bench Seat	LS	2	\$1,075	\$2,150
10	Park Waste Receptacle	LS	2	\$1,430	\$2,860
11	Park Rules Sign and Welcome Kit	LS	2	\$710	\$1,420
12	The Pet Waste Station	LS	5	\$1,199	\$5,995
13	Other Wood and Plastic Materials Used	LS	1	\$450	\$450
14	All Other Fixtures, Furnishings, and Equipment Not Included Elsewhere	LS	1	\$500	\$500
				Subtotal	\$37,310
				Project Total	\$189,995

Off Leash Dog Park

Post Date: 03/01/2019 18:11 PST

Due Date: 03/29/2019 before 15:00 PDT

Estimated Value: \$80,000

File attachment details for: Pineda, Jesse / Pineda General Construction, Inc.

File name	Description	Type	Size	Notes
(1) PERRIS DOG PARK BID PACKET	Additional	pdf	14 MB	



CITY OF PERRIS


CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: Approval and Appropriation of Construction Change Orders for the Senior Center Billiards Room Remodel Project

REQUESTED ACTION: That the City Council approve change orders for the Senior Center Billiards Room Remodel Project with allocations in the amounts \$57,568 from Public Improvement Development Impact Fees and \$42,432 from Community Amenities Development Impact Fees for a total \$100,000 budget appropriation.

CONTACT: Isabel Carlos, Assistant City Manager 

BACKGROUND/DISCUSSION:

On December 11, 2018, the City Council approved the renovation and remodeling of the Billiards room located at the Perris Senior Center. The project is over fifty percent completed. Staff seeks approval for an additional budget appropriation in the amount of \$100,000 to complete the project. Specifically, the additional costs include placement of a new building fire alarm system, estimated at \$52,000, roof reconstruction of the project area, not anticipated during the original bid and estimated at \$30,000, and the purchase of pool tables and lighting fixtures estimated at \$18,000 for the Billiard Room as the old furniture is no longer adequate. The building is not currently equipped with a fire alarm system; however, one will be required with the future expansion of the nutrition center, thus financially it is advantageous to install the fire alarm system during the current construction.

Staff seeks approval for the necessary change orders as described, and the appropriation of funds to complete the project without substantial delay to the original construction schedule.

BUDGET (or FISCAL) IMPACT: Appropriation of \$57,568 from Public Improvement Development Impact Fees (Fund163) and \$42,432 from Community Amenities Development Impact Fees (Fund 163) for a total \$100,000 budget amendment for the Billiards Room Remodel Project (Capital Improvement Project #F036).

Prepared by:

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director RC 

Attachments: Fire Alarm System Change Order

Consent: X
Public Hearing:
Business Item:
Presentation:
Other:



CITY OF PERRIS
 DEVELOPMENT SERVICES DEPARTMENT
 135 N. "D" Streets, Perris, CA 92570-2200
 TEL: (951) 943-5003 FAX: (951) 943-8379



PROPOSED CHANGE ORDER

BILLIARD ROOM REMODEL PROJECT –CDGB FUNDED

Perris project number –

Perris: CIP Number

Order No. _____

Date: 2/12/2019

Contract Date: December 11, 2018

Sheet: 1 of 4

Agency: **CITY OF PERRIS**

Project: **BILLIARD ROOM REMODEL PROJECT**

Contractor: **REGENCY-PACIFIC DEVELOPMENT CORPORATION**

The following changes are hereby requested to be made to the Contract Documents:

Furnish and install new Fire Alarm System per the attached.

JUSTIFICATION:

Requested by the City of Perris for Life Safety purposes.

Regency-Pacific Development Corp.

1440 Beaumont Avenue
 Suite A2-300
 Beaumont, CA 92223
 PH: 951 . 797 . 6559
 E-MAIL: 77@regencypacific.com
 License # 555936

Change Proposal: 01

TO:
 City of Perris

DATE: 2/12/2019
 PROJECT: Perris Sr Center
 100 N. D Street
 Perris, CA

Scope of Work:
 1) ADD to furnish and install new Fire Alarm system per the attached. Conduit to be in concealed in wall or ceiling in new work area and surface mounted in existing area. Painting of exposed conduit not included.

Reason for Change:
 Requested by the City

Adjusted Contract Completion Date: ADD 14 Calendar days

MATERIALS

Fire Alarm System by BDL Alarms	\$	29,334.94	
Electrical Materials	\$	1,938.44	
CREDIT for Fire Alarm and conduit included with original bid			-\$6,100
			\$ 25,173.38

LABOR

JM Electrical Wireman	210	hours @	\$ 65.49	per hour	\$13,752.90	
Foreman	20	hours @	\$ 75.00	per hour	\$1,500.00	
	0	hours @	\$ -	per hour	\$0.00	
						\$ 15,252.90

DIRECT LABOR COSTS

Workman's Comp. Ins.	5.57%	\$849.59	
Federal & State U.I.	6.20%	\$945.68	
FICA & Medicare	7.65%	\$1,166.85	\$ 2,962.11

EQUIPMENT

SUBTOTAL

BOND EXPENSE

PROFIT & OVERHEAD

TOTAL

\$ 43,388.39
 \$516.54
 \$7,747.90

\$51,652.84



CITY OF PERRIS


CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: Free Indeed Christian Fellowship request for a fee waiver for use of City facilities.

REQUESTED ACTION: That the City Council consider a waiver of rental fees in support of the Easter Movie and Sunday Sunrise Service sponsored by the Free Indeed Christian Fellowship to be held on April 20, 2019 through April 21, 2019 at Foss Field.

CONTACT: Arcenio Ramirez, Community Services Manager 

BACKGROUND/DISCUSSION:

Free Indeed Christian Fellowship is a Perris based non-profit organization. They are requesting to host an Easter Youth concert and Sunday Sunrise Service at Foss Field Park on April 20, 2019 through April 21, 2019.


On February 16, 2019, Free Indeed Christian Fellowship used their one time, per year, facility use fee waiver and are requesting that the City Council authorize a second (2) fee waiver of rental fees associated with the reservation of Foss Field Park for their Easter Movie and Sunday Sunrise Service. A copy of the letter request is attached with this submittal. The total value of the requested fee waiver is \$400.00, in addition to \$300.00 of lighting cost. The proposed event is scheduled on a Saturday and Sunday of non-operating business hours, in which, light fees and field reservation fees are needed.

BUDGET (or FISCAL) IMPACT: The total rental fees for the Easter Youth concert and Sunday Sunrise Service total \$700.00 (Field: \$400 for event. Lights: \$300 for event). This amount includes the rental and light fees for the use of Foss Field Park for the event.

Prepared by: Spencer Campbell, Recreation Supervisor

REVIEWED BY: Sabrina Chavez, Director of Community Services

City Attorney: Eric Dunn
Assistant City Manager: Isabel Carlos
Interim Finance Manager: Ron Carr
Attachments: Consent: X





FACILITY USAGE APPLICATION

RESERVATION INFORMATION

This Facility Reservation Request should be submitted to the Community Services Department 14 Calendar Days prior to the date requested in order to insure adequate approval time. This is a reservation ONLY and is not an approved contract for facility rental. If this request is approved a Facility Rental Contract outlining the rules, regulation and fees will be forwarded to the applicant. Pending Supervisor review. Security and Liability Insurance may be required. Do Not advertise your event until a signed contract has been approved. The rules on the back of this form must also be reviewed and acknowledged prior to approval. Please initial that you have read and understand the information above

(Please Initial)

Name of Facility / Park: Foss Field Park Date of Event: 4-20-2019 4-21-2019

Facility / Park Address: 138 N Pettis Blvd Pettis Co 92570

List any additional dates requested in same month: 4-21 5 AM 12 PM

Estimated Attendance: 200 Set-up Time: 100 am/pm to am/pm Event Time: 6 am (prior) to 9 am (p)

Facility Requested: [] Community Room [] Gymnasium [] Kitchen [] Picnic Shelter

(Storage for your event will not be provided for any item that is not property of the City of Perris)

Type of Event: [] Meeting [] Reception [] Party [] Dance [X] Other/Specify Easter Sun Rise Service

Is the event open to the public? [X] Yes [] No Security? [] Yes [X] No
Will you charge fees? [] Yes [X] No Security? [] Yes [X] No
Is this event for a Minor: [X] Yes [] No
Will the event be catered? [] Yes [X] No
Will you have any or all of the following: [] Bouncer [] Disc Jockey [X] Live Band [] Other

List any additional equipment you will be using (example: chairs, tables, tents, etc.): ? chairs would be awesome if we could use some about 200

APPLICANT INFORMATION

Name of Applicant: Free Indeed - MARY RHODES 50103#: 33-0581311

Name of Organization (if applicable): Free Indeed Christian Fellowship Tax Id:

Is your organization Non-Profit? yes A Letter of Determination & Non-Profit Tax ID Numbers from the I.R.S. must be submitted for all Non-Profit Organizations.

Address: 1461 S. A street City: Perris Zip Code: 92570

Day Phone: 951-236-1147 Evening Phone: 951-452-1847 Fax Number: MARY RHODES Coni McUay

*Applicant hereby agrees that, if the reservation or permit applied for is granted, applicant will defend, indemnify and hold the City of Perris, their officers, employees and agents from all damages, costs and expenses in law and equity, including costs of suit and attorney's fees, which may arise out of the use or exercise of the reservation or permit applied for herein. To the extent occasional thereby, and in respect to the culpable party, this agreement to indemnify, defend, and hold harmless shall not extend to damages, costs or expenses arising out of an act or omission attributable to the city.

Signature of Applicant: [Signature] Date: 1-28-2019

Allow 30 Days for all Refunds

(For Office Use Only)

Table with 3 columns: Field Name, Amount, and Unit. Rows include Date Received, Supervisor Initials, Security Required, Payment Due Date, Pavment Record, Deposit, Reservation Fee, Kitchen Fee, Staff Fee, and Set-Up Fee.



To Steve and the City of Perris,

This letter is to request use of Foss Field Park on Perris Blvd for our Church Out Reach event.

We are a non-profit church that fellowships in the City of Perris, our federal ID is #33-0581311.

We are requesting the use of the above mentioned facility on Saturday, April 20th and Sunday 21st, 2019. Saturday use will begin at 12:00pm and ongoing until Sunday at 9:00am. This time frame includes setup and cleanup of the area we will use, which is the ball field area. Including Restroom use which we will monitor and keep clean.

Saturday we will be showing a movie, The Passion of the Christ. This movie will be free to the public. Feel free to join us for this exciting movie.

Sunday will be Son Rise Service beginning at 6:00am. This will be a church service that all are welcome to attend.

Thank You for considering this application,

Please contact us if you require any further information.

Senior Pastor, Mark Lewis

Associate Pastors, Tom Prokop, Zac Mullinax, Matt Allen

Secretaries,

Mary Rhodes 951-236-1147,

Connie McVey 951-452-1847



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: **Annexation of parcels into CFD 2001-3 (North Perris Public Safety District) – Annexation No. 31**

Project: 1133 Harley Knox Blvd.
Owner: Credits Holding LLC.
APN: 314-153-073

REQUESTED ACTION:

- 1.) Open a public hearing on Annexation No. 31 to CFD 2001-3 and determine if there are any protests to the Annexation.
- 2.) Adopt a Resolution of the City Council of the City of Perris, acting as the Legislative Body, of Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, calling a Special Election, to submit to Qualified Electors, within Proposed Annexation No. 31 the question of annexing such territory and levying of a Special Tax within the area of Proposed Annexation No. 31.
- 3.) Conduct the Special Election relating to Annexation No. 31.
- 4.) Adopt a Resolution of the City Council of the City of Perris, acting as the Legislative Body of the Community Facilities Districts No. 2001-3 (North Perris Public Safety) of the City of Perris, Declaring the results of the Special Election relating to Annexation No. 31, and Ordering the Annexation of such territory, and directing the Recording of a Notice of Special Tax Lien.

CONTACT: Ron Carr, Interim Finance Director

BACKGROUND/DISCUSSION:

At its meeting on February 12, 2019, the City Council of the City of Perris (the "City Council"), acting as Legislative Body of Community Facilities District No. 2001-3 (North Perris Public Safety) (the "District"), adopted Resolution No. 5446 ("Resolution of Intention"), Declaring its Intention to Annex Certain Territory to the District and setting the date of the public hearing to April 9, 2019 as the date for conducting the hearing in connection with the annexation of territory to the District. These actions were taken, as required by law, pursuant to a petition submitted to the property owner of the territory proposed for annexation to the District. The Owner, pursuant to the petition submitted concurrently with the Resolution of Intention, submitted a waiver concurrently herewith, waiving certain time periods and noticing requirements required by the

Mello-Roos Community Facilities Act of 1982 ("the Act") and the Elections Code of the State of California.

The holding of the Public Hearing and adopting of the resolutions submitted with this report and the conduct of this election will complete the annexation of territory to the District. The property owner has waived notice and the time period for conducting the election pursuant to the Act. The Clerk has not received any written protests prior to the hearing.


BUDGET (or FISCAL) IMPACT:

Prepared by: Daniel Louie, Willdan Financial Services

REVIEWED BY:

City Attorney _____

Assistant City Manager _____

Finance Director DL 

Attachments:

Consent:

Public Hearing: x

Business Item:

Presentation:

Other:

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 31 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 31

WHEREAS, the City Council (the "Council") of the City of Perris, California (the "City"), acting in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District"), on February 12, 2019, has heretofore adopted its Resolution No. 5446 (the "Resolution of Intention") stating its intention to annex certain territory (the "Property") as described therein to the District pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act") being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Article 3.5 thereof, and calling a public hearing on the question of the proposed annexation of the Property to the District, including the levying of a special tax on the Property and all other matters as set forth in the Resolution of Intention; and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory proposed for annexation to the District, stating the public services to be provided in and for the Property and a plan setting forth sharing of such services provided in common with the existing District, and specifying the special taxes to be levied within the Property and any alteration in the Rate and Method of Apportionment (as defined therein and incorporated herein by this reference) is on file with the City Clerk of the City; and

WHEREAS, the Resolution of Intention set April 9, 2019 as the date of the public hearing and to consider the question of the proposed annexation of the Property to the District, including the levying of a special tax on the Property and all other matters set forth in the Resolution of Intention and this Council held said public hearing as required by law; and

WHEREAS, notice of the public hearing was duly given as required by Section 53339.4 of the Act or has been duly waived by the property owner; and

WHEREAS, the public hearing was held on April 9, 2019; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the annexation of the Property to the District, the levy of the special tax on the Property, and all other matters as set forth in the Resolution of Intention were heard and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the Legislative Body on the matters before it, and the Legislative Body at the conclusion of the hearing is fully advised as to all matters relating to the proposed annexation of the Property to the District, including the levy of the special tax on the Property; and

WHEREAS, it has now been determined that written protests have not been received by registered voters and/or property owners representing more than one-half (1/2) of the area of land proposed to be annexed to the District or within the original District; and

WHEREAS, there were not at least twelve (12) registered voters residing within the territory proposed to be annexed to the District during each of the ninety (90) days preceding the closing of the April 9, 2019 public hearing; and

WHEREAS, on the basis of the foregoing, the Legislative Body has determined at this time to proceed with the annexation of the Property to the District, and to call an election therein to authorize such annexation, including the levy of the special tax therein (as such tax is more particularly described in the Resolution of Intention) to pay for the public services proposed to be financed by the District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, acting in its capacity as the Legislative Body of Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, California, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. Written protests against the annexation of the Property to the District, or against the furnishing of specified services or the levying of a specified special tax within the District, have not been filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the boundaries of the proposed annexation, nor by owners representing one-half (1/2) or more of the area of land proposed to be annexed to the District. All protests and objections, if any, are hereby overruled.

Section 3. The Legislative Body does declare the annexation of the Property to the existing District, to be known and designated as "Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31." The Legislative Body hereby finds and determines that all prior proceedings taken with respect to the annexation of the Property to the District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1 of the Act.

Section 4. The boundaries and parcels of land to be annexed and in which the public services are to be provided and on which the special taxes will be levied in order to pay the costs and expenses for said public services are generally described as all that territory proposed to be annexed to the existing District as said property is shown on a

map as previously approved by the Legislative Body, said map designated "Annexation Map No. 31 to Community Facilities District No. 2001-3, (North Perris Public Safety)," a copy of which is on file in the office of the City Clerk and shall remain open for public inspection. The map of the proposed boundaries of Annexation No. 31 to the District has been recorded in the Office of the County Recorder of Riverside County, California in Book 83, Page 57 of the Book of Maps of Assessments and Community Facilities Districts (Document Number 2019-0066479).

Section 5. The Council finds that the Services, generally described as fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as set forth in Exhibit "B" hereto are necessary to meet the increased demand put upon the City as a result of the development within Annexation No. 31.

Section 6. Except where funds are otherwise available, a special tax is hereby authorized, subject to the approval of the landowners as the eligible electors of the District, to levy annually in accordance with procedures contained in the Act, a special tax within the District, secured by recordation of a continuing lien against all nonexempt real property in the District, sufficient to pay for the Services and Incidental Expenses. The rate and method of apportionment and manner of collection of the special tax within the District is described in detail in Exhibit "A" attached hereto and incorporated herein by this reference. Exhibit "A" allows each landowner within the District to estimate the maximum amount that may be levied against each parcel.

Section 7. The Rate and Method of Apportionment of the special tax is based on the expected demand that each parcel of real property within the District will place on the Services, on the cost of making the Services available to each parcel within the Property, and on other factors. The Council hereby determines the rate and method of apportionment of the special tax set forth in Exhibit "A" to be reasonable. The special tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act and such special tax is not based upon the value or ownership of real property. In the event that a portion of the property within Community Facilities District No. 2001-3 shall become for any reason exempt, wholly or partially, from the levy of the special tax specified on Exhibit "A," the Council shall, on behalf of Community Facilities District No. 2001-3, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in Exhibit "A," to the extent necessary upon the remaining property within the District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described herein. The obligation to pay special taxes may be prepaid as set forth in Exhibit "A." Upon recordation of a notice of special tax lien pursuant to Streets and Highways Code Section 3114.5, continuing lien to secure each levy of the special tax will attach to all nonexempt parcels within the Property and the lien shall continue in force and effect until the special tax obligation is permanently satisfied and the lien canceled in accordance with the law or until collection of the special tax by the Legislative Body ceases.

Section 8. Pursuant to Section 53325.7 and 53326 of the Act, a special election is hereby called on behalf of the District on the proposition of levying the special tax on the territory within Annexation No. 31 to the District and establishing an appropriations limit therein. The proposition relating to the District authorizing the levy of the special tax on the Property and establishing an appropriations limit shall be substantially in the form attached hereto as Exhibit "C."

Section 9. The special election for the District on the proposition of authorizing the levy of the special tax on the Property and establishing an appropriations limit shall be held on April 9, 2019.

Section 10. It is hereby found that there were not at least twelve (12) registered voters that resided within the territory of the proposed Annexation No. 31 during each of the ninety (90) days preceding the closing of the April 9, 2019 public hearing regarding the levy of the special tax on the territory within Annexation No. 31 and establishing an appropriations limit therein and, pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed by personal service, or by mail, with return postage prepaid, by the Election Official, to the landowners of record within the District as of the close of the public hearing. Each landowner shall have one (1) vote for each acre or portion thereof that he or she owns within the District, as provided in Section 53326 of the Act and may return the ballot by mail or in person to the Election Official not later than 6:30 p.m. on April 9, 2019, or 6:30 p.m. on another election day mutually agreed to by the Election Official and the landowners. In accordance with Section 53326(d) of the Act, the election shall be closed and the results certified by the Election Official as soon as all qualified electors have voted.

Section 11. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing such appropriations limit are cast in favor of levying such special tax within the District as determined by the Legislative Body after the canvass of the returns of such election, the Legislative Body may levy such special tax within the District under the Act in the amount and for the purposes as specified in this Resolution. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a rate lower than that specified herein and the maximum annual tax rate may be lowered. Such special tax may be levied so long as it is needed to pay for the financing of the services.

Section 12. If special taxes of the District are levied against any parcel used for private residential purposes, (i) the maximum special tax rate shall not be increased over time except that it may be increased by an amount not to exceed two percent (2.00%) per year to the extent permitted in the rate and method of apportionment; (ii) such tax shall be levied in perpetuity, as further described in Exhibit "A" hereto; and (iii) under no circumstances will such special tax be increased more than ten percent (10%) as a consequence of delinquency or default by the owner of any other parcels within the District by more than ten percent.

Section 13. In the event that a portion of the property in the District shall become for any reason exempt, wholly or partially, from the levy of the special tax specified in Exhibit "A" the Council shall, on behalf of the District, increase the levy to the extent necessary upon the remaining property within the District which is not delinquent or exempt in order to yield the required payments, subject to the maximum tax.

Section 14. The Council finds that there is not an ad valorem property tax currently being levied on property within the proposed District for the exclusive purpose of financing the provision of the same services to the territory of the District as provided by the Services.

Section 15. An appropriations limit for the District is hereby established as an amount equal to all the proceeds of the special tax collected annually and as defined by Article XIII B of the California Constitution, as adjusted for changes in the cost of living and changes in population.

Section 16. The Elections Official shall cause to be published once in a newspaper of general circulation the text of Proposition A, along with a description of the election proceedings. The publication shall also state that only the qualified electors in the District may vote on the proposition and that the canvass of the election will take place in the office of the City Clerk following the close of the election. Pursuant to the petition and request, the publication of such notice has been waived by the property owner.

Section 17. The question of levying a special tax and establishing an appropriations limit shall constitute a single election pursuant to Sections 53325.7, 53326 and 53353 of the Act for the purpose of holding said election. Following the close of the election, the election shall be canvassed at the office of the City Clerk, 101 North "D" Street, Perris, California 92570.

Section 18. The Office of the City Manager, 101 North "D" Street, Perris, California 92570, (951) 943-6100, or its designee, is designated to be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and for estimating future special tax levies pursuant to Section 53340.2 of the Government Code.

Section 19. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 6 above:

- A. Such Special Tax with respect to the District shall be levied for the specific purposes set forth in and Section 5 hereof and Proposition A referred to herein.

- B. The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 5 hereof and Proposition A referred to herein.
- C. The District shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.
- D. The City Manager or Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

Section 20. The City Clerk is directed to certify and attest to this Resolution, and to take any and all necessary acts to call, hold, canvass and certify an election or elections on the levy of the special tax, and the establishment of the appropriation limit.

Section 21. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and ***APPROVED*** this 9th day of April, 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April, 2019, by the following called vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

City Clerk, Nancy Salazar

Exhibit A

CITY OF PERRIS COMMUNITY FACILITIES DISTRICT NO. 2001-3 NORTH PERRIS PUBLIC SAFETY

SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

A. BASIS OF SPECIAL TAX LEVY

A Special Tax shall be levied on all Taxable Property in Community Facilities District No. 2001-3 ("District"), North Perris Public Safety of the City of Perris and collected each fiscal year commencing in Fiscal Year 2005/06 in an amount determined by the Council through the application of this Rate and Method of Apportionment of the Special Tax. All of the real property in CFD No. 2001-3 unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

B. DEFINITIONS

Act means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

Administrative Expenses means the costs incurred by the City to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports, and any other costs required to administer CFD No. 2001-3 as determined by the Finance Director.

Annual Cost(s) means for each fiscal year, the total of 1) the estimated cost of services provided through the Police & Fire Protection Program adopted by the City; 2) Administrative Expenses, and 3) any amounts needed to cure actual or projected delinquencies in Special Taxes for the current or previous fiscal year.

Annual Tax Escalation Factor means an increase in the Maximum Special Tax Rate each year following the Base Year in an amount not to exceed 2.00% annually.

Base Year means Fiscal Year ending June 30, 2006.

CFD No. 2001-3 means the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris.

City means the City of Perris, California.

Council means the City Council of the City of Perris as the legislative body for CFD No. 2001-3 under the Act.

Resolution No. _____

County means the County of Riverside, California.

Developed Parcel means for each fiscal year, each Parcel for which a building permit for new construction or renovations was issued prior to March 1 of the previous fiscal year.

District means the Community Facilities District No. 2001-3, ("CFD 2001-3), North Perris Public Safety of the City of Perris.

Exempt Parcel means any Parcel that is not a Residential Parcel or a Non-Residential Parcel. Exempt Parcels are exempt from the levy of Special Taxes.

Finance Director means the Finance Director for the City of Perris or his or her designee.

Fiscal Year means the period starting July 1 and ending the following June 30.

Maximum Special Tax means the greatest amount of Special Tax that can be levied against a Parcel in a given fiscal year calculated by multiplying the Maximum Annual Special Tax Rate by the relevant acres or units of the Parcel.

Maximum Special Tax Rate means the amount determined pursuant to Section D below, which will be used in calculating the Maximum Special Tax for a Parcel based on its land use classification. Each fiscal year following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Tax Escalation Factor and otherwise adjusted as provided in this Special Tax Rate and Method of Apportionment.

Maximum Special Tax Revenue means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Special Tax.

Multi-Family Unit means each multi-family attached residential unit located on a Developed Parcel.

Non-Residential Acres means the acreage of a Non-Residential Parcel. The acreage assigned to such a Parcel shall be that shown on the County assessor's parcel map.

Non-Residential Parcel means a Developed Parcel for which a building permit(s) was issued for private non-residential use. Non-Residential Parcels do not include Parcels that are intended to be, (1) publicly owned or owned by a regulated public utility, or (2) assigned minimal value or is normally exempt from the levy of general *ad valorem* property taxes under California law, including homeowners association property, public utility, public streets; schools; parks; and public drainage ways, public landscaping, greenbelts, and public open space.

Parcel means a lot or parcel shown on an assessor's parcel map with an assigned assessor's parcel number located in CFD No. 2001-3 based on the last equalized tax rolls of the County.

Resolution No. _____

Police & Fire Protection Program means a program adopted by the Council pursuant to Section 53313 of the Act for the provision, in a defined area of benefit, of police and fire protection services that are in addition to those services that would be provided to the area of CFD No. 2001-3 if CFD No. 2001-3 were not in existence.

Residential Parcel means a Developed Parcel for which a building permit(s) was issued for residential use.

Single-Family Unit means a Developed Parcel used for single-family detached residential development.

Special Tax(es) means any tax levy under the Act in CFD No. 2001-3.

Taxable Property means every Residential Parcel and Non-Residential Parcel.

Zone A means property designated as Zone A.

C. DURATION OF THE SPECIAL TAX

Duration of Special Tax for Taxable Property in CFD No. 2001-3 shall remain subject to the Special Tax in perpetuity.

D. ASSIGNMENT OF MAXIMUM SPECIAL TAXES

1. Classification of Parcels

Each fiscal year, using the Definitions above, each Parcel of Taxable Property is to be classified as either a Residential Parcel or Non-Residential Parcel. Each Residential Parcel is to be further classified as either a Single-Family Unit or as the number of Multi-Family Units located on such Parcel.

2. Maximum Special Tax Rates

TABLE 1
Maximum Special Tax Rate for Developed Property in
Community Facilities District No. 2001-3
Fiscal Year 2005/06

Tax Status	Base Year Maximum Special Tax Rate	Tax Levy Basis
Single Family Residential Unit	\$265.30	Per Unit
Multi-Family Residential Unit	\$53.06	Per Unit
Non-Residential Parcel	\$1,061.21	Per Acre

Each Fiscal Year following the Base Year of FY 2005/06, the Maximum Special Tax Rates shall be increase in accordance with the Annual Tax Escalation Factor.

E. SETTING THE ANNUAL SPECIAL TAX LEVY

The Special Tax levy for each Parcel of Taxable Property will be established annually as follows:

1. Compute the Annual Costs using the definitions in Section B.
2. Calculate the available special tax revenues by taxing each Parcel of Taxable Property at 100.00% of its Maximum Special Tax. If revenues are greater than the Annual Costs, reduce the tax proportionately against all Parcels until the tax levy is set at an amount sufficient to cover Annual Costs.
3. Levy on each Parcel of Taxable Property the amount calculated above. No Special Tax shall be levied on Exempt Parcels.

The City shall make every effort to correctly assign the number of taxable units and calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

F. ADMINISTRATIVE CHANGES AND APPEALS

The Finance Director or designee has the authority to make necessary administrative adjustments to the Special Tax Rate and Method of Apportionment in order to remedy any portions of the Special Tax formula that require clarification.

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Finance Director appealing the levy of the Special Tax. The Finance Director will then promptly review the appeal, and if necessary, meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, a

Resolution No. _____

recommendation at that time will be made to the Council and, as appropriate, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to CFD No. 2001-3.

G. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

Exhibit B

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 31**

TYPES OF SERVICES TO BE FINANCED

Fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto.

Exhibit C

OFFICIAL BALLOT

TO BE OPENED ONLY BY THE CANVASSING BOARD

**COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 31**

SPECIAL TAX AND APPROPRIATIONS LIMIT ELECTION

April 9, 2019

To vote, mark a cross (+) or (X) in the voting square after the word "YES" or after the word "NO." The voter should then sign the ballot. All distinguishing marks otherwise made are forbidden and will void the ballot.

This ballot is provided to **CREDITS HOLDING LLC**, as owner or authorized representative of such sole owner of .88 acres of the land within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31 (the "Property") and represents **1** of the votes required for annexation.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Perris at 101 North "D" Street, Perris, California 92570 and obtain another.

<p>PROPOSITION A: Shall the Property be annexed and shall a Special Tax be levied within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31 to pay for the provision of fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; and police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as authorized in the Resolution calling election adopted on APRIL, 2019 and the Resolution of Intention referred to therein; and shall an appropriations limit be established for Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31 pursuant to Article XIIB of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population, where said Maximum Special Tax Rate for Fiscal Year 2019-2020 is \$350.06 per Single-Family Residential Unit, \$70.01 per Multi-Family Residential Unit and \$1,400.24 per acre for Non-residential Parcels and is subject to an Annual Tax Escalation Factor not to exceed 2.00% annually?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
---	---

Number of votes: **1**

Property Owner: **CREDITS HOLDING LLC.**

By: _____

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO ANNEXATION NO. 31 AND ORDERING THE ANNEXATION OF SUCH TERRITORY, THE LEVYING OF A SPECIAL TAX WITHIN THE AREA OF ANNEXATION NO. 31 AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

The City Council (the "Council") of the City of Perris, California (the "City"), acting in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris (the "District"), does hereby resolve as follows:

WHEREAS, the Legislative Body called and duly held an election in the District pursuant to Resolution No. 5446 adopted on April 9, 2019 for the purpose of presenting to the qualified electors within the certain territory proposed to be annexed to the District known and designated as "Annexation No. 31" (the "Property"), a proposition for the levy of a special tax and the establishment of an appropriations limit ("Proposition A") in accordance with the method set forth in Exhibit "A" to Resolution No. 5446 adopted on February 12, 2019 (the "Resolution of Intention"); and

WHEREAS, the landowners of record within the Property as of the close of the public hearing held on April 9, 2019 unanimously consented to a waiver of the time limits for setting the election and a waiver of any written analysis, arguments or rebuttals as set forth in California Government Code sections 53326 and 53327. Such waivers are set forth in written certificates executed by the landowners which are on file with the City Clerk as election official (the "Election Official") concurring therein; and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the special election was held on April 9, 2019; and

WHEREAS, there has been presented to this Legislative Body a Certificate of the Election Official as to the Results of the Canvass of the Election Returns (the "Certificate of the Election Official"), a copy of which is attached hereto as Exhibit "A;"

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, acting in its capacity as the Legislative Body of Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, California, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. The canvass of the votes cast in the Property to be annexed to the District at the special election held on April 9, 2019, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

Section 3. Proposition A presented to the qualified electors of the Property for receipt by the Election Official on April 9, 2019, has received a unanimous vote of the qualified electors voting at said election, and Proposition A has carried. The Legislative Body is hereby authorized to take the necessary steps to levy the special tax authorized by Proposition A on the Property.

Section 4. The City Clerk is hereby directed to enter the title of this Resolution on the minutes of the Legislative Body and to indicate the official declaration of the result of such special election.

Section 5. The Legislative Body hereby determines that the Property is added to and part of the existing District with full legal effect, and hereby authorizes the levy of a special tax at the Rate and Method of Apportionment set forth in Exhibit A to the Resolution of Intention. The whole of the territory within the Property shall be subject to the special tax consistent with the provisions of the Act.

Section 6. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 3 above:

- A. Such Special Tax with respect to the District shall be levied for the specific purposes set forth in Proposition A and Section 3 hereof.
- B. The proceeds of the levy of such Special Tax with respect to each Improvement Area shall be applied only to the specific purposes set forth in Section 3 hereof and Proposition A referred to therein.
- C. The District shall establish an account or accounts into which the proceeds of such Special Tax with respect to each Improvement Area shall be deposited.
- D. The City Manager, Assistant City Manager and Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

Section 7. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Riverside a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

Section 8. This Resolution shall take effect immediately upon its adoption.

Section 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED, SIGNED and **APPROVED** this 9th day of April, 2019.

ATTEST:

Mayor, Michael M. Vargas

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, NANCY SALAZAR, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April, 2019, by the following called vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

City Clerk, Nancy Salazar

Exhibit A

**COMMUNITY FACILITIES DISTRICT NO. 2001-3
(NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 31**

**CERTIFICATE OF THE ELECTION OFFICIAL
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS**

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, NANCY SALAZAR, City Clerk in my capacity as Elections Official in the City of Perris, California, in its capacity as the legislative body of the Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, DO HEREBY CERTIFY, that pursuant to the provisions of Section 53325.4 of the Government Code and Division 15, commencing with Section 15000 of the Elections Code of the State of California, I did canvass the return of the votes cast at the Special Tax Election on April 9, 2019, held in

COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 31

I FURTHER CERTIFY that the Statement of All Votes Cast, to which this certificate is attached, shows the total number of ballots case within the Property to be annexed to the District for the Proposition, and the totals of the respective columns and the totals as shown for the Proposition are full, true and correct.

WITNESS my hand and Official Seal this 9th day of April, 2019.

CITY OF PERRIS, CALIFORNIA, acting as the
LEGISLATIVE BODY OF THE COMMUNITY
FACILITIES DISTRICT NO. 2001-3 (NORTH
PERRIS PUBLIC SAFETY) OF THE CITY OF
PERRIS

By: _____

City Clerk, Nancy Salazar

**COMMUNITY FACILITIES DISTRICT NO. 2001-3
(NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS, ANNEXATION NO. 31**

**STATEMENT OF ALL VOTES CAST
SPECIAL TAX ELECTION**

	Qualified Landowner Votes	Total Votes Cast	YES	NO
City of Perris, Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31, Special Election, April 9, 2019	1	_____	_____	_____

PROPOSITION A: Shall the Property be annexed and shall a Special Tax be levied within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31 to pay for the provision of fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; and police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as authorized in the Resolution calling election adopted on April 9, 2019 and the Resolution of Intention referred to therein; and shall an appropriations limit be established for Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris, Annexation No. 31 pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population, where said Maximum Special Tax Rate for Fiscal Year 2019-2020 is \$350.05 per Single-Family Residential Unit, \$70.01 per Multi-Family Residential Unit and \$1,400.24 per acre for Non-residential Parcels and is subject to an Annual Tax Escalation Factor not to exceed 2.00% annually.



CITY OF PERRIS

CITY COUNCIL

AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: Annexation of PR 17-05194 (Harley Knox Dispensary) to the City's Maintenance Districts

REQUESTED ACTION: Open and Close of Public Hearing, Open 3 Ballots and Adoption of 3 Resolutions Ordering the Annexation of PR 17-05194 to the City's Maintenance Districts, Giving Final Approval to the Engineer's Reports, and the Levying of the 2018-2019 Assessments.

CONTACT: Habib Motlagh, City Engineer

BACKGROUND/DISCUSSION: PR 17-05194 (Harley Knox Dispensary) is a 0.88-acre commercial project under the ownership of Credits Holding LLC. The project is located south of Harley Knox Boulevard and east of Patterson Avenue. As a condition of approval, the project is required to annex into the City's three maintenance districts.

On February 12, 2019, resolutions were approved stating the City Council's intention to annex this project into the City's maintenance districts and set a Public Hearing for April 9, 2019.

BUDGET (or FISCAL) IMPACT: The proposed maximum annual assessments are levied on the property within the annexation. They are subject to Standard Inflation Factors for labor, energy and water. The current maximum annual assessments, by district, are as follows:

<u>Maintenance District</u>	<u>Maximum Annual Assessment</u>
Maintenance District No. 84-1 (streetlights & traffic signals)	\$171.05
Landscape Maintenance District (Parkways)	1,044.11
Landscape Maintenance District (Medians)	224.93
Flood Control Maintenance District No. 1	<u>995.10</u>
Total Maximum Annual Assessment	\$2,435.19

Prepared by: Daniel Louie, Willdan Financial Services

REVIEWED BY:

City Attorney _____
Assistant City Manager _____
Finance Director _____

Attachments:

1. Location Map
2. Resolution Ordering the Annexation of PR 17-05194 to MD 84-1, Giving Final Approval to the Engineer's Report, and the Levying of the 2018-2019 Assessments.
3. Resolution Ordering the Annexation of PR 17-05194 to LMD 1, Giving Final Approval to the Engineer's Report, and the Levying of the 2018-2019 Assessments.
4. Resolution Ordering the Annexation of PR 17-05194 to FCMD 1, Giving Final Approval to the Engineer's Report, and the Levying of the 2018-2019 Assessments.

Consent:

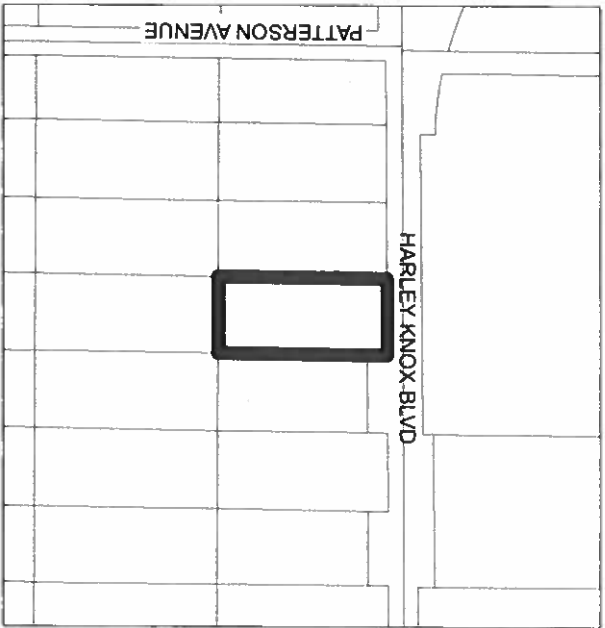
Public Hearing:

Business Item:

Presentation:

Other:

**ANNEXATION OF PR 17-05194 TO CITY OF PERRIS MAINTENANCE DISTRICT NO. 84-1,
LANDSCAPE MAINTENANCE DISTRICT NO. 1, AND FLOOD CONTROL MAINTENANCE DISTRICT NO. 1**



VICINITY MAP
NOT TO SCALE
**Maximum Annual
Assessment**

Street Lights and Traffic Signals	\$171.05
Landscaped Parkways	1,044.11
Landscaped Medians	224.93
Flood Control Facilities	995.10
Total Maximum Annual Assessments	\$2,435.19

Owner: CREDITS HOLDING, LLC

0.88 - ACRE SITE

MD 84-1

1 Street Light

LMD 1

Harley Knox Boulevard parkway and median along the north boundaries

FCMD 1

Public flood control facilities including catch basins, storm drain pipes, and appurtenances that channel, contain and convey the storm flow to the Perris Valley Storm Drain Channel

Standard Inflation Factors (SIF)

- 1) "Common Labor, Construction Cost Index", ENR
 - 2) Southern California Edison rate increases
 - 3) Eastern Municipal Water District rate increases
- MD 84-1 Assessments include SIF 1 and 2
LMD 1 and FCMD 1 Assessments include SIF 1, 2, and 3



RESOLUTION NUMBER XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

WHEREAS, the City Council of the City of Perris, County of Riverside, California ("the City Council") did on the 12th day of February 2019, adopt its Resolution of Intention Number 5441 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Maintenance District Number 84-1 (the "District"), which Resolution of Intention Number 5441 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Resolution of Intention on file in the office of the City Clerk; and

WHEREAS, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5441, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceedings and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

WHEREAS, said City Council has determined that a majority protest does not exist.

NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED by the City Council of the City of Perris, California, as follows:

Section 1. That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5441, be done and made.

Section 2. Be it further resolved that:

- A. The Riverside County assigned fund number for the Maintenance District No. 84-1 and the annexation thereto, is 68-2651.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide for the energy and maintenance of streetlights and traffic signals that will benefit the parcels being assessed.

Section 3. That the report filed by the Engineer is hereby finally approved;
and

Section 4. That pursuant to Sections 22640 and 22641 of the Code, the City Clerk shall file a certified copy of the diagram and assessment with the Riverside County Auditor-Controller not later than the third Monday in August.

Section 5. Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2018-2019 are hereby levied.

ADOPTED, SIGNED and **APPROVED** this 9th day of April, 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number ____ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April 2019, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

RESOLUTION NUMBER XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO BENEFIT ZONE 144, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

WHEREAS, the City Council of the City of Perris, County of Riverside, California ("the City Council") did on the 12th day of February 2019, adopt its Resolution of Intention Number 5445 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Landscape Maintenance District Number 1 (the "District"), which Resolution of Intention Number 5445 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Resolution of Intention on file in the office of the City Clerk; and

WHEREAS, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5445, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceedings and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

WHEREAS, said City Council has determined that a majority protest does not exist.

NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED by the City Council of the City of Perris, California, as follows:

Section 1. That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5445, be done and made.

Section 2. Be it further resolved that:

- A. The Riverside County assigned fund number for the Landscape Maintenance District No. 1 and the annexation thereto, is 68-2652.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide landscape maintenance on those lands that will benefit the parcels being assessed.

Section 3. That the report filed by the Engineer is hereby finally approved;

and

Section 4. That pursuant to Sections 22640 and 22641 of the Code, the City Clerk shall file a certified copy of the diagram and assessment with the Riverside County Auditor-Controller not later than the third Monday in August.

Section 5. Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2018-2019 are hereby levied.

ADOPTED, SIGNED and **APPROVED** this 9th day of April 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number ____ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April 2019, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

RESOLUTION NUMBER XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF PR 17-05194 TO BENEFIT ZONE 110, CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2018-2019

WHEREAS, the City Council of the City of Perris, County of Riverside, California (“the City Council”) did on the 12th day of February 2019, adopt its Resolution of Intention Number 5442 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Flood Control Maintenance District Number 1 (the “District”), and which a Notice of Public Hearing was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Notice on file in the office of the City Clerk; and

WHEREAS, after the adoption of Resolution Number 5442, said Resolution was duly posted in the time, form and manner as required by law, shown by the Affidavit of Posting on file in the office of the City Clerk; and

WHEREAS, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5442, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceedings and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

WHEREAS, said City Council has determined that a majority protest does not exist.

NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED by the City Council of the City of Perris, California, as follows:

Section 1. That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5442, be done and made.

Section 2. Be it further resolved that:

- A. The Riverside County assigned fund number for the Flood Control Maintenance District No. 1 and the annexation thereto, is 68-2657.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide flood control facility maintenance on those lands that will benefit the parcels being assessed.

Section 3. That the report filed by the Engineer is hereby finally approved;
and

Section 4. Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2018-2019 are hereby levied.

ADOPTED, SIGNED and **APPROVED** this 9th day of April 2019.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number ____ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April 2019, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar



CITY OF PERRIS

CITY COUNCIL AGENDA SUBMITTAL


MEETING DATE: April 9, 2019

SUBJECT: **Ordinance Amendment (OA) 19-05041** - Proposal to adopt Urgency Ordinance No. (next in order) and Ordinance No. (next in order), which amends Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties; and a proposal to adopt a related Resolution (next in order) approving a City Council Policy (next in order) that provides for regulations for the permitting, operation, and maintenance of small wireless facilities in the City of Perris.
Applicant: City of Perris

REQUESTED ACTION: **Approve Urgency Ordinance No. (next in order)** which provides related findings and approves Ordinance Amendment No. 19-05041, which amends, in its entirety, Chapter 19.85 of Title 19 of the Municipal Code to update and revise the City's regulations pertaining to wireless telecommunications facilities in the city and corresponding design standards and procedures for small wireless facilities ("SWF").

Introduce First Reading of Ordinance No. (next in order) which provides findings and approves Ordinance Amendment 19-05041, which amends Chapter 19.85 of Title 19 of the Municipal Code in its entirety to update and revise the City's regulations for wireless telecommunication facilities in the city and corresponding design standards and procedures for small wireless facilities ("SWF").

Approve Resolution (next in order) which provides findings and approves City Council Policy (next in order) that provides design regulations and procedures for Small Wireless Facilities to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way (PROW).

CONTACT: Dr. Grace Williams, Director of Planning and Economic Development 

BACKGROUND/DISCUSSION:

On March 20, 2019, the Planning Commission unanimously voted to recommend to the City Council approval of Ordinance Amendment No. 19-05041, which amends Chapter 19.85 (Wireless Telecommunication Facilities) of the Municipal Code in its entirety, along with a separate Council Policy that outlines Small Wireless Facilities ("SWF") design standards to guide administrative approvals so it can be readily and quickly adapted given the frequency and magnitude of changes in

law and technology surrounding wireless installations. Ordinance Amendment No. 19-05041 updates and revises regulations for Wireless Telecommunication Facilities on public and private properties to address significant changes in law implemented by the Federal Communications Commission (“FCC”), which among other issues, redefines SWF, caps all fees that local governments can charge to the actual and reasonable cost of providing service, imposes shot clocks of 60 days for SWFs added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWFs proposing a new structure and effective on April 15, 2019, preempts all aesthetic requirements for SWFs in the Public Right-of-Way unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.

The proposed Urgency Ordinance No. (next in order) and Ordinance No. (next in order) are responses to the FCC Order and seeks to balance the community’s need for wireless services with the industry’s need to deploy quickly, and the City’s obligation to maintain safety and protect the aesthetic qualities of our neighborhoods. To this end, the proposed amendment presents an entirely new administrative review process for SWF applications, with the Planning Division taking the lead for processing SWF applications administratively. The proposed amendment also recognizes and establishes procedures and standards for, "eligible facility requests" pursuant to Federal law. These are ministerial modifications and collocations that must be approved “by-right,” which provisions are not currently included in Section 19.85, despite being required by law since 2012. A more detailed discussion of the Ordinance can be found in the March 20, 2019 PC submittal report.

To accompany the proposed amendment, staff has drafted a separate Draft City Council Policy that will provide the wireless telecommunication industry with direction on the City’s aesthetic, location and design requirements. The proposed policy provides the flexibility needed for the rapidly changing wireless laws and technology that outlines SWF design standards to guide administrative approvals so it can be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations. This draft policy document is recommended for approval by the Council, will be promptly published by staff on the City’s website as required by the FCC Order.

URGENCY ORDINANCE AND ORDINANCE:

The Urgency Ordinance No. (next in order), Ordinance No. (next in order) and corresponding City Council Policy providing design standards and procedures for SWFs are in response to recent legal standards imposed by the FCC (“FCC Order”). The FCC Order was issued on September 27, 2018. As drafted, Urgency Ordinance No. (next in order) would enact the same regulations as proposed by Ordinance No. (next in order). Urgency Ordinance No. (next in order) will be effective immediately upon adoption by the City Council.

Government Code Section 36937(b) permits the City Council to adopt an urgency ordinance that is effective immediately upon adoption for the immediate preservation of the public peace, health or safety. The urgency is based upon the following facts:

- The global wireless telecommunications industry has developed and is starting to install SWFs primarily in public rights-of-way. SWFs are designed to accommodate "5G" technology. Wireless telecommunications providers have made inquiries with the City of Perris and other California cities about installing SWFs in municipal rights-of-way, and some other California cities are already receiving applications for such facilities.
- The Federal Telecommunications Act of 1996 preempts and declares invalid all state and local rules that restrict entry or limit competition in both local and long-distance telephone service,

and the FCC has adopted regulations for the implementation of that Act.

- Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.
- Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner and may involve the imposition of fees.
- The FCC adopted its FCC Ruling expressly to "reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology." (FCC Ruling, ¶29.) The FCC Ruling is intended to facilitate the spread, growth, and accumulation of SWFs over a short period of time in order to enable deployment of technology that the FCC Ruling claims will enable increased competition in healthcare, Internet of Things applications, lifesaving car technologies, and creation of jobs.
- SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- The FCC Ruling sets forth new standards for state and local government regulations of SWFs, which standards restrict the aesthetic requirements that localities can impose upon such facilities. Any aesthetic standard adopted by cities must be: (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.
- That portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published. Ad hoc aesthetic standards are not enforceable. Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.
- Without the immediate implementation through an urgency ordinance of regulations specific to the siting of SWFs in the public right-of-way, the City Council will be unable to adopt and implement such regulations before the April 15, 2019 effective date for design standards. SWFs could therefore be approved that are inconsistent with the regulations being developed by the City as permitted by federal and state laws.

Urgency Ordinance No. (next in order) would implement the same regulations as proposed under Ordinance No. (next in order).

ENVIRONMENTAL DETERMINATION:

The Proposed Ordinance Amendment and City Council Policy are found to be categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, as the proposal is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

PUBLIC COMMENT:

A public hearing notice was published in the local newspaper on March 22, 2019, to provide a minimum ten (10) day notice as required by City Code. As of the writing of this report, no comments in opposition have been received from residents or public agencies. In addition, summary ordinances were published March 29, 2019, in accordance with California Government Code 36933.

Based upon the foregoing, Staff recommends that the City Council adopt Urgency Ordinance No. (next in order), Ordinance No. (next in order), and Resolution No. (next in order).

BUDGET (or FISCAL) IMPACT: Costs for staff preparation of this item are borne by the applicant

Prepared by: Mary Blais, Contract Planner

REVIEWED BY: Kenneth Phung, Planning Manager *KP*

City Attorney: _____
Assistant City Manager *CGM*
Finance Director *DC*

- Attachments:
- 1. Urgency Ordinance (Next in Order) for Wireless Telecommunication Facilities
 - 2. Ordinance (Next in Order) for Wireless Telecommunication Facilities
 - 3. Resolution (next in Order) to Approve City Council Policy
 - 4. Planning Commission Report Packet Dated March 20, 2019

Consent:
Public Hearing: X
Business Item:
Presentation:
Other:

URGENCY ORDINANCE (Next in order)

**AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF PERRIS,
CALIFORNIA, ENACTED PURSUANT TO
GOVERNMENT CODE § 36934 AND 36937, WHICH
AMENDS CHAPTER 19.85 OF THE MUNICIPAL
CODE IN ITS ENTIRETY TO UPDATE AND
REVISES REGULATIONS FOR ALL WIRELESS
TELECOMMUNICATION FACILITIES ON PUBLIC
AND PRIVATE PROPERTY WITHIN THE CITY OF
PERRIS**

WHEREAS, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities ("SWFs"), requires State and local

governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and

WHEREAS, in addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock; and

WHEREAS, given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to amend Chapter 19.85 of the Perris Municipal Code, entitled "Chapter 19.85 - WIRELESS TELECOMMUNICATIONS FACILITIES," in its entirety to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, Government Code § 36934 and 36937 expressly authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, the City Council of the City of Perris deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to add regulations to the Perris Municipal Code to regulate the placement of SWFs and WCFs in the public rights-of-way, finding the urgency to do so based upon the following facts:

- i. The global wireless telecommunications industry has developed and is starting to install SWFs primarily in public rights-of-way. SWFs are designed to accommodate "5G" technology. Wireless telecommunications providers have made inquiries with the City of Perris and other California

cities about installing SWFs in municipal rights-of-way, and some other California cities are already receiving applications for such facilities.

- ii. The Federal Telecommunications Act of 1996 preempts and declares invalid all state and local rules that restrict entry or limit competition in both local and long-distance telephone service, and the FCC has adopted regulations for the implementation of that Act.
- iii. Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.
- iv. Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner and may involve the imposition of fees.
- v. The FCC adopted its FCC Ruling expressly to "reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology." (FCC Ruling, ¶29.) The FCC Ruling is intended to facilitate the spread, growth, and accumulation of SWFs over a short period of time in order to enable deployment of technology that the FCC Ruling claims will enable increased competition in healthcare, Internet of Things applications, lifesaving car technologies, and creation of jobs.
- vi. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- vii. The FCC Ruling sets forth new standards for state and local government regulations of SWFs, which standards restrict the aesthetic requirements that localities can impose upon such facilities. Any aesthetic standard

adopted by cities must be: (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

- viii. That portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published. Ad hoc aesthetic standards are not enforceable. Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.
- ix. Without the immediate implementation through an urgency ordinance of regulations specific to the siting of SWFs in the public right-of-way, the City Council will be unable to adopt and implement such regulations before the April 15, 2019 effective date for design standards. SWFs could therefore be approved that are inconsistent with the regulations being developed by the City as permitted by federal and state laws.

WHEREAS, on March 20, 2019, the Planning Commission held a duly noticed public hearing on proposed Ordinance Amendment No. 19-05041, which is attached hereto as Exhibit A, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record and, at the conclusion of the public hearing, recommended that the City Council adopt the Ordinance; and

WHEREAS, on April 9, 2019, the City Council held a duly noticed public hearing on this Urgency Ordinance and Ordinance Amendment No. 19-05041, which is attached hereto as Exhibit A, (hereafter, this Urgency Ordinance and Ordinance Amendment No. 19-05041 shall collectively be referenced as “Urgency Ordinance”), reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

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

Section 1. The facts set forth in the recitals in this Urgency Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Urgency Ordinance.

Section 2. This Urgency Ordinance is consistent with the City’s General Plan, Perris Municipal Code, Perris Zoning Code and applicable Federal and State law.

Section 3. This Urgency Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

Section 4. This Urgency Ordinance is categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, as the proposal is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

Section 5. Based on the foregoing recitals and all facts of record stated before the City Council, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Urgency Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption.

- i. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof.
- ii. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- iii. However, that portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published.
- iv. Furthermore, pursuant to the FCC Ruling, new shortened Shot-Clocks have already taken effect with respect to SWFs (either 60 or 90 days for full determination upon each application, including all notice periods, supplemental permits, and appeal periods). These shorter timeframes leave the City with inadequate time and resources to timely process incoming SWF applications under federal law absent significant streamlining of the City’s current practices and procedures. Therefore, it is of utmost need for the City to immediately establish a streamlined process for SWF application review.

Therefore, this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

Section 6. This Urgency Ordinance is hereby adopted to amend Chapter 19.85, “WIRELESS TELECOMMUNICATION FACILITIES,” of the Perris Municipal Code to read in its entirety as shown in Exhibit A attached hereto and incorporated herein by this reference.

Section 7. If the provisions in this Urgency Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Urgency Ordinance will control.

Section 8. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Urgency Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

Section 9. This Urgency Ordinance is enacted pursuant to Government Code §§ 36934 and 36937 and shall be in full force and effect immediately upon its adoption by the City Council.

Section 10. The City Clerk shall certify as to the passage and adoption of this Urgency Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019.

Michael M. Vargas, MAYOR

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF Riverside)
CITY OF Perris)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Urgency Ordinance Number (next in order) was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 9th day of April, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

Nancy Salazar, City Clerk

Chapter 19.85 - WIRELESS TELECOMMUNICATIONS FACILITIES

19.85.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way ("PROW") in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission ("FCC") and California Public Utilities Commission ("CPUC"), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

19.85.020 - DEFINITIONS.

"Accessory equipment" means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

"Antenna" means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. "Antenna" is specific to the antenna portion of a wireless telecommunications facility.

"Antenna array" shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

"Base station" shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing

DAS and small cells). “Base station” does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

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

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Perris.

“Code” means the Perris Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and

2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (See, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless

telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Planning director” means the director of planning, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style.

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or
 - c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by resolution of the city council implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and 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. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

19.85.030 - APPLICABILITY.

- A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the City.
- B. Pre-existing Facilities. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- C. This chapter does not apply to the following:
 1. Amateur radio facilities;

2. OTARD antennas;
3. Facilities owned and operated by the city for its use or for public safety purposes;
4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the planning director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.

D. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city's use and use by the public.

19.85.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

- A. Administration. The planning director is responsible for administering this chapter. As part of the administration of this chapter, the planning director may:
1. Interpret the provisions of this chapter;
 2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in and outside the PROW, as applicable, taking into account the zoning districts and those zoning districts bounding the PROW;
 4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
 5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
 6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).

1. An Administrative WTFP, subject to the planning director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:
 - a. The proposal is determined to be for a SWF located in the PROW; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the planning director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the planning director shall convert the application to a Major WTFP and refer it to the planning commission hearing.
3. Except in the case of an eligible facilities request, the planning director may refer, in his/her discretion, any application for an Administrative WTFP to the planning commission for hearing. This exercise of discretion shall not apply to an eligible facilities request.

C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are *not* qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.

D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF

Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.

1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

19.85.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the SWF Regulations shall control.
1. All applications for WTFPs shall be initially submitted to the planning director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the planning director and published on the city's website.
 2. Application Submittal Appointment. All WTFP applications must be submitted to the planning director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications

for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.

- B. Application Contents—Administrative WTFPs.** The content of the application form for facilities subject to an Administrative WTFP shall be determined by the planning director, but at a minimum shall include the following:
1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
 2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
 3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.
 4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
 6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
 7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.

9. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
- C. Application Contents—Major WTFPs. The planning director shall develop an application form and make it available to applicants upon request and post the application form on the city’s website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the planning director:
1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.
 2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
 3. A full written description of the proposed wireless telecommunications facility and its purpose.
 4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including 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 be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.
 - c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.

- e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
 - a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 - b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.
8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to

exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.

9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.
11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") 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.
12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 7.34 of this code.
14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the wireless telecommunication facility.
16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.

17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or planning director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or planning director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.
- F. Costs. Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. If an applicant proposes a replacement pole or street light to accommodate a SWF, then the applicant shall also pay for all City costs relating to any pole replacement as provided further in the SWF Regulations.
- G. Effect of State or Federal Law on Application Process. In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the planning director is authorized to omit, modify or add to that request from the city’s application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the planning director or his or her designee. The planning director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.
- H. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or planning director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days

when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.

- I. **Waiver of Applications Superseded by Submission of New Project.** If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, “substantially revised,” includes, but is not limited to, where the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or where the proposed revisions constitute a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. **Rejection for Incompleteness.** WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the planning director by notifying the applicant in writing and specifying the material omitted from the application.

19.85.060 - REVIEW PROCEDURE.

- A. **Generally.** Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the PROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.
- B. **Collocation Encouraged.** Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- C. **Findings Required for Approval.**
 - 1. **Administrative WTFP Applications for SWFs.** For WTFP applications proposing a SWF, the planning director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and

- b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.
- 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the planning director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.
- 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:
 - a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
 - b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
 - c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
 - d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
 - e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.
- D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.
 - 1. Administrative WTFPs: No notice is required for Administrative WTFPs.
 - 2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing. Notice of such hearing shall be provided in accordance with

Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.

3. **Written Decision Required for All WTFP Determinations.** Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the planning director, shall provide written notice including the following:
 - a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.
5. The decision of the approving authority, as applicable, as to any Administrative WTFP shall be final.
6. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title.. 19 of the Municipal Code, Section 19.74.080 (Appeals). The appellate authority may hear the appeal de novo.

- E. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

19.85.070 - DESIGN AND DEVELOPMENT STANDARDS.

- A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city's grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.
- B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 19.85.060 have been made are subject to the following conditions, unless modified by the approving authority:
 - 1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
 - 2. No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
 - 3. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the city shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.

- a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
- b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.
- c. Exterior finishes for a facility and accessory equipment shall consist of non-reflective materials and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings, structures, and/or landscaping.
- d. Wall-mounted and/or roof-mounted wireless telecommunications facilities shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached so as to appear a natural aesthetic extension of the building or structure design to minimize the facility's visual impact.
- e. Wireless telecommunications facilities shall not interfere with the ingress or egress to, or with the circulation, of the property on which it is located.
- f. Wireless telecommunications facilities and any accessory equipment shall comply with the setback and height requirements for the zone in which it is located.
- g. Wireless telecommunications facilities may be subject to PROW improvements at the discretion of the city engineer.
- h. Wireless telecommunications facilities shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area, or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area.
- i. No temporary wireless telecommunications facilities shall be permitted within the city except to allow for signal strength testing in conjunction with a submitted application.

- j. All applicable building, construction, and business permits shall be acquired by the applicant prior to construction of a wireless telecommunication facility.
 - k. Wireless telecommunications facilities shall be located consistent with Section 19.85.080 (Location Restrictions) unless an exception is granted.
 - l. The wireless telecommunications facility shall be designed for colocation, unless it is found that current technological requirements preclude colocation.
2. **Traffic Safety.** All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
 3. **Blending Methods.** All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures. If a ground-mounted wireless telecommunications facility is proposed to resemble a tree, other similar tree species shall be planted adjacent to and/or around the facility to enhance the concealing effect.
 4. **Equipment.** The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future colocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
 5. **Support Structures.**
 - a. **Pole-Mounted Only.** Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section 19.85.080 is granted.
 - b. **Utility Poles.** Wireless telecommunications facilities shall not be located on wooden poles. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.
 - c. **Light Poles.** The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.

- d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
- e. Equipment mounted on a support structure shall not exceed three (3) cubic feet in dimension.
- f. No new guy wires shall be allowed unless required by other laws or regulations.
- g. An exception pursuant to Section 19.85.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
- h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible. For example, if an eligible support structure within 90 feet of the proposed new structure is available for collocation, then the proposed facility should be collocated on such eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact public view corridors, as defined in any applicable specific plan, or code, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.

- i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.
8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of a right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located in a manner that would interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment located in the PROW. Not including the electric meter, for wireless telecommunications facilities located in the PROW, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 19.85.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence.

Such above-ground accessory equipment shall be installed along the side of the street with no homes.

12. Accessory Equipment not located in the PROW.
 - a. Any and all accessory equipment, or other equipment associated with the operation of the facility, including, but not limited to, transmission cables, shall be located within a building, a walled enclosure, or underground vault. The design shall be in a manner that complies with the development standards of the zoning district in which such equipment is located.
 - b. If accessory equipment is located above ground in a walled enclosure, it shall be visually compatible with surrounding buildings and be made of solid masonry block wall, or another approved material, in a design theme appropriate for the area. The walled enclosure shall be constructed and maintained to screen the accessory equipment from view.
13. Landscaping.
 - a. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
 - b. For ground-mounted wireless telecommunications facilities, where appropriate, a landscaped planter (minimum of three feet) shall be located and maintained adjacent on the outside area of the decorative wall or fence securing the ground-mounted facility. Landscape trees that frame and soften the visual impact of a ground-mounted facility shall be provided within the landscape planter.
14. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
15. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

- d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
16. Noise.
- a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by Chapter 7.34 of the Perris Municipal code.
 - c. Accessory equipment shall mitigate all noise to existing ambient levels.
17. Security.
- a. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The planning director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.
 - b. Ground-mounted wireless telecommunications facilities not located in the PROW shall be secured from access by the general public with a decorative fence or wall, as determined by the planning director. To the extent feasible, the decorative fence or wall shall incorporate vines to prevent graffiti. If vines are not provided, clear anti-graffiti material shall be applied to all areas at risk of graffiti, unless it is demonstrated to the planning director that adequate security and maintenance will ensure the prevention of graffiti.
18. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding

the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

19. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
20. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the planning director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the planning director or the approving city body.

19.85.080 - LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the location of a Major WTFP shall conform to the following in order of preference (least preferred to most preferred):
 1. Located 500 feet away from any property containing a residential structure or zoned for residential use;
 2. Collocated with an existing facility to make the existing and proposed collocated facilities stealth;
 3. Located in an industrial zoning district;
 4. Located in a commercial zoning district;
 5. Attached to an existing structure such as a building, church steeple, utility
- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an "exception" under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii);
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless

telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted service coverage levels from the proposed facility without all adjacent facilities.

- b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.
 3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available; and
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. **Scope.** The planning commission or planning director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or planning director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

19.85.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.

- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:
 - 1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 - 2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.

- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the planning director of to the cancellation or material modification of any applicable insurance policy.

- D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. 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 property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course.

- E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the planning director in in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.

- F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.
- G. Contact Information. Each permittee of a wireless telecommunications facility shall provide the planning director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - 1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW.
 - 2. General dirt and grease;
 - 3. Chipped, faded, peeling, and cracked paint;
 - 4. Rust and corrosion;
 - 5. Cracks, dents, and discoloration;
 - 6. Missing, discolored or damaged artificial foliage or other camouflage;
 - 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
 - 8. Broken and misshapen structural parts; and
 - 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed

landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the planning director.

- J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the planning director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
- L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
- M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
- N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
- O. Interference.
 - 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.
 - 2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.

- a. **Signal Interference.** The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.
 - b. **Physical Interference.** The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
 3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. **RF Exposure Compliance.** All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. **Records.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the 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 or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- R. **Attorney's Fees.** In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

19.85.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

19.85.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

19.85.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.

- C. **Timing of Installation.** The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.
- D. **Commencement of Operations.** The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the planning director notice that operations have commenced by the same date.

19.85.130 - CESSATION OF USE OR ABANDONMENT.

- A. 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 unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the planning director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the planning director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the planning director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities 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
 - 5. Any other remedies permitted under this code or by law.

19.85.140 - REMOVAL AND RESTORATION IN THE PROW—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility from the PROW and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the

landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.

- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the planning director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
1. Prosecution;
 2. Acting on any security instrument required by this chapter or conditions of approval of permit;
 3. Removal of the facilities 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 by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five 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 facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility 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 facility 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 facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

19.85.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

19.85.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

19.85.170 - LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.
- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- C. An aggrieved person may file an appeal to the city council of any decision of the planning director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

ORDINANCE (Next in order)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS,
CALIFORNIA, AMENDING CHAPTER 19.85 OF THE MUNICIPAL
CODE IN ITS ENTIRETY TO UPDATE AND REVISE REGULATIONS
FOR WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC
AND PRIVATE PROPERTY WITHIN THE CITY OF PERRIS**

WHEREAS, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities ("SWFs"), requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and

WHEREAS, in addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock; and

WHEREAS, given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to amend Chapter 19.85 of the Perris Municipal Code, entitled "Chapter 19.85 - WIRELESS TELECOMMUNICATIONS FACILITIES" in its entirety to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, on March 20, 2019, the Planning Commission held a duly noticed public hearing on Ordinance Amendment No. 19-05041, which is attached hereto as Exhibit A, (hereafter, this Ordinance and Ordinance Amendment No. 19-05041 shall collectively be referenced as "Ordinance"), reviewed and considered the staff report, other written reports, public testimony and other information contained in the record and, at the conclusion of the public hearing, recommended that the City Council adopt the Ordinance; and

WHEREAS, on April 9, 2019, the City Council held a duly noticed public hearing on this Ordinance, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

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

Section 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

Section 2. This Ordinance is consistent with the City’s General Plan, Perris Municipal Code, Perris Zoning Code and applicable Federal and State law.

Section 3. This Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

Section 4. This Ordinance is categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, as the proposal is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

Section 5. This Ordinance is hereby adopted by the amendment of Chapter 19.85, “WIRELESS TELECOMMUNICATIONS FACILITIES,” in Title 19 of the Perris Municipal Code, in its entirety, to read in its entirety as shown in Exhibit A attached hereto and incorporated herein by this reference.

Section 6. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

Section 7. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

Section 8. This Ordinance shall take effect 30 days after its adoption.

Section 9. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019.

Michael M. Vargas, MAYOR

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF Riverside)
CITY OF Perris)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number (next in order) was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 9th day of April, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

Nancy Salazar, City Clerk

Chapter 19.85 - WIRELESS TELECOMMUNICATIONS FACILITIES

19.85.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way ("PROW") in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission ("FCC") and California Public Utilities Commission ("CPUC"), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

19.85.020 - DEFINITIONS.

"Accessory equipment" means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

"Antenna" means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. "Antenna" is specific to the antenna portion of a wireless telecommunications facility.

"Antenna array" shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

"Base station" shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing

DAS and small cells). “Base station” does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

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

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Perris.

“Code” means the Perris Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and

2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (See, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless

telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Planning director” means the director of planning, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style.

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or
 - c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by resolution of the city council implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and 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. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

19.85.030 - APPLICABILITY.

- A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the City.
- B. Pre-existing Facilities. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- C. This chapter does not apply to the following:
 1. Amateur radio facilities;

2. OTARD antennas;
3. Facilities owned and operated by the city for its use or for public safety purposes;
4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the planning director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.

D. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city's use and use by the public.

19.85.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

- A. Administration. The planning director is responsible for administering this chapter. As part of the administration of this chapter, the planning director may:
1. Interpret the provisions of this chapter;
 2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in and outside the PROW, as applicable, taking into account the zoning districts and those zoning districts bounding the PROW;
 4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
 5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
 6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).

1. An Administrative WTFP, subject to the planning director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:
 - a. The proposal is determined to be for a SWF located in the PROW; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the planning director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the planning director shall convert the application to a Major WTFP and refer it to the planning commission hearing.
3. Except in the case of an eligible facilities request, the planning director may refer, in his/her discretion, any application for an Administrative WTFP to the planning commission for hearing. This exercise of discretion shall not apply to an eligible facilities request.

C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are *not* qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.

D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF

Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.

1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

19.85.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the SWF Regulations shall control.
1. All applications for WTFPs shall be initially submitted to the planning director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the planning director and published on the city's website.
 2. Application Submittal Appointment. All WTFP applications must be submitted to the planning director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications

for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.

- B. **Application Contents—Administrative WTFPs.** The content of the application form for facilities subject to an Administrative WTFP shall be determined by the planning director, but at a minimum shall include the following:
1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
 2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
 3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.
 4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
 6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
 7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.

9. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.

C. Application Contents—Major WTFPs. The planning director shall develop an application form and make it available to applicants upon request and post the application form on the city’s website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the planning director:

1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.
2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
3. A full written description of the proposed wireless telecommunications facility and its purpose.
4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including 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 be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.
 - c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.

- e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
 - a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 - b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.
8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to

exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.

9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.
11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") 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.
12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 7.34 of this code.
14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the wireless telecommunication facility.
16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.

17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or planning director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or planning director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.
- F. Costs. Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. If an applicant proposes a replacement pole or street light to accommodate a SWF, then the applicant shall also pay for all City costs relating to any pole replacement as provided further in the SWF Regulations.
- G. Effect of State or Federal Law on Application Process. In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the planning director is authorized to omit, modify or add to that request from the city’s application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the planning director or his or her designee. The planning director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.
- H. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or planning director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days

when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.

- I. **Waiver of Applications Superseded by Submission of New Project.** If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, “substantially revised,” includes, but is not limited to, where the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or where the proposed revisions constitute a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. **Rejection for Incompleteness.** WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the planning director by notifying the applicant in writing and specifying the material omitted from the application.

19.85.060 - REVIEW PROCEDURE.

- A. **Generally.** Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the PROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.
- B. **Collocation Encouraged.** Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- C. **Findings Required for Approval.**
 - 1. **Administrative WTFP Applications for SWFs.** For WTFP applications proposing a SWF, the planning director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and

- b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.
- 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the planning director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.
- 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:
 - a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
 - b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
 - c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
 - d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
 - e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.
- D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.
 - 1. Administrative WTFPs: No notice is required for Administrative WTFPs.
 - 2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing. Notice of such hearing shall be provided in accordance with

Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.

3. **Written Decision Required for All WTFP Determinations.** Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the planning director, shall provide written notice including the following:
 - a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.
5. The decision of the approving authority, as applicable, as to any Administrative WTFP shall be final.
6. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title.. 19 of the Municipal Code, Section 19.74.080 (Appeals). The appellate authority may hear the appeal de novo.

- E. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

19.85.070 - DESIGN AND DEVELOPMENT STANDARDS.

- A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city's grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.
- B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 19.85.060 have been made are subject to the following conditions, unless modified by the approving authority:
 - 1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
 - 2. No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
 - 3. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the city shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.

- a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
- b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.
- c. Exterior finishes for a facility and accessory equipment shall consist of non-reflective materials and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings, structures, and/or landscaping.
- d. Wall-mounted and/or roof-mounted wireless telecommunications facilities shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached so as to appear a natural aesthetic extension of the building or structure design to minimize the facility's visual impact.
- e. Wireless telecommunications facilities shall not interfere with the ingress or egress to, or with the circulation, of the property on which it is located.
- f. Wireless telecommunications facilities and any accessory equipment shall comply with the setback and height requirements for the zone in which it is located.
- g. Wireless telecommunications facilities may be subject to PROW improvements at the discretion of the city engineer.
- h. Wireless telecommunications facilities shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area, or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area.
- i. No temporary wireless telecommunications facilities shall be permitted within the city except to allow for signal strength testing in conjunction with a submitted application.

- j. All applicable building, construction, and business permits shall be acquired by the applicant prior to construction of a wireless telecommunication facility.
 - k. Wireless telecommunications facilities shall be located consistent with Section 19.85.080 (Location Restrictions) unless an exception is granted.
 - l. The wireless telecommunications facility shall be designed for colocation, unless it is found that current technological requirements preclude colocation.
2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures. If a ground-mounted wireless telecommunications facility is proposed to resemble a tree, other similar tree species shall be planted adjacent to and/or around the facility to enhance the concealing effect.
4. Equipment. The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
5. Support Structures.
- a. Pole-Mounted Only. Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section 19.85.080 is granted.
 - b. Utility Poles. Wireless telecommunications facilities shall not be located on wooden poles. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.
 - c. Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.

- d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
- e. Equipment mounted on a support structure shall not exceed three (3) cubic feet in dimension.
- f. No new guy wires shall be allowed unless required by other laws or regulations.
- g. An exception pursuant to Section 19.85.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
- h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible. For example, if an eligible support structure within 90 feet of the proposed new structure is available for collocation, then the proposed facility should be collocated on such eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact public view corridors, as defined in any applicable specific plan, or code, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.

- i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.
8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of a right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located in a manner that would interfere with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment located in the PROW. Not including the electric meter, for wireless telecommunications facilities located in the PROW, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 19.85.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence.

Such above-ground accessory equipment shall be installed along the side of the street with no homes.

12. Accessory Equipment not located in the PROW.
 - a. Any and all accessory equipment, or other equipment associated with the operation of the facility, including, but not limited to, transmission cables, shall be located within a building, a walled enclosure, or underground vault. The design shall be in a manner that complies with the development standards of the zoning district in which such equipment is located.
 - b. If accessory equipment is located above ground in a walled enclosure, it shall be visually compatible with surrounding buildings and be made of solid masonry block wall, or another approved material, in a design theme appropriate for the area. The walled enclosure shall be constructed and maintained to screen the accessory equipment from view.
13. Landscaping.
 - a. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
 - b. For ground-mounted wireless telecommunications facilities, where appropriate, a landscaped planter (minimum of three feet) shall be located and maintained adjacent on the outside area of the decorative wall or fence securing the ground-mounted facility. Landscape trees that frame and soften the visual impact of a ground-mounted facility shall be provided within the landscape planter.
14. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
15. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

- d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
16. Noise.
- a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by Chapter 7.34 of the Perris Municipal code.
 - c. Accessory equipment shall mitigate all noise to existing ambient levels.
17. Security.
- a. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The planning director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.
 - b. Ground-mounted wireless telecommunications facilities not located in the PROW shall be secured from access by the general public with a decorative fence or wall, as determined by the planning director. To the extent feasible, the decorative fence or wall shall incorporate vines to prevent graffiti. If vines are not provided, clear anti-graffiti material shall be applied to all areas at risk of graffiti, unless it is demonstrated to the planning director that adequate security and maintenance will ensure the prevention of graffiti.
18. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding

the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

19. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
20. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the planning director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the planning director or the approving city body.

19.85.080 - LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the location of a Major WTFP shall conform to the following in order of preference (least preferred to most preferred):
 1. Located 500 feet away from any property containing a residential structure or zoned for residential use;
 2. Collocated with an existing facility to make the existing and proposed collocated facilities stealth;
 3. Located in an industrial zoning district;
 4. Located in a commercial zoning district;
 5. Attached to an existing structure such as a building, church steeple, utility
- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an "exception" under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii);
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless

telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted service coverage levels from the proposed facility without all adjacent facilities.

- b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.
 3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available; and
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. Scope. The planning commission or planning director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or planning director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

19.85.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.

- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:
1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.
- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the planning director of to the cancellation or material modification of any applicable insurance policy.
- D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. 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 property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course.
- E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the planning director in in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.

- F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.
- G. Contact Information. Each permittee of a wireless telecommunications facility shall provide the planning director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW.
 2. General dirt and grease;
 3. Chipped, faded, peeling, and cracked paint;
 4. Rust and corrosion;
 5. Cracks, dents, and discoloration;
 6. Missing, discolored or damaged artificial foliage or other camouflage;
 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
 8. Broken and misshapen structural parts; and
 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed

landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the planning director.

- J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the planning director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
- L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
- M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
- N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
- O. Interference.
 - 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.
 - 2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.

- a. **Signal Interference.** The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.
 - b. **Physical Interference.** The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
 3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. **RF Exposure Compliance.** All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. **Records.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the 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 or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- R. **Attorney's Fees.** In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

19.85.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

19.85.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

19.85.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.

- C. **Timing of Installation.** The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.
- D. **Commencement of Operations.** The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the planning director notice that operations have commenced by the same date.

19.85.130 - CESSATION OF USE OR ABANDONMENT.

- A. 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 unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the planning director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the planning director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the planning director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities 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
 - 5. Any other remedies permitted under this code or by law.

19.85.140 - REMOVAL AND RESTORATION IN THE PROW—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility from the PROW and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the

landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.

- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the planning director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
1. Prosecution;
 2. Acting on any security instrument required by this chapter or conditions of approval of permit;
 3. Removal of the facilities 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 by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five 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 facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility 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 facility 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 facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

19.85.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

19.85.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

19.85.170 - LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.
- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- C. An aggrieved person may file an appeal to the city council of any decision of the planning director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

RESOLUTION NO. (Next in order)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING CITY COUNCIL POLICY (next in order) TO ESTABLISH REGULATIONS FOR PERMITTING, OPERATION, AND MAINTENANCE OF SMALL WIRELESS FACILITIES (SWF) WITHIN THE CITY OF PERRIS

WHEREAS, on September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities (“SWFs”), requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and

WHEREAS, given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to establish a policy that 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 interstate or intrastate 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 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 unfair, 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; and

WHEREAS, the City of Perris desires to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, on March 20, 2019, the Planning Commission held a duly noticed public hearing on proposed Ordinance Amendment No. 19-05041 which would update and revise Chapter 19.85, “WIRELESS TELECOMMUNICATIONS FACILITIES,” of the Perris Municipal Code, and reviewed and considered the staff report, other written reports, public testimony and other information contained in the record and, at the conclusion of the public hearing, recommended that the City Council adopt Ordinance Amendment No. 19-05041; and

WHEREAS, Ordinance Amendment No. 19-05041 requires the adoption of a City Council Policy for the regulation of Small Wireless Facilities; and

WHEREAS, at the same meeting, the Planning Commission also reviewed a Council Policy on Small Wireless Facilities Per 47 CFR 1.6002(1), attached hereto as *Exhibit A*, (“Policy”); and

WHEREAS, on April 9, 2019, the City Council held a duly noticed public hearing on the Policy, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The facts set forth in the recitals in this Resolution are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Resolution.

Section 2. The Resolution is consistent with the City’s General Plan, Perris Municipal Code, Perris Zoning Code and applicable Federal and State law.

Section 3. The Resolution will not be detrimental to the public interest, health, safety, convenience or welfare.

Section 4. The Resolution is categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, as the proposal is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

Section 5. Based on the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City Staff and members of the public, the City Council finds in regards to the Policy to establish requirements for permitting, operation, and maintenance of small wireless facilities within the City of Perris SWF, as follows:

1. Significant changes in federal law have recently been enacted, which affect local authority over small wireless facilities, as defined in 47 CFR 1.6002(1).
2. In response to these legislative changes, the City proposes adoption of new City Council Policy (next in order), attached hereto as *Exhibit A*, which would establish requirements for permitting, operation, and maintenance of small wireless facilities within the City of Perris.

3. City Council Policy for Small Wireless Facilities (next in order), attached hereto as Exhibit A, would provide the maximum amount of local control for small wireless facilities considering the revisions to federal regulations.

Section 6. Based on the foregoing, the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City Staff and members of the public, the City Council hereby adopts City Council Policy (next in order), and all associated exhibits are hereby approved, attached hereto as *Exhibit A*.

Section 7. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution or the Policy be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 6. The Mayor shall sign this Resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 9th day of April, 2019.

Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

RESOLUTION NO. (Next in order)
CITY COUNCIL OF THE CITY OF PERRIS
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STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number (next in order) was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of April 2019, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

Exhibits:

A. City Council Policy (next in order)

COUNCIL POLICY
SMALL WIRELESS FACILITIES PER 47 CFR 1.6002(1)
“SWF REGULATIONS”

<u>SUBJECT:</u> Small Wireless Facilities (Administrative Approvals and Standards)	<u>POLICY NO.:</u> ____	<u>DATE ADOPTED:</u>
	<u>AUTHORITY:</u> Resolution No. __ - __	

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EXHIBIT A

City Council Policy

SECTION 1. GENERAL PROVISIONS

SECTION 1.1 PURPOSE AND INTENT

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 interstate or intrastate 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 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 unfair, 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 GENERAL DEFINITIONS

- (a) **Undefined Terms.** Undefined phrases, terms or words in this Policy will have the meanings assigned to them in Chapter 19.85 of the Perris Municipal Code, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this Policy conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.
- (b) **Defined Terms.**
- (1) **“approval authority”** means the City official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve or deny such applications as provided in this Policy. The approval authority for applications in connection with small wireless facilities within the public rights-of-way shall be the Planning Manager.
 - (2) **“arterial road”** means a road designed as per the City of Perris General Plan Circulation Element. The term “arterial road” as used in this Policy includes freeways, prime arterials, urban major and major roadways as defined in the City of Perris General Plan, Circulation Element.
 - (3) **“collector road”** means a road designed primarily as per the City of Perris General Plan Circulation Element. The term “collector road” as used in this Policy includes collectors as defined in the City of Perris General Plan, Circulation Element.
 - (4) **“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 but

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would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.

- (5) **“decorative pole”** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
- (6) **“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 from time to time.
- (7) **“ministerial permit”** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, a building permit, construction permit, electrical permit, encroachment permit, excavation permit and/or traffic control permit.
- (8) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (9) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- (10) **“RF”** means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- (11) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- (12) **“Small cell”** bears the same meaning as “small wireless facility” or “SWF” as used in Chapter 19.85 of the Municipal Code.

SECTION 2. SMALL WIRELESS FACILITIES

SECTION 2.1 APPLICABILITY; REQUIRED PERMITS AND APPROVALS

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

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facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way (PROW).

SECTION 2.2 SMALL CELL PERMIT APPLICATION REQUIREMENTS; PRE-APPLICATION PUBLIC NOTICING REQUIREMENTS

- (a) **Small Cell Permit Application Contents.** All applications for a SWF WTFP must include all the information and materials required in this subsection (a), unless exempted by the approval authority.
- (1) **Application Form.** The applicant shall submit a complete, duly executed SWF WTFP application on the then-current form prepared pursuant to Chapter 19.85 of the Municipal Code.
 - (2) **Application Fee.** The applicant shall submit the applicable SWF WTFP application fee established by City Council resolution. Batched applications must include the applicable application fee for each SWF in the batch.
 - (3) **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, 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 15' 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 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, and public utility regulations and orders.
 - (4) **Site Survey.** For any SWF proposed to be located within the PROW, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 100 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

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drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.

- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed SWF 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.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a SWF as defined by the FCC in 47 C.F.R. 1.6002(l). A complete written narrative analysis will 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 facility meets each required finding for a SWF permit as provided in Section 2.4.
- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed SWF, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) 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.
- (8) **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.
- (9) **Site Agreement.** For any SWF proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant must enter into a site agreement prepared on a form prepared by the City and approved by the City Attorney that states the terms and conditions for such non-exclusive 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.

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- (10) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer 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. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- (11) **Wind Load Analysis.** The applicant shall submit a wind load analysis with an evaluation of high wind load capacity and shall include the impact of modification of an existing facility.
- (12) **Environmental Data.** A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
- (13) **FAA Documentation.** Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
- (14) **Traffic Control Plan (TCP).** A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
- (15) **Landscape Plan.** A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the SWF and its accessory equipment.
- (16) **CPCN.** Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the PROW. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
- (17) **No Curb, Gutter, Sidewalk.** For any proposed facility area that is adjacent to a street and is at-grade with no curb and gutter, the applicant shall submit clear and convincing evidence, including without limitation plat maps, a survey, or mapped dedications of record, which demonstrates that the proposed facility area qualifies as a PROW and does not intrude upon private property.

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- (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 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 (or posted upon the City's website).

SECTION 2.3 SMALL CELL PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- (a) **Preliminary Review Application.** For purposes of SWFs only, and notwithstanding any contrary provisions of Chapter 19.85, the City does not require Preliminary Review applications as a prerequisite for the submission of SWF WTFPs application. However, the City strongly encourages applicants to submit a Preliminary application for all proposed SWF projects, and particularly those that involve more than five SWFs. This voluntary pre-submittal application process does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal review 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. City staff shall use reasonable efforts to provide written feedback after reviewing the preliminary application.
- (b) **Batched Applications.** Applicants may submit up to five individual applications for a SWF permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each site in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.
- (c) **Additional Procedures.** The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice (or posted upon the City's website).

SECTION 2.4 ADDITIONAL FINDINGS FOR SWFs

- (a) **Required Findings.** In addition to those finding requirements set forth in Chapter 19.85 for SWF WTFP, the following findings are required for the approval or conditional approval of a SWF application:

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- (1) The proposed SWF would not be located on a prohibited support structure identified in this Policy;
 - (2) The proposed SWF would utilize the most preferred support structure and location within 250 feet from the originally proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) or locations within 250 feet would be technically infeasible;
 - (3) All public notices required for the application have been given.
- (b) Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, no decision upon a SWF application shall be premised upon the environmental or health effects of RF emissions, nor shall public comments be considered to the extent they are premised upon the environmental or health effects of RF emissions.

SECTION 2.5 STANDARD CONDITIONS OF APPROVAL

- (a) **General Conditions.** In addition to all other conditions adopted by the approval authority and Chapter 19.85 for a SWF permit, all SWF WTFPs issued under this Policy shall be automatically subject to the conditions in this subsection (a).
- (1) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a SWF 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, GIS data and site photographs.
 - (2) **Adverse Impacts on Other Properties.** In addition to those requirements in Chapter 19.85 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 violates this condition in whole or in part.
 - (3) **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 upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may,

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but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

- (4) **Future Undergrounding Programs.** If other public 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 underground its equipment except the antennas and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. SWFs 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 state public utilities commission for undergrounding costs.
- (5) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- (6) **Rearrangement and Relocation.** 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 the SWF permit. If the Public Works Director 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 Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or

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relocate the permittee's SWF without prior notice to permittee when the Public Works Director 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 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

- (7) If an applicant proposes a replacement pole or street light to accommodate the SWF, the applicant shall pay for all City costs relating to pole replacement, including but not limited to any pole retirement costs. For example, the City is in the process of purchasing its street light poles from Southern California Edison. This purchase is being financed through a bank by way of lease/purchase agreement with the street light poles securing the lease/purchase agreement. Pursuant to this agreement, the City has the right to retire streetlight poles, provided that it pays certain costs to the bank that is providing the financing. If the applicant is proposing to replace covered street light poles, then the applicant shall pay those costs, if any.

SECTION 2.6 SECTION 2.6. LOCATION REQUIREMENTS

- (a) **Preface to Location Requirements.** Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 250 feet from the proposed site; or (2) any more preferred locations or structures within 250 feet from the proposed site would be technically infeasible to achieve the operator's service objectives, as supported by clear and convincing evidence in the written record. The final subsection of this Section 2.6 identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.

- (1) Allowable locations for SWFs are on existing or replacement infrastructure such as street lights and utility poles.
- (2) When locating in an alley, the SWF shall be placed at a height above the roof line of adjacent buildings to avoid being placed adjacent to a window. When locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings.
- (3) When choosing locations, choose locations in between occupiable buildings rather than immediately adjacent to occupiable buildings, and not adjacent to a window.
- (4) If the SWF is not able to be placed on existing infrastructure, the applicant shall provide a map of existing infrastructure in the service area and describe why each such site was not feasible.

- (b) **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:

- (1) Locations within commercial districts;

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- (2) Locations within industrial districts;
 - (3) Collocated with an existing facility such that both the existing and proposed collocated facilities are stealthed;
 - (4) Any location in any district within 500 feet from any structure approved for a residential use.
- (c) **Support Structures in the Public Rights-of-Way.** The City prefers SWFs to be installed on support structures in the PROW, ordered from most preferred to least preferred, as follows:
- (1) Existing or replacement streetlight poles;
 - (2) Replacement of wood utility poles with non-wooden poles;
 - (3) New, non-replacement streetlight poles;
 - (4) New, non-replacement poles for small wireless facilities.
- (d) **Prohibited Support Structures.** The City prohibits SWFs to be installed on the following support structures:
- (1) Strand-mounted wireless facilities are prohibited;
 - (2) Decorative poles;
 - (3) Wood Poles;
 - (4) Traffic signals, signs, poles, cabinets and related devices;
 - (5) Any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the small cell permit application;
 - (6) New, non-replacement wood poles.

SECTION 2.7 DESIGN STANDARDS

- (a) **Visual & Other General Standards.** SWFs shall be designed in the least visible means possible and to be compatible with support structure/surroundings.
- (1) **Noise.** SWFs and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Municipal Code Chapter 7.34, as may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district/zone.
 - (2) **Lights.** SWFs shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation

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Administration, 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.** SWFs shall not displace any 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. Landscape maintenance must be performed in accordance with Municipal Code Chapter 19.70 including any adopted City policies, as either may be amended or superseded.
 - (A) 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 International Society of Arboriculture certified 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 as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
 - (B) To preserve existing landscaping in the public rights-of-way, all work performed in connection with SWFs 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 replacement trees at the site for the duration of the permit term.
- (4) **Site Security Measures.** SWFs 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 SWFs shall be constructed from or coated with graffiti-resistant materials.
- (5) **Signage; Advertisements.** All SWFs shall contain a site identification sticker that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free 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 FCC, OSHA, Federal Aviation Administration or other United States governmental agencies for compliance with RF emissions regulations. Permittees shall:

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- (A) Remove or paint over unnecessary equipment manufacturer decals and fill-in any visibly depressed manufacturer logos on equipment.
 - (B) Utilize the smallest and lowest visibility stickers required by government or electric utility regulations.
 - (C) Use sticker colors that are muted.
 - (D) Signage shall be maintained in legible condition and the carrier will be required to replace any faded signage within thirty (30) days of receiving written notification from the City that it is in need of replacing.
- (6) **Compliance with Health and Safety Regulations.** All SWFs 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.
- (b) **Dimensions; Design.** Wireless facilities shall be as small, short and unobtrusive as possible.
- (1) **Overall Height.** SWFs may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus four feet or (B) four feet above the existing support structure
 - (2) **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors 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. The wireless facility and accessory equipment shall be camouflaged with use of one or more concealment elements to blend the facility with surrounding materials and colors of the adjacent street light or utility pole to which it is mounted. Concealment elements include:
 - (A) Radio frequency transparent screening;
 - (B) Approved, specific colors;
 - (C) Use of non-reflective material(s);
 - (D) Minimizing the size of the site;
 - (E) Integrating the installation into existing or replacement utility infrastructure;
 - (F) Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site.

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- (G) Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent structure.
- (H) Paint shall be of durable quality.
- (I) Materials shall be non-flammable and non-reflective..
- (J) Each individual antenna may not exceed three cubic feet in volume, unless it can be demonstrated to the satisfaction of the city that a larger antennae is necessary.

(3) Accessory Equipment.

- (A) **Installation Preferences.** SWF accessory equipment shall be enclosed in replacement poles or placed underground where technically feasible, and if not feasible, shall be as small, short and unobtrusive as possible. 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 infeasible 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) **Streetlights.** Applicants that propose to install SWFs on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. 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.
- (d) **For Replacement Poles and Street Lights.** If an applicant proposes a replacement pole or street light to accommodate the SWF, the replacement shall be in the same location as the street light or pole being replaced; unless the replacement will not meet all applicable standards, then replacement may be located in an alternative location that complies with the requirements herein. The applicant shall pay for all City costs relating to pole replacement, including but not limited to any pole retirement costs, as provided in Section 2.5.

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- (e) **New, Non-Replacement Poles.** Applicants that propose to install SWFs on a new, non-replacement pole must install a new streetlight substantially similar to the City'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, 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.
- (1) The new pole must actually function for a purpose other than placement of a wireless facility (e.g. street light, utility pole, etc.).
 - (2) The design must match the dimensions and design of existing and similar types of poles and antennas in the surrounding areas.
- (f) **Encroachments over Private Property.** SWFs located in the PROW may not encroach onto or over any private or other property outside the PROW without the property owner's express written consent.
- (g) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the PROW; 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.
- (h) **Obstructions; Public Safety.** 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.
- (i) **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

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overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

- (j) **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.
- (k) **Electric Meters.**
 - (1) SWFs shall use unmetered (flat rate) electric service, if allowed by the utility company, or use the narrowest, shrouded electric meter and disconnect available. Permittees shall ensure the meter and other enclosures are well maintained, including regular painting, and the use of a graffiti-resistant paint, and stack the disconnect switch above/below the meter, instead of attached to the side of the meter.
 - (2) Electrical meters, vaults and fans shall be located underground where feasible.
- (l) **Building-Mounted Small Wireless Facilities.**
 - (A) **Preferred Concealment Techniques.** All applicants must propose new non-tower SWFs that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).
 - (B) **Facade-Mounted Equipment.** When SWFs cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this Subsection. All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The approval authority may not approve "pop-out" screen boxes. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.
- (m) **Future Modifications.** Any modifications to existing facilities or collocations shall not defeat the concealment elements of the existing structure/facility.



CITY OF PERRIS

PLANNING COMMISSION

AGENDA SUBMITTAL

MEETING DATE: March 20, 2019

SUBJECT: **Ordinance Amendment (OA) 19-05041** - Proposal to adopt an ordinance which amends Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties. **Applicant:** City of Perris

REQUESTED ACTION: **Adopt Resolution 19-05** recommending that City Council find the Ordinance Amendment categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA and that the City Council approve the Ordinance Amendment to amend Chapter 19.85 of the Municipal Code in its entirety, based on the findings.

CONTACT: Dr. Grace Williams, Director of Planning and Economic Development

BACKGROUND:

The City of Perris is proposing an Ordinance Amendment to amend Chapter 19.85 (Wireless Telecommunication Facilities) of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties to address significant changes in law implemented by the Federal Communications Commission (“FCC”). As on September 27, 2018, the FCC released a Declaratory Ruling and Third Report and Order (the “FCC Order”) significantly limiting state and local management of Small Wireless Facilities (SWFs) in the public right-of-way (and, in a limited way, SWFs on private property). In short, the FCC Order does the following:

- Defines SWFs as up to 50 feet in height, including antennas, or mounted on structures no more than 10% taller than other adjacent structures; or that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; each antenna is no more than 3 cubic feet in volume, and the total associated wireless equipment on one structure is no more than 28 cubic feet in volume;
- Caps all fees that local governments can charge to the actual and reasonable cost of providing service. This limitation applies to fees for SWFs located on private property as well;
- Imposes shot clocks of 60 days for SWFs added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWFs proposing a new

structure. The shortened shot clocks also apply to applications for SWFs on private property; and

- Effective April 14, 2019, preempts all aesthetic requirements for SWFs in the PROW unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.

The proposed ordinance has been initiated to amend Chapter 19.85 to provide the regulatory framework and standards for permitting the installation of SWFs within the City's public right-of-way (PROW) and revises and updates the City's standards and regulations in relation to non-SWF wireless telecommunication facilities in response to the FCC Order. The proposed ordinance also addresses "eligible facilities requests," which is a category of wireless facilities that the FCC established as "by-right" installations several years ago, but not yet acknowledged in the Chapter 19.85 of the Municipal Code.

CURRENT CODE:

The City's existing Municipal Code 19.85 contains outdated standards for dealing with small wireless facilities (SWFs) and does not currently recognize or establish procedures and standards for, "eligible facility requests" (EFR) pursuant to Federal law, which has dictated since 2012 that EFR's are ministerial and be approved "by-right."

Currently, Chapter 19.85 regulates the location and design of Wireless Telecommunication Facilities through standards for Small Stealth Wireless Facilities, which are permitted in all zones (e.g., BP, LI, GI, CN, CC & PO) by administrative approval, unless it exceeds the height limitation of the underlying zoning district by 50%, which triggers the requirement for a Conditional Use Permit (CUP). Additionally, Stealth Wireless Facilities proposed in Public zoning districts also require a CUP. The existing code prohibits Small Stealth Wireless Facilities from locating in Residential zoning districts unless they are proposed to be mounted on light or traffic control standards, where they may be permitted pursuant to a CUP. In addition, all non-stealth wireless telecommunication facilities are currently required to obtain a Conditional Use Permit.

DISCUSSION:

4G TO 5G Technology

In prior decades, wireless antennas and equipment were primarily installed on large towers or "macro-cells." These deployments are subject to Conditional Use Permit approval under the Zoning Code. In recent years, however, carriers have increasingly sought to place wireless facilities in the City's public right of way ("PROW") on utility poles, streetlights and new poles. The demand for such wireless installations, particularly small wireless facilities ("SWFs"), is expected to grow exponentially over the next several years given the expansion of home streaming video, social media, drones, self-driving cars and the "Internet of Things" (IoT) serving homes and businesses. To accommodate this expansion, the telecommunications industry is shifting towards Fifth Generation (5G) small cell technology, which is distinguished from the present Fourth Generation (4G) technology by the use of low power transmitters with a lesser coverage radius of approximately 400 feet. Because the coverage radius for 5G small cell technologies is less than the coverage radius for 4G, the spacing between small cell antennas has to be closer and, as a

result, more antennas are required. As such, street light poles, traffic lights, and other public facilities are ideally suited for 5G small cell wireless facility technology.

Federal Telecommunication Act

The Federal Telecommunications Act is intended to ensure that the public has sufficient access to telecommunication services. Based on this Federal law, a local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Further, no State or local government may dictate, or even consider, wireless entitlements based on “the environmental (health) effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” A zoning authority’s mere consideration of health effects, including potential effects on property values due to potential radio frequency emissions, may not serve as “substantial evidence” for purposes of denying a wireless facility. The City’s role in the siting and design of WCFs is generally limited to aesthetics.

Wireless telecommunication providers are treated as telephone companies under their State franchise conferred in California Public Utilities Code Section 7901, and thus are entitled to use the PROW to deploy their equipment. However, even with their right to occupy the PROW, under Section 7901 providers may *not* “unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use.” These limitations on Section 7901 have been interpreted broadly enough to include concerns related to the appearance of a facility,” and thus Section 7901 allows cities to condition a wireless permit on: (i) aesthetic concerns; (ii) restricting the location of proposed facilities due to public safety reasons or other local concerns or even deny applications in appropriate circumstances; and (iii) to exercise reasonable control over the time, place and manner of “when, where, and how telecommunications service providers gain entry to the public rights-of-way,” including the need for encroachment permits. (See, Pub. Util. Code § 7901.)

New FCC Order

The new FCC Order significantly changes Federal law to shorten time frames and other requirements on local review of SWFs in the public right-of-way (PROW). Under the FCC Order, if a city does not render a decision on a SWF application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), the failure to meet the deadline for action will be presumed to violate federal law.

On aesthetics, spacing restrictions and undergrounding requirements, the FCC declare that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. In essence, this new standard for aesthetic conditions means that cities can impose aesthetic requirements to the extent they are “technically feasible” for the provider. This is a significant departure from the “least intrusive means” analysis that developed in the Ninth Circuit over the last few decades. The FCC Order purports to overturn the “least intrusive means” standard entirely, with the new standards taking effect on April 15, 2019.¹

¹ While the legal validity of both of these FCC orders is being litigated, the effectiveness of the orders has not been stayed. Further, another FCC order that was released in August 2018 prohibits cities from imposing a moratorium on wireless installations, which means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

Aesthetic standards implementing the FCC Order must be reasonable, objective, *and published ahead of time*. If a city does not have “published” design standards, then it does not appear that any standards can be enforced. It is therefore important that the City update its ordinance with new standards and procedures by April 14, 2019, or shortly thereafter. Staff therefore, recommends the Planning Commission recommend that the City Council adopt an ordinance setting out the permitting procedures for SWFs in the PROW. The proposed ordinance seeks to balance the community’s need for wireless services with the industry’s need to deploy quickly, and the City’s obligation to maintain safety and protect the aesthetic qualities of our neighborhoods. As drafted, the proposed ordinance would:

- Amend Chapter 19.85 of the Municipal Code in its entirety for all wireless facility installations on public and private property. The ordinance provides, among other regulations, for permit and review procedures as well as operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the ROW by requiring a permit. Once the permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to City infrastructure;
- The substantially shorter “shot clocks” established by the FCC Order render discretionary review by the Planning Commission (or any other hearing body) much more difficult, if not logistically impossible. To this end, the proposed ordinance presents an entirely new administrative review process for SWF applications, with the Planning Division taking the lead for processing SWF applications administratively;
- The new ordinance recognizes and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved “by-right,” which provisions are not currently included in Section 19.85 of the Municipal Code, despite being required by law since 2012;
- The proposed ordinance amendment contains a comprehensive list of permit conditions that will apply to wireless permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity; and
- Finally, the proposed ordinance amendment provides the flexibility needed for the rapidly changing wireless laws and technology by the adoption of a separate Council Policy that outlines SWF design standards to guide administrative approvals so it can be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

To accompany the new ordinance, staff has drafted a separate Draft City Council Policy that will provide the wireless telecommunication industry with direction on the City’s aesthetic, location and design requirements, such as prohibiting lighting unless required by the Federal Aviation Administration. This draft policy document is provided as an attachment to this report for the Planning Commission’s information and once approved by the Council, will be promptly published by staff on the City’s website as required by the FCC Order.

GENERAL PLAN CONSISTENCY:

The proposed Ordinance Amendment is consistent with the City's General Plan (2030), which includes policies that seek to guarantee the adequate distribution of utility services to the entire community in a manner that is compatible with the character of the community. The proposed Ordinance Amendment and accompanying Small Wireless Facility City Council Policy are also consistent with the City's General Plan Policy III.A in the Land Use Element, which seeks to accommodate diversity in the local economy. Finally, the proposed Ordinance Amendment and accompanying Small Wireless Facility Council Policy support the overarching General Plan goal of integrating communication infrastructure that assists and helps coordinate residents, visitors, and emergency personnel during emergency events.

ENVIRONMENTAL DETERMINATION:

The proposed Ordinance Amendment and City Council Policy are found to be categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, as the proposal is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

PUBLIC COMMENT:

A public hearing notice was published in the local newspaper on March 8, 2019, to provide a minimum ten (10) day notice as required by City Code. As of the writing of this report, no comments in opposition have been received from residents or public agencies.

Staff recommends that the Planning Commission adopt Resolution No. 19-05, recommending that City Council find the Ordinance Amendment categorically exempt pursuant to Sections 15060(c)(2) and 15061(b)(3) of CEQA, and that the City Council approve the Ordinance Amendment.

BUDGET (or FISCAL) IMPACT: Cost for staff preparation of this item has been budgeted in the 2018-2019 budget.

Prepared by: Mary Blais, Contract Planner

REVIEWED BY: Kenneth Phung, Planning Manager

Attachments: Exhibit A – Resolution No. 19-05– Wireless Telecommunication Facilities
Exhibit B – Draft CC Ordinance (Next in Order) Wireless Telecommunication Facilities
Exhibit C – Draft Small Wireless Facility CC Policy (Next in Order)

Consent:

Public Hearing: X

Business Item:

Presentation:

Other:

RESOLUTION NUMBER 19-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING THE CITY COUNCIL FIND THE PROPOSED ADOPTION OF ORDINANCE AMENDMENT 19-05041 CATEGORICAL EXEMPT FROM CEQA PURSUANT TO SECTIONS 15060(C)(2) AND 15061(B)(3), AND APPROVING ORDINANCE AMENDMENT 19-05041, TO ADOPT AN ORDINANCE WHICH AMENDS CHAPTER 19.85 OF THE MUNICIPAL CODE IN ITS ENTIRETY TO UPDATE AND REVISE REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTIES, AND THE CORRESPONDING CITY COUNCIL POLICY FOR DESIGN STANDARDS APPLICABLE TO SWFS IN THE PUBLIC RIGHT OF WAY, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the Significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- On September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities ("SWFs"), requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national

standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

WHEREAS, in addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock; and

WHEREAS, Given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City desires to amend Chapter 19.85 of the Perris Municipal Code, entitled "Chapter 19.85 - WIRELESS TELECOMMUNICATIONS FACILITIES" (the "Ordinance") to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable; and

WHEREAS, the proposed ordinance amendment is consistent with the City's General Plan; and

WHEREAS, on March 20, 2019, the Planning Commission conducted a legally noticed public hearing for Ordinance Amendment 19-05041, attached hereto and incorporated herein by this reference as Exhibit A, which amends Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties ("Ordinance Amendment"); and

WHEREAS, this Ordinance Amendment has been duly noticed and all legal prerequisites for the adoption of this resolution have occurred; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Perris as follows:

Section 1. The above recitals are all true and correct and incorporated herein by this reference.

Section 2. The Planning Commission has determined that the project is Categorically Exempt under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(C)(2) and 15061(B)(3), and is in compliance with applicable general plan policies and zoning requirements.

Section 3. Based on the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public, this Commission finds, in regards to the proposed Ordinance Amendment, which amends Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties, as follows:

Ordinance Amendment 19-05041

- A. The proposed Ordinance Amendment will not result in a significant adverse effect on the environment. The California Environmental Quality Act (CEQA) Guidelines state that the project is Categorical Exempt pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15061(b)(3) because adoption of the proposed Ordinance Amendment will not result in a direct or reasonably foreseeable indirect physical change upon the environment.
- B. The proposed Ordinance Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance because the purpose of the Ordinance Amendment is accommodate diversity in the local economy, pursuant to Goal III of the Land Use Element of the General Plan.
- C. The proposed Ordinance Amendment will not have a negative effect on public health, safety, or the general welfare of the community as the proposed Ordinance revises and updates antiquated standards for the design, development and processing of Wireless Facilities, pursuant to recent significant changes in law implemented by the FCC, which are intended to ensure that the public has sufficient access to telecommunication services.

Section 4. Based on the forgoing, the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public, the Planning Commission hereby recommends that the City Council find the Ordinance Amendment, attached hereto and incorporated herein by this reference as Exhibit A, categorically exempt pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15061(b)(3) and that the City Council approve the Ordinance Amendment, which amends Chapter 19.85 of the Municipal Code in its entirety to update and revise regulations for Wireless Telecommunication Facilities on public and private properties.

Section 5. The Planning Commission declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

Section 6. The Chairperson shall sign and the Secretary shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 20th day of March 2019.

CHAIRPERSON, PLANNING COMMISSION

ATTEST:

Secretary, Planning Commission

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Kenneth Phung, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 19-05 was duly adopted by the Planning Commission of the City of Perris at a regular meeting of said Planning Commission on the 20th day of March 2019, and that it was so adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary, Planning Commission

Attachment: Exhibit A – Ordinance 19- (next in order) Wireless Telecommunication Facilities




CITY OF PERRIS

CITY COUNCIL AGENDA SUBMITTAL

MEETING DATE: April 9, 2019

SUBJECT: **Resolution No. (Next In Order)**, Approving the Draft 2019-2024 Consolidated Plan with Analysis of Impediments to Fair Housing Choice and the FY 2019-2020 Action Plan with proposed funding for the Community Development Block Grant (CDBG) program.
Applicant: City of Perris Housing Authority

REQUESTED ACTION: **ADOPT Resolution No. (Next In Order)**, Approving the Draft 2019-2024 Consolidated Plan and the FY 2019-2020 Action Plan with Analysis of Impediments to Fair Housing Choice and FY 2019-2020 Action plan with proposed funding for the Community Development Block Grant (CDBG) program.

CONTACT: Dr. Grace Williams, Director of Planning and Economic Development 

BACKGROUND/DISCUSSION:

The City of Perris currently receives Community Development Block Grant (CDBG) entitlement funds from the U.S. Department of Housing and Urban Development (HUD). The primary purpose of CDBG funds is to benefit persons that earn less than 80% of the area median income (AMI) and reside in an eligible area. The funds must support: 1) decent housing; 2) suitable living environments; and 3) expand economic opportunities for income qualified individuals. Activities must meet one of three national HUD objectives for CDBG: 1) serve low-moderate income persons; 2) aid in the elimination of slum and blight; or 3) address recent, urgent health or welfare needs (e.g., natural disaster). An activity may be eligible because it either benefits an area (activity serves a census tract which has 51% or more low-moderate income persons) or a limited clientele (persons and families with low-to-moderate income).

As part of the process to receive entitlement funds, the City is required to have a Consolidated Plan and an Annual Action Plan in place. The purpose of the Consolidated Plan is to identify community development and housing needs and outline goals and objectives to meet those needs. The Annual Action Plan is the yearly document that details what activities the City will undertake and the amount of funding to be expended on the activities during the current CDBG fiscal year. The City Council adopted its initial Five-Year Consolidated Plan (2009-2014) on May 12, 2009 and its second Five-Year Consolidated Plan (2014-2019) on May 13, 2014. The City is in the final year (fifth) of its current Consolidated Plan (2014-2019) which will expire on June 30th 2019.

Development of the FY 2019-2024 Consolidated Plan and its Relationship to the 2019-2020 Annual Action Plan

The Five-Year Consolidated Plan is a comprehensive analysis of housing and community development needs, including the strategy to address those needs, and an action plan to implement programs that meet those needs. This single document consolidates the planning, application, and reporting requirements of several programs overseen by HUD. The Annual Action Plan focuses primarily on the actions that will be funded in the upcoming year. The Plan must be published for a thirty day public comment period prior to its submittal to HUD. Any comments received during this period may be included in the Annual Action

Plan. The draft Consolidated Plan and the Action Plan was available for public review beginning March 08, 2019 through May 14, 2019 at the Housing Authority public counter. This public hearing is the first of two meetings required to approve the Consolidated Plan and the Annual Action Plan for submission. The final meeting for adoption of the Annual Action Plan is tentatively scheduled for May 14, 2019. A copy of the Consolidated Plan with Analysis of Impediments (AI) to Fair Housing Choice is attached with this report.

Analysis to Impediments to Fair Housing Choice (AI)

In addition to HUD's requirement of a Consolidated Plan to receive entitlement funds, HUD also mandates that CDBG programs affirmatively further fair housing opportunities. Thus, HUD recommends that the AI be updated every 3 to 5 years.

The AI is an extension of the Consolidated Plan. It provides documentation of existing, perceived and potential Fair Housing concerns and specific action strategies designed to mitigate or eliminate obstacles to housing choice for residents in the City of Perris. The AI Study is a strategic planning and policy development resource for local decision-makers, staff, service providers, the private sector, and community leaders.

The AI is an integral component of the Fair Housing planning process and consists of a review of both public and private barriers to housing choice and involves a comprehensive inventory and assessment of the conditions, practices, laws and policies that impact housing choice within a jurisdiction. The AI and any accompanying Supplemental HMDA Data will assist in Fair Housing planning in the city. The attached AI was developed in conjunction with the Consolidated Plan.

Citizen Participation

In accordance with Federal regulations at 24 CFR 91.105 and 91.200, the City implemented a citizen participation process during the development of the Consolidated Plan and AI. The public was informed of the development of the 2019-2020 Consolidated Plan and AI through various community outreach efforts that included public information booths and surveys at City sponsored events that included the End of Summer Splash (September 14, 2018); Harvest Festival (October 19, 2018); and Veterans Day Parade (November 3, 2018). The City further held two community meetings on October 18, 2018 and January 10, 2019, where residents were encouraged to provide input on community issues that helped staff prioritize program and project needs in Perris. A separate stakeholder meeting was held on January 10, 2019 consisting of government agencies, non-profits and private entities. That meeting included a community needs survey that tailored specific to stakeholders invited to that meeting. All surveys were made available in English and Spanish.

Having received community input from all the aforementioned surveys and meeting efforts, the Consolidated Plan and AI were completed and made available to the public for review and comments on March 8, 2019 with the comment period closing on May 14, 2019. These reports are available for public review at city hall at 101 N. D Street, Perris CA 92570.

Annual Fund Amounts

In conformance with the strategy outlined by the Five Year Consolidated Plan, proposed allocations for the 2019-2020 Annual Action Plan are as follow:

2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Estimated 2019/2020 CDBG Grant:	\$956,438
Estimated Carry-over/Unallocated Funds:	\$0
Total Estimated Funding:	\$956,438

CDBG Allowable Distribution of Funds

Public Services (15% of new grant):	\$143,465
Planning/Administration (20% of new grant):	\$191,287
Non-Public Services (Other Eligible Activities):	\$621,686
Estimated Carry-over/Unallocated Funds:	\$0
Total Estimated Funding:	\$956,438

Request For Proposals (RFPs) Submittals

This year, the City received twenty applications for CDBG funds, excluding Administration. A list of the agencies that submitted applications is on file in the Perris Housing Authority.

2019-2020 Funding Recommendation Summary

Preliminary funding recommendations, as made by a city council appointed CDBG sub-committee, were based on priorities as established by: prior year funding, survey data and stakeholder input. The final meeting for adoption of both the Consolidated Plan and the Annual Action Plan is tentatively scheduled for May 14, 2019. Preliminary recommendations are as follow:

Administration	
CDBG Administration	\$191,287
Public Service Allocations	
Riverside Fair Housing Council: Fair Housing Program	\$26,000
Boys & Girls Club of Menifee Valley: Before & After School Program	\$15,000
Family Service Association: Senior Nutrition Program	\$20,000
Oak Grove Center: Full STEAM Ahead	\$10,465
Life Lifters International: Community Life Program	\$15,000
Perris Valley Youth Association: Mentoring Program	\$30,000
Love 4 Life Association: Unbreakable Project	\$12,000
Perris Community Economic Development Corp: Military Employment Program	\$15,000
TOTAL PUBLIC SERVICE ALLOCATIONS	\$143,465
Non-Public Service Allocations	
Perris Engineering Office: Citywide Sidewalk Improvements	\$250,000
Perris Community Svcs Dept: GEAR- Getting Everyone to Actively Ride	\$130,000
Habitat for Humanity: Senior Minor Home Repair & Maintenance Program	\$30,000
Perris Community Economic Development Corp: Perris Microenterprise Financial Assistance Program	\$100,000
Perris Community Economic Development Corp: Perris Commercial Rehabilitation Program	\$111,686
TOTAL NON-PUBLIC SERVICE ALLOCATIONS	\$621,686
TOTAL ESTIMATED CDBG ALLOCATIONS	\$956,438

California Environmental Quality Act (CEQA)

The Five-Year Consolidated Plan update with the Analysis of Impediments to Fair Housing Choice and FY 2019-2020 Action Plan as planning documents are not subject to the California Environmental Quality Act (CEQA) as they would not result in a direct or reasonably foreseeable physical change in the environment pursuant to State CEQA Guidelines 15060 (c)(2) nor considered a project pursuant to State CEQA Guidelines 15060 (c)(3).

PUBLIC NOTICE: Notice was published on March 08, 2019, in the Perris Progress Newspaper (consistent with the City's Citizen Participation Plan) regarding the Action Plan Development and planned Council Meetings to provide citizens with an opportunity to comment on the Draft 2019-2024 Consolidated Plan with AI to Fair Housing Choice and the 2019-2020 Annual Action Plan prior to adoption of the plan.

BUDGET (or FISCAL) IMPACT: The fiscal impact to the FY 2019-2020 City Operating Budget is an increase in revenue of \$956,438.

Prepared by: Sara Cortés de Pavón, Grants Manager

REVIEWED BY: Dr. Grace Williams, Director of Planning and Economic Development

City Attorney _____
Assistant City Manager com
Finance Director pc

Attachments: 1. Resolution No. (Next in order)
Exhibit A: DRAFT FY 2019 – FY 2024 Consolidated Plan
Attachment 1: Analysis of Impediments to Fair Housing Choice
Attachment 2: FY 2019 – 2020 Action Plan for CDBG

Consent:
Public Hearing: X
Business Item:
Presentation:
Other:

Attachment #1

RESOLUTION NO. (Next in order)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, APPROVING THE DRAFT 2019-2024 CONSOLIDATED PLAN WITH THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND THE FY 2019-2020 ACTION PLAN WITH PROPOSED FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FEDERAL ENTITLEMENT PROGRAM

WHEREAS, the City of Perris, pursuant to 24 CFR 91.200 (d) and 91.220 (b), developed a FY 2019 – FY 2024 Consolidated Plan that coordinates all elements of planned community development in the City to include housing, neighborhood development, economic development, and public services; and

WHEREAS, the Plan (Exhibit A) includes four major components to include a Needs Assessment; Housing Market Analysis; Housing and Community Development Five-Year Strategic Plan; and One-Year Action Plan; and

WHEREAS, pursuant to Federal regulations the City Housing Authority solicited public input on the Plan at the End of Summer Splash (September 14, 2018); Harvest Festival (October 19, 2018); Veterans Day Parade (November 3, 2018); two community meetings on October 18, 2018 and January 10, 2019; and a separate stakeholder meeting consisting of government agencies, non-profits and private entities on January 10, 2019; and

WHEREAS, the Plan is accompanied by an Analysis of Impediments to Fair Housing Choice (Attachment 1) that presents a demographic profile of the City of Perris, assesses the extent of fair housing issues among specific groups, and evaluates the availability of a range of housing choices for all residents.; and

WHEREAS, the Plan includes a 2019-2020 Annual Action Plan (Attachment 2) that provides \$956,438 worth of CDBG related programs and projects that were reviewed and approved by a City Council appointed CDBG sub-committee; and

WHEREAS, On April 9, 2019, the City Council considered the Analysis of Impediments to Fair Housing Choice and the FY 2019-2020 Action Plan for the CDBG Federal Entitlement Program; and

WHEREAS, the approvals herein are preliminary for inclusion in the Draft Consolidated Plan with final approvals to be adopted on May 14, 2019; and

WHEREAS, the Five-Year Consolidated Plan update with the Analysis of Impediments to Fair Housing Choice and FY 2019-2020 Action Plan as planning documents are not subject to the California Environmental Quality Act (CEQA) as they would not result in a direct or reasonably foreseeable physical change in the environment pursuant to State CEQA Guidelines 15060 (c)(2) nor considered a project pursuant to State CEQA Guidelines 15060 (c)(3).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, as follows:

SECTION 1. That the City Council has determined that the Five-Year Consolidated Plan update with the Analysis of Impediments to Fair Housing Choice and FY 2019-2020 Action Plan as planning documents are not subject to CEQA pursuant to Sections 15060 (c)(2) and 15060 (c)(3).

SECTION 2. That the City Council hereby approves the Draft 2019-2024 Consolidated Plan update with the Analysis of Impediments to Fair Housing Choice and FY 2019-2020 Action Plan for the CDBG Federal Entitlement Program.

SECTION 3. That the City Council direct staff to schedule the Resolution and approvals herein for final consideration at the May 14, 2019 City Council hearing.

SECTION 4. That the City Clerk shall attest and certify to the passage of this resolution and it shall thereupon take effect and be in full force.

PASSED, APPROVED, AND ADOPTED ON April 9, 2019, BY THE FOLLOWING VOTE:

MAYOR, MICHAEL M. VARGAS

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number ___ was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9th day of April 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

City Clerk, Nancy Salazar

Resolution Exhibits:

- Exhibit A:** DRAFT FY 2019 – FY 2024 Consolidated Plan
- Attachment 1:** Analysis of Impediments to Fair Housing Choice
- Attachment 2:** FY 2019 – 2020 Action Plan for CDBG

Verbal Presentation