



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA

CITY COUNCIL

CITY OF ROLLING HILLS

Adjourned City Council Meeting Thursday, December 14, 2023

7:00 PM

The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here:
<https://www.rolling-hills.org/government/agenda/index.php>

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to City Council meetings can be found here: <https://www.rolling-hills.org/government/agenda/index.php>

Next Resolution No. 1535

Next Ordinance No. 385

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PRESENTATIONS / PROCLAMATIONS / CITY COUNCIL REORGANIZATION**
 - 4.A. **CITY COUNCIL REORGANIZATION**

RECOMMENDATION:

 - A. **PRESENTATION OF NEW MAYOR AND MAYOR PRO-TEM**
 - B. **PRESENTATION TO MAYOR WILSON IN RECOGNITION OF HIS SERVICE DURING HIS 2023 TERM AS MAYOR**
 - C. **COMMENTS FROM OUTGOING MAYOR**
5. **APPROVE ORDER OF THE AGENDA**

This is the appropriate time for the Mayor or Councilmembers to approve the agenda as is or reorder.
6. **BLUE FOLDER ITEMS (SUPPLEMENTAL)**

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.
7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

*This is the appropriate time for members of the public to make comments regarding items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*
8. **CONSENT CALENDAR**

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the

Consent Calendar. The Mayor or any Councilmember may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED
REGULAR MEETING OF DECEMBER 14, 2023

RECOMMENDATION: Approve.

[CL_AGN_231214_CC_AffidavitofPosting.pdf](#)

8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER
READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE
AGENDA

RECOMMENDATION: Approve.

8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: NOVEMBER 13, 2023
REGULAR MEETING

RECOMMENDATION: Approve as presented.

[CL_MIN_231113_CC_F.pdf](#)

8.D. PAYMENT OF BILLS

RECOMMENDATION: Approve as presented.

[CL_AGN_231128_CC_PaymentOfBills.pdf](#)

[CL_AGN_231214_CC_PaymentOfBills_E.pdf](#)

8.E. REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS
FOR OCTOBER 2023

RECOMMENDATION: Receive and file.

[VC_REP_231214_Oct_YTD_TonnageReport.pdf](#)

[VC_REP_231214_Oct_C&D Report.pdf](#)

[VC_REP_231214_Oct_ComplaintLog.pdf](#)

[VC_REP_231206_Complaints List 2023_Redacted.pdf](#)

8.F. ADOPT RESOLUTION NO. 1353 AUTHORIZING SUBMITTAL OF A GRANT
APPLICATION TO CALRECYCLE

RECOMMENDATION: Adopt Resolution No. 1353.

[ResolutionNo1353_CalRecycle_Grant_Applications_F.pdf](#)

[GR_CRC_SB1383Grant2023_Rolling Hills_Application_Certification.pdf](#)

[GR_CRC_SB1383Grant2023_Rolling Hills_SB1383Budget.pdf](#)

[GR_CRC_SB1383Grant2023_OWR4_AppGuidelines_F.pdf](#)

[GR_CRC_SB1383Grant2023_ExhA_SB1383LocalAssistanceTermsandConditionsFY22-23.pdf](#)

8.G. ADOPT RESOLUTION NO. 1354 EXTENDING THE CITY'S DEADLINE FOR
POST-ENTITLEMENT PHASE ONLINE PERMITTING SYSTEM TO JANUARY 1,
2026

RECOMMENDATION: Approve as presented.

[ResolutionNo1354_AB2234_Extension_F.pdf](#)

8.H. APPROVE THE DEVELOPMENT PLANS FOR AN EMERGENCY OUTDOOR
SIREN SYSTEM AT THREE LOCATIONS, DIRECT STAFF TO PROCEED WITH

THE PERMITTING AND INSTALLATION OF THE SIREN SYSTEM, AND MAKE A FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION: Approve as presented.

[PW_OutdoorSirenSystem_Plans_231206.pdf](#)

[CL_AGN_230706_HQE_SirenInstallation_F_A2_E.pdf](#)

[PW_OutdoorSirenSystem_Photos_231205.pdf](#)

- 8.I. APPROVE RE-APPOINTMENTS TO THE PLANNING & TRAFFIC COMMISSIONS FOR THE TERM BEGINNING JANUARY 2, 2024 AND EXPIRING JANUARY 1, 2028

RECOMMENDATION: Approve the re-appointment of Planning Commissioners Chelf and Cardenas and Traffic Commissioners Margeta and Virtue.

9. EXCLUDED CONSENT CALENDAR ITEMS

10. COMMISSION ITEMS

- 10.A. ZONING CASE NO. 23-105: VARIANCE REQUEST FOR CONSTRUCTION OF A PORTION OF A RESIDENTIAL ADDITION TO ENCROACH INTO THE FRONT YARD SETBACK FOR A PROPERTY LOCATED AT 7 PINE TREE LANE (LOT 86-RH) (MIRTORABI), AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION:

Receive and file.

[ATTACHMENT 1_PL_ADR_231116_1: Vicinity Map](#)

[ATTACHMENT2_PL_ADR_231116: Development Table](#)

[ATTACHMENT3_PL_ADR_231116: Photos](#)

[ATTACHMENT4_2023-14_PC_Resolution_7PineTreeLane_ZC23-105_Miratobi_F_E.pdf](#)

[ATTACHMENT5:_PL_ADR_231116 Development Plans](#)

11. PUBLIC HEARINGS

- 11.A. PUBLIC HEARING FOR INTRODUCTION AND FIRST READING OF ORDINANCE NO. 384 OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION: Open the public hearing, receive public testimony, close the public hearing, and make the following actions:

1. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and
2. Introduce for first reading by title only Ordinance No. 384 regarding Wireless Communication Facilities.

[ATTACHMENT1_2023-10_PCRResolution_WCF_Ordinance_112123_D2.pdf](#)
[ATTACHMENT2_384_WirelessOrdinance_Updated PC DRAFT 11-14-2023 REDLINE-c1.pdf](#)
[ATTACHMENT3_PL_WCF_OrdAmend2023_231002_Email_CrownCastle.pdf](#)
[ATTACHMENT4_PL_WCF_OrdAmend2023_231010_CrownCastlePresentation_2SlidesPer](#)
[ATTACHMENT5_CL_AGN_230912_PC_Item9B_RHCA_PublicComment.pdf](#)
[ATTACHMENT6_CL_AGN_230912_PC_Item9B_RHCA_CellAntennaMockUp.pdf](#)
[ATTACHMENT7_CL_AGN_230912_PC_Item9B_RHCA_CellSurveyResults2023.pdf](#)
[ATTACHMENT8_PL_WCF_OrdAmend2023_230815_PCStaffReportONLY.pdf](#)
[ATTACHMENT9_PL_WCF_OrdAmend2023_230912_PCStaffReportONLY.pdf](#)
[ATTACHMENT10_PL_WCF_OrdAmend2023_231017_PCStaffReportONLY.pdf](#)
[ATTACHMENT11_PL_ADR_231017_WCF_Presentation_BBK_Givens_Rolling Hills PC Mtg Wireless Ordinance Presentation 10-17-23-c1_2pages.pdf](#)
[CL_AGN_231121_PC_Item9A_PublicComment01.pdf](#)
[PL_WCF_OrdAmend2023_WirelessApplicationDraft_11-27-23-c1.pdf](#)

12. OLD BUSINESS

12.A. [RECEIVE AND FILE AN UPDATE FROM SITELOGIQ REGARDING THE BATTERY ENERGY STORAGE AND SOLAR PHOTOVOLTAIC PROJECT FOR THE CITY HALL CAMPUS BACK-UP POWER / RESILIENCY AND TIMELINE TOWARDS A PUBLIC HEARING](#)

RECOMMENDATION: Receive and file, provide direction to staff and SiteLogIQ to bring the project presentation to the Planning Commission and RHCA Board before returning for a formal Public Hearing with the City Council.

[CL_AGN_231214_CC_SiteLogIQ_SolarBattery_Presentation.pdf](#)
[CL_AGN_231214_CC_SiteLogIQ_SolarBattery_ProgramProForma.pdf](#)

13. NEW BUSINESS

14. MATTERS FROM THE CITY COUNCIL

15. MATTERS FROM STAFF

16. RECESS TO CLOSED SESSION

17. RECONVENE TO OPEN SESSION

18. ADJOURNMENT

Next regular meeting: Monday, January 8, 2024 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 4.A
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: CITY COUNCIL REORGANIZATION

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

- A. PRESENTATION OF NEW MAYOR AND MAYOR PRO-TEM
- B. PRESENTATION TO MAYOR WILSON IN RECOGNITION OF HIS SERVICE DURING HIS 2023 TERM AS MAYOR
- C. COMMENTS FROM OUTGOING MAYOR

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL
ADJOURNED REGULAR MEETING OF DECEMBER 14, 2023

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:

[CL_AGN_231214_CC_AffidavitofPosting.pdf](#)



Administrative Report

8.A., File # 2101

Meeting Date: 12/14/2023

To: MAYOR & CITY COUNCIL

From: Christian Horvath, City Clerk

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED REGULAR MEETING OF DECEMBER 14, 2023

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body City Council
Posting Type Adjourned Regular Meeting Agenda
Posting Location 2 Portuguese Bend Road, Rolling Hills, CA 90274
 City Hall Window
 City Website: <https://www.rolling-hills.org/government/agenda/index.php>
 https://www.rolling-hills.org/government/city_council/city_council_archive_agendas/index.php

Meeting Date & Time DECEMBER 14, 2023 7:00pm Open Session

As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: December 7, 2023



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.C
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: APPROVE THE FOLLOWING CITY COUNCIL MINUTES: NOVEMBER 13, 2023 REGULAR MEETING

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_MIN_231113_CC_F.pdf](#)



1. CALL TO ORDER

The City Council of the City of Rolling Hills met in person on the above date at 7:00 p.m. Mayor Wilson presiding.

2. ROLL CALL

Councilmembers Present:	Black, Dieringer, Pieper, Mayor Pro Tem Mirsch, Mayor Wilson
Councilmembers Absent:	None
Staff Present:	Karina Bañales, City Manager Christian Horvath, City Clerk / Executive Assistant to the City Manager John Signo, Planning & Community Services Director Pat Donegan, City Attorney

Mayor Wilson recognized new City Manager Karina Bañales at her first official meeting and provided her with an opportunity to speak.

3. PLEDGE OF ALLEGIANCE – City Manager Bañales

4. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS – NONE

5. APPROVE ORDER OF THE AGENDA

Motion by Councilmember Black, seconded by Councilmember Pieper to approve the order of the agenda. Motion carried unanimously with the following vote:

AYES:	Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES:	None
ABSENT:	None

6. BLUE FOLDER ITEMS (SUPPLEMENTAL) – NONE

7. PUBLIC COMMENT ON NON-AGENDA ITEMS – NONE

8. CONSENT CALENDAR

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF NOVEMBER 13, 2023

8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: OCTOBER 23, 2023 REGULAR MEETING; NOVEMBER 7, 2023 SPECIAL FIELD TRIP MEETING

8.D. PAYMENT OF BILLS

- 8.E. REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR SEPTEMBER 2023**
- 8.F. ADOPT RESOLUTION NO. 1352 AUTHORIZING A BUDGET MODIFICATION TO INCREASE APPROPRIATIONS BY \$7,600 IN THE SOUTH BAY COMMUNITY ORGANIZATION ACCOUNT FUNDED FROM AVAILABLE GENERAL FUND RESERVES FOR CONTRIBUTIONS TO LOCAL VOLUNTEER ORGANIZATIONS THAT PROVIDE COMMUNITY BENEFITS AND SERVICES TO THE PUBLIC**
- 8.G. RECEIVE AND FILE MEASURE W, MUNICIPAL SAFE CLEAN WATER (SCW) ANNUAL REPORT FOR FISCAL YEAR 2022-23**
- 8.H. RECEIVE AND FILE SUBMITTAL OF THE ANNUAL MUNICIPAL STORMWATER REPORT FOR FISCAL YEAR 2022-23**
- 8.I. PULLED BY COUNCILMEMBER DIERINGER**

Motion by Councilmember Black, seconded by Councilmember Pieper to approve Consent Calendar except for Item 8I. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES: None
ABSENT: None

9. EXCLUDED CONSENT CALENDAR ITEMS – NONE

8.I. APPROVE REQUEST FROM ROLLING HILLS COMMUNITY ASSOCIATION TO EXECUTE A REVISED LICENSE AGREEMENT WITH COX BUSINESS

Motion by Councilmember Pieper, seconded by Councilmember Black to approve as presented. Motion carried with the following vote:

AYES: Black, Pieper, Mirsch, Mayor Wilson
NOES: Dieringer
ABSENT: None

10. COMMISSION ITEMS

10.A. ZONING CASE NO. 23-049: SITE PLAN REVIEW FOR A 1,957-SQUARE-FOOT ADDITION TO AN EXISTING RESIDENCE, AND CONDITIONAL USE PERMIT TO ADD 244 SQUARE FEET TO AN EXISTING POOL HOUSE, LOCATED AT 19 PORTUGUESE BEND ROAD IN ZONING CASE NO. 23-049 (LOT 80-RH) (HTJGDB/SIU)

Presentation by Planning & Community Services Director John Signo

Motion by Councilmember Pieper, seconded by Mayor Pro Tem Mirsch to receive and file. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES: None
ABSENT: None

11. PUBLIC HEARINGS

11.A. ZONING CASE NO. 22-51: SITE PLAN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH A BASEMENT, ATTACHED GARAGE, FIVE-FOOT-HIGH RETAINING WALLS, NON-EXEMPT GRADING, AND RELATED IMPROVEMENTS; VARIANCES TO CONSTRUCT: (1) A SWIMMING POOL/SPA IN THE FRONT YARD, (2) RETAINING WALLS EXCEEDING AN AVERAGE OF 2 1/2 FEET IN HEIGHT, (3) RETAINING WALLS IN THE FRONT YARD, AND (4) NONEXEMPT GRADING EXPORT ON A PROPERTY LOCATED AT 4 POPPY TRAIL, ROLLING HILLS, CA 90274 (LOT 17-A-PT) (ARVIDSON), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Presentation by Planning & Community Services Director John Signo

Comment on behalf of applicant:

Karin Burger, LA County Public Works, Geotechnical and Materials Engineering Division

Michael Dorta, Senior Civil Engineer, LA County Public Works, Lomita District Office

Dan Bolton, Project Civil Engineer, Bolton Engineering Corp.

John Petross, Project Engineering Geologist, GMU Geotechnical, Inc.

Criss Gunderson, Project Architect

Public Comment: Nikos Constant, John Lacey, Mark Minkes

Motion by Mayor Pro Tem Mirsch, seconded by Mayor Wilson to continue this item and direct staff to work with the applicant to conduct an initial study and bring the results back. Motion failed with the following vote:

AYES: Mirsch, Mayor Wilson
NOES: Black, Dieringer, Pieper,
ABSENT: None

Motion by Councilmember Black, seconded by Councilmember Dieringer to accept the recommendation of approval with the resolution as drafted with direction to staff and the City Attorney's office to include a condition of approval that requires the applicant to defend and indemnify the city in the event of any challenge to the decision. Motion carried with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch,
NOES: Mayor Wilson
ABSENT: None

12. OLD BUSINESS – NONE

13. NEW BUSINESS

13.A. CONSIDERATION AND APPROVAL OF AWARDING A CONSTRUCTION CONTRACT TO VCI CONSTRUCTION, INC. FOR PROVIDING CONSTRUCTION SERVICES ON THE 20C PORTION OF THE CREST ROAD EAST FIRE PREVENTION POWER LINE UNDERGROUNDING PROJECT IN AN AMOUNT NOT TO EXCEED \$577,069.90 FUNDED BY FEMA HAZARD MITIGATION PROGRAM #DR4344-526-112R, AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath

Motion by Mayor Pro Tem Mirsch, seconded by Councilmember Black to approve as presented and direct City staff to award and execute the contract, subject to approval from the City Attorney, upon confirmation from FEMA/CalOES regarding grant extension request. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES: None
ABSENT: None

14. MATTERS FROM THE CITY COUNCIL

14.A VERBAL REPORT FROM THE AD HOC FIRE FUEL COMMITTEE ON THE OCTOBER 20, 2023 MEETING

Presentation by Councilmember Dieringer

Public Comment: Alfred Visco, Marian Visco

Motion by Councilmember Dieringer, seconded by Councilmember Pieper to table for further discussion until receipt of further information from the Los Angeles County Fire Department relating to initial fire fuels study. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES: None
ABSENT: None

15. MATTERS FROM STAFF

15.A UPDATE ON POLE SITING LOCATIONS SPECIFIC TO THE DEVELOPMENT PLANS FOR AN EMERGENCY OUTDOOR SIREN SYSTEM BASED ON FEEDBACK FROM THE OCTOBER 23, 2023 CITY COUNCIL MEETING

Presentation by City Clerk / Executive Assistant to the City Manager Christian Horvath

Public Comment: Melissa McNabb

Motion by Mayor Pro Tem Mirsch, seconded by Councilmember Black to receive and file. Motion carried unanimously with the following vote:

AYES: Black, Dieringer, Pieper, Mirsch, Mayor Wilson
NOES: None
ABSENT: None

16. RECESS TO CLOSED SESSION – NONE

17. RECONVENE TO OPEN SESSION – NONE

18. ADJOURNMENT: 10:08 P.M.

The meeting was adjourned at 10:08 p.m on November 13, 2023. The next regular adjourned meeting of the City Council is scheduled to be held on Monday, December 14, 2023 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: <https://www.rolling-hills.org/government/agenda/index.php>

All written comments submitted are included in the record and available for public review on the City website.

Respectfully submitted,

Christian Horvath, City Clerk

Approved,

Patrick Wilson, Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.D
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: PAYMENT OF BILLS

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_AGN_231128_CC_PaymentOfBills.pdf](#)

[CL_AGN_231214_CC_PaymentOfBills_E.pdf](#)

CITY OF ROLLING HILLS
AP24-006, ACH24-009, ACH24-010
 Check Run 11/22/2023

Check No.	Check Date	Payee	Description	Amount
028428	11/22/2023	4Leaf, Inc.	Code Enforcement Services for October 2023	5,130.00
028429	11/22/2023	AC Pros	HVAC Project 2023-01 - Retainage	11,915.96
028430	11/22/2023	Bennett Landscape	3 Rail Equestrian Fence Proj 2023-03 Retainage	1,214.75
028431	11/22/2023	Best Best & Krieger LLP	BBK-General Services-October 2023	5,605.00
028431	11/22/2023	Best Best & Krieger LLP	BBK-Legal Land Use-October 2023	570.00
028431	11/22/2023	Best Best & Krieger LLP	BBK-Wireless Ord.-Legal - October 2023	6,050.00
CHECK TOTAL			\$ 12,225.00	
028432	11/22/2023	Cell Business Equipment	Postage Machine Ink Refills	344.90
028432	11/22/2023	Cell Business Equipment	Sharp Printer - Cost per Copy 07-05-23 to 10-04-23	1,430.81
CHECK TOTAL			\$ 1,775.71	
028433	11/22/2023	Southern California News Group	7 Pine Tree Lane-Public Hearing	548.43
028433	11/22/2023	Southern California News Group	DR4344-PJ0526 Crest Rd E 20C-Notice of Bid for	922.58
CHECK TOTAL			\$ 1,471.01	
028434	11/22/2023	County of Los Angeles	October 2023 Animal Care Housing Costs	735.13
028435	11/22/2023	LA County Sheriff's Department	October 2023 Law Enforcement Services	33,732.05
028435	11/22/2023	LA County Sheriff's Department	October 2023 LMT Traffic Enforcement Special Event	854.96
CHECK TOTAL			\$ 34,587.01	
028436	11/22/2023	NV5, INC.	October 2023 Services - Sewer Main Upgrade	1,150.00
028436	11/22/2023	NV5, INC.	October 2023 Services- CORH-22-11241 Flow	1,615.94
CHECK TOTAL			\$ 2,765.94	
028437	11/22/2023	Orkin	Monthly Pest Control October 2023	158.00
028438	11/22/2023	Palos Verdes Security Sys, Inc.	Dec. 2023 CCTV Lease 12-01-23 to 12-31-23	168.00
028438	11/22/2023	Palos Verdes Security Sys, Inc.	Sept. 2023 CCTV Lease 09-01-23 to 09-30-23	168.00
CHECK TOTAL			\$ 336.00	
028439	11/22/2023	State Water Resources Control Board	Annual MS4 Permit Fee FY 2023-2024	7,067.00
ACH-376	11/9/2023	Best Best & Krieger LLP	BBK Invoice 972712_08-16-23	6,862.01
ACH-377	11/9/2023	Best Best & Krieger LLP	BBK Invoice 972713_08-16-23	2,014.00
ACH-378	11/9/2023	Best Best & Krieger LLP	BBK Invoice 972714_08-16-23	300.00
ACH-379	11/9/2023	Best Best & Krieger LLP	BBK Invoice 972715_08-16-23	5,525.00
ACH-380	9/5/2023	CalPERS	PERS Health Invoice 09-2023	6,467.35
ACH-381	7/14/2023	CalPERS	PERS PR Ending 6-27-23	3,238.53
ACH-382	7/27/2023	CalPERS	PERS PR Ending 07-07-23 Supp Final Ck	1,304.69



ACH-383	7/26/2023	CalPERS	PERS PR Ending 07-11-23	2,194.48
ACH-384	6/15/2023	CalPERS	PERS PR Ending 05-16-23 Retro	230.53
ACH-385	10/19/2023	CalPERS	PERS Payroll Ending 09-19-23	2,193.51
ACH-386	9/19/2023	CalPERS	PERS PR Ending 09-05-23	2,213.42
ACH-387	8/1/2023	Nextiva	August Phone Service	312.42
ACH-388	8/10/2023	Standard Insurance Company	May-June-July-Aug 2023 Life Insurance	438.81
ACH-389	7/27/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 07-07-23 Supp Final Ck	2,442.37
ACH-390	7/14/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 07-11-23	863.64
ACH-391	9/8/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 09-05-23	863.64
ACH-392	9/22/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 09-19-23	863.64
ACH-393	10/6/2023	CalPERS	CalPers PR Ending 10-03-23	2,213.42
ACH-394	10/20/2023	CalPERS	PERS PR Ending 10-17-23	2,209.67
ACH-395	11/3/2023	CalPERS	PERS PR Ending 10-31-23	2,164.15
ACH-396	11/18/2023	California Water Service Co.	Water Usage from 09-28-23 to 10-26-23	375.03
ACH-397	11/18/2023	California Water Service Co.	Water Usage from 09-28-23 to 10-26-23 Rolling#54654	1,374.70
ACH-398	11/22/2023	Delta Dental	Dental Insurance for December 2023	783.28
ACH-399	10/31/2023	Pitney Bowes	Postage Meter for October 2023	1,510.00
ACH-400	10/3/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 10-03-23	863.64
ACH-401	10/17/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 10-17-23	863.64
ACH-402	10/31/2023	Vantagepoint Transfer Agents -	Deferred Comp PR Ending 10-31-23	863.64
PR LINK	11/17/2023	PR LINK - Payroll & PR Taxes PR#23	Payroll Processing Fee PR#23_11/01/23 - 11/14/23	69.96
PR LINK	11/17/2023	PR LINK - Payroll & PR Taxes PR#23	Pay Period PR#23_11/01/23 - 11/14/23	16,566.46
REPORT TOTAL				147,567.14

I, Karina Banales, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
\$ 147,567.14 for the payment of above items.



Karina Banales, City Manager

CITY OF ROLLING HILLS

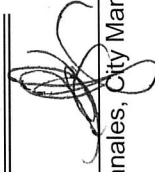
AP24-007, ACH24-011

Check Run 12/06/2023

Check No.	Check Date	Payee	Description	Amount
028440	12/6/2023	Alan Palermo Consulting	Oct 29 to Nov 25, 2023 - ADA, Siren, Tennis Crt,	2,475.00
028441	12/6/2023	Bennett Landscape	Bennet Landscape Services - December 2023	1,139.67
028442	12/6/2023	Cell Business Equipment	Sharp Toner - Shipping	27.00
028442	12/6/2023	Cell Business Equipment	Sharp Waste Toner - Shipping	23.00
CHECK TOTAL			\$ 50.00	
028443	12/6/2023	Cox Communications	Phone Service Nov 26, 2023 to Dec 25, 2023	158.85
028444	12/6/2023	Southern California News Group	Public Hearing-PC_11 Flying Mane Rd	759.49
028445	12/6/2023	County of Los Angeles	City of LA PW - Building Services from 09-01-23 to 09-30-23	6,402.98
028446	12/6/2023	McGowan Consulting	Municipal Stormwater Consulting Services Oct. 2023	7,090.10
028447	12/6/2023	MNS ENGINEERS, INC	Grant Sub App Prep Veg Mgmt - August 2023	9,795.00
028447	12/6/2023	MNS ENGINEERS, INC	Grant Sub App Prep Veg Mgmt - July 2023	15,555.00
CHECK TOTAL			\$ 25,350.00	
028448	12/6/2023	MARK TOWLE	Holiday Open House 12-11-23 M Towle Bartending	200.00
028449	12/6/2023	Orkin	Monthly Pest Control November 2023	158.00
028450	12/6/2023	Petty Cash	Reimburse Petty Cash for City Managers SBCCOG Nov 23 Meeting	48.00
028451	12/6/2023	Race Communications	Race Communications Fiber Dec. 2023	1,020.00
028452	12/6/2023	SANDRA DANKO	Holiday Open House - Sandra Danko - Desserts 12-11-	976.85
028453	12/6/2023	Willdan Inc.	Bldg Plan Check/Permit Oct-2023 Project 101749.00.4000.999	6,930.00
ACH-404	11/1/2023	CalPERS	PERS Health Ins - November 2023	10,405.73
ACH-405	10/3/2023	CalPERS	PERS Health Ins for October 2023	12,375.76
ACH-406	11/27/2023	CalPERS	CalPERS Retirement Payroll Ending 11-14-23	2,184.77
ACH-407	12/18/2023	California Water Service Co.	Water Usage 10-27-23 to 11-28-23_RANCH0#74654	398.67
ACH-408	12/18/2023	California Water Service Co.	Water Usage 10-27-23 to 11-28-23_ROLLING#54654	996.88
ACH-409	12/1/2023	Forum Info-Tech. Inc./Levelcloud	Monthly Cloud Hosting for December 2023	4,851.57
ACH-410	11/26/2023	The Gas Company	Gas usage from 10-06-23 to 11-07-23	15.78
ACH-411	12/1/2023	Nextiva	Business Phone Service December 2023	301.18
ACH-412	10/4/2023	Pacific Premier Bank / FNBO	September 2023 Credit Card Stmt	2,579.52

ACH-413	12/5/2023	Pacific Premier Bank / FNBO	October 2023 Credit Card Stmt	546.95
ACH-414	12/5/2023	Pacific Premier Bank / FNBO	November 2023 Credit Card Statement	4,693.80
ACH-415	12/6/2023	Robert Half	Temp Admin Emp P/E 11-24-23	806.40
ACH-416	12/6/2023	Robert Half	Temp Admin Emp P/E 12-01-23	1,344.00
ACH-417	11/25/2023	Southern California Edison	Electricity Usage 10-16-23 to 11-14-23 ACCT#4218	329.00
ACH-418	12/1/2023	Southern California Edison	Electricity Usage 10-20-23 to 11-20-23 ACCT#8030	715.28
ACH-419	12/5/2023	Standard Insurance Company	December 2023 Life Insurance Policy #161783 Div	133.95
ACH-420	11/17/2023	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 11-14-23	863.64
ACH-421	11/25/2023	Vision Service Plan - (CA)	Vision Coverage December 2023	96.39
PR LINK	12/1/2023	PR LINK - Payroll & PR Taxes PR#24	Payroll Processing Fee PR#24_ 11/15/23 - 11/28/23	53.35
PR LINK	12/1/2023	PR LINK - Payroll & PR Taxes PR#24	Pay Period PR#24_ 11/15/23 - 11/28/23	15,930.92
REPORT TOTAL				112,382.48

I, Karina Banales, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
\$ 112,382.48 for the payment of above items.



Karina Banales, City Manager



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.E
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR OCTOBER 2023

DATE: December 14, 2023

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[VC_REP_231214_Oct_YTD_TonnageReport.pdf](#)

[VC_REP_231214_Oct_C&D Report.pdf](#)

[VC_REP_231214_Oct_ComplaintLog.pdf](#)

[VC_REP_231206_Complaints List 2023_Redacted.pdf](#)



CITY OF ROLLING HILLS RESIDENTIAL FRANCHISE
2023

Year 2023
Franchise Y/N Y

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
Jan	Greenwaste	75.94	75.94	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	4.76	4.76	-	100.00%
	Trash	180.77	-	180.77	0.00%
Jan Total		261.47	80.70	180.77	30.86%
Feb	Greenwaste	84.50	84.50	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	11.62	11.62	-	100.00%
	Trash	133.45	-	133.45	0.00%
Feb Total		229.57	96.12	133.45	41.87%
Mar	Greenwaste	135.07	135.07	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	4.62	4.62	-	100.00%
	Trash	185.99	-	185.99	0.00%
Mar Total		325.68	139.69	185.99	42.89%
Apr	Greenwaste	105.00	105.00	-	100.00%
	Trash	153.22	-	153.22	0.00%
	Trash - Free Residential Roll Off Bin	1.39	-	1.39	0.00%
Apr Total		259.61	105.00	154.61	40.45%
May	Greenwaste	103.43	103.43	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	1.42	1.42	-	100.00%
	Recycle	1.17	0.40	0.77	33.79%
	Trash	191.15	-	191.15	0.00%
May Total		297.17	105.25	191.92	35.42%
Jun	Greenwaste	145.67	145.67	-	100.00%
	Trash	186.82	-	186.82	0.00%
Jun Total		332.49	145.67	186.82	43.81%
Jul	Greenwaste	104.97	104.97	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	2.42	2.42	-	100.00%
	Trash	167.12	-	167.12	0.00%
Jul Total		274.51	107.39	167.12	39.12%
Aug	Greenwaste	123.85	123.85	-	100.00%
	Trash	212.22	-	212.22	0.00%
Aug Total		336.07	123.85	212.22	36.85%
Sep	Greenwaste	118.56	118.56	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	3.64	3.64	-	100.00%
	Trash	190.21	-	190.21	0.00%
Sep Total		312.41	122.20	190.21	39.12%
Oct	Greenwaste	131.46	131.46	-	100.00%
	Trash	226.78	-	226.78	0.00%
	Trash - Free Residential Roll Off Bin	1.69	-	1.69	0.00%
Oct Total		359.93	131.46	228.47	36.52%
Grand Total		2,988.91	1,157.33	1,831.58	38.72%



CITY OF ROLLING HILLS NON-FRANCHISE
2023

Year 2023
Franchise Y/N N

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
Jan	Recycle	0.41	0.19	0.21	47.92%
	Trash	68.77	-	68.77	0.00%
	Organics	0.03	0.01	0.02	20.85%
Jan Total		69.20	0.20	69.00	0.29%
Feb	Recycle	0.15	0.07	0.08	47.28%
	Trash	84.23	-	84.23	0.00%
	Organics	0.16	0.07	0.09	42.47%
Feb Total		84.54	0.14	84.40	0.17%
Mar	Recycle	0.19	0.07	0.13	35.00%
	Trash	46.39	-	46.39	0.00%
	Organics	0.20	0.14	0.06	69.23%
Mar Total		46.78	0.21	46.58	0.44%
Apr	Recycle	0.15	0.05	0.10	35.94%
	Trash	166.55	-	166.55	0.00%
	Organics	0.10	0.07	0.03	69.22%
Apr Total		166.80	0.12	166.68	0.07%
May	Greenwaste	2.94	2.94	-	100.00%
	Recycle	0.26	0.09	0.17	33.79%
	Trash	101.93	-	101.93	0.00%
	Organics	0.07	0.04	0.03	60.37%
May Total		105.20	3.07	102.13	2.92%
Jun	Greenwaste	8.21	8.21	-	100.00%
	Recycle	0.23	0.08	0.15	33.34%
	Trash	65.16	-	65.16	0.00%
	Organics	0.13	0.12	0.01	94.11%
Jun Total		73.73	8.41	65.32	11.41%
Jul	Greenwaste	12.16	12.16	-	100.00%
	Recycle	0.26	0.09	0.17	33.43%
	Trash	52.78	-	52.78	0.00%
	Organics	0.17	0.14	0.03	82.42%
Jul Total		65.36	12.38	52.98	18.95%
Aug	Greenwaste	21.99	21.99	-	100.00%
	Recycle	0.30	0.10	0.20	32.48%
	Trash	69.64	-	69.64	0.00%
	Organics	0.16	0.12	0.04	73.20%
	C&D	13.00	13.00	-	100.00%
Aug Total		105.09	35.20	69.89	33.50%
Sep	Greenwaste	7.43	7.40	0.03	99.55%
	Recycle	0.21	0.07	0.15	31.93%
	Trash	160.52	-	160.52	0.00%
	Organics	0.10	0.10	-	100.00%
	C&D	8.87	7.29	1.58	82.18%
Sep Total		177.14	14.86	162.28	8.39%
Oct	Recycle	0.27	0.09	0.17	34.81%
	Trash	74.92	-	74.92	0.00%
	Organics	0.30	0.19	0.11	62.68%
Oct Total		75.49	0.28	75.21	0.37%
Grand Total		969.33	74.88	894.46	7.72%



Republic Services
C&D Report

City of Rolling Hills
Reporting Period October-23

Disposal Site	Material	Loads Taken	Tons Collected
No C & D this month			

Summary	
Row Labels	Sum of Tons Collected
(blank)	
Grand Total	



Republic Services
Customer Complaint Summary

City of Rolling Hills
Reporting Period October-23

Acct#	Customer Name	Service Address	City	Service Date	Service Code	Service Description
3082	CURRENT RESIDENT	0 BUGGY WHIP DR	ROLLING HILLS	10/11/23	RTM	Return for Trash Miss
3695	CURRENT RESIDENT	12 JOHNS CANYON RD	ROLLING HILLS	10/18/23	RYM	Return for Yardwaste Miss

Summary of Requests	
Service Type	Total Records
Return for Trash Miss	1
Return for Yardwaste Miss	1
Grand Total	2

Republic Services - Complaints List

Date of Issue	Time	Issue/Complaint	Resident Address	Republic contacted	Republic Reponse	Date Response	Time of Reponse	Resolved
1/11/2023	8:26 AM	Trash not picked up	5 Ringbit Road West	Steve Guerrero	Steve Guerrero	1/11/2023	5:30 PM	yes
1/30/2023	2:30 PM	Trash not picked up	2 Buggy Whip Dr	Steve Guerrero	Steve Guerrero	1/30/2023	2:30 PM	yes
2/3/2023	9:29 AM	Trash not picked up for 1 week	13 Georgeff Road	Steve Guerrero	Steve Guerrero	2/17/2023	9:29 AM	yes
4/10/2023	8:50 AM	trash not picked up	4 Buckboard Lane	Steve Guerrero	Steve Guerrero	4/10/2023	9:15 AM	yes
5/10/2023	11:41 AM	Trash not picked up for 2 weeks	8 Outrider Road	Steve Guerrero	Steve Guerrero	5/10/2023	1:26 PM	yes
5/15/2023	11:12 AM	Trash not picked up for 2 weeks	14 Upper Blackwater Canyon Rd	Steve Guerrero	Steve Guerrero	5/16/2023	1:18 PM	yes
5/24/2023	8:27 AM	Trash not picked up for 1 week	20 Crest Road East	Steve Guerrero	Steve Guerrero	5/24/2023	9:04 AM	yes
5/24/2023	3:05 PM	green waste & trash not picked up, rude driver	1 Buggy Whip Drive	Steve Guerrero	Steve Guerrero	5/25/2023	3:47 PM	yes
6/6/2023	3:56 PM	green waste not picked up	24 Cinchring Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	6/9/2023	6:01 PM	yes
6/12/2023	9:23 AM	green waste & trash not picked up	11 Saddleback Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	6/12/2023	1:20 PM	yes
6/19/2023	2:51 PM	green waste not picked up	11 Caballeros Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	6/20/2023	6:27 AM	yes
6/27/2023	12:02 PM	green waste not picked up	11 Caballeros Road	Addrian Orssten	Felipe Vazquez	6/27/2023	1:11 PM	yes
			7 Buggy Whip Drive	Lori Reyna	Lori Reyna	7/14/2023	4:30 PM	yes
7/13/2023	5:34 PM	trash not picked up	33 Portuguese Bend Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	7/17/2023	8:11 AM	yes
			1 Appaloosa Ln	Lori Reyna	Lori Reyna	7/18/2023	12:00 PM	yes
7/18/2023	1:01 PM	Trash not picked up for 2 weeks	12 Georgeff Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	7/19/2023	6:25 PM	yes
7/19/2023	1:12 PM	Green waste not picked up for 2 weeks	19 Portuguese Bend Rd	Felipe Vazquez & Lori Reyna				
7/24/2023	9:21 AM	green waste not picked up for 2 weeks	42 Eastfield Drive	Felipe Vazquez & Lori Reyna	Felipe Vazquez	7/24/2023	12:41 PM	yes
7/24/2023	4:16 PM	green waste not picked up, rude driver, damgaged gate	1 Buggy Whip Drive	Felipe Vazquez & Lori Reyna	Felipe Vazquez	7/25/2023	5:11 AM	no
7/25/2023	12:24 PM	Trash not picked up on scheduled day	15 Upper Blackwater Canyon Rd	Felipe Vazquez & Lori Reyna				
8/14/2023	2:25 PM	green waste not picked up for 2 weeks	4 Pinto Road	Felipe Vazquez & Lori Reyna				
8/15/2023	10:08 AM	Trash not picked up on scheduled day	40 Portuguese Bend Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	8/16/2023	6:18 AM	yes
8/15/2023	12:25 PM	Trash not picked up on scheduled day	7 Middleridge Lane North	Felipe Vazquez & Lori Reyna				
8/15/2023	2:15 PM	Trash not picked up on scheduled day	8 Maverick Lane	Felipe Vazquez & Lori Reyna				
8/15/2023	2:57 PM	Trash not picked up on scheduled day for the entire street	1 Williamsburg Lane	Felipe Vazquez & Lori Reyna				
8/16/2023	3:15 PM	Debris from trucks on street	In Street @44 Portuguese Bend Rd	Felipe Vazquez & Lori Reyna	Felipe Vazquez	8/17/2023	12:55 PM	
8/18/2023	8:33 AM	A order for the 40 yard bin on 8/5 and customer service couldn't provide the correct delivery date; resident waited for 2 weeks	5 Appaloosa Lane	Felipe Vazquez & Lori Reyna	Lori Reyna	8/18/2023	9:28 AM	yes

8/21/2023	1:18 PM	Green waste not picked up for 6 weeks		4 Pinto Road	Felipe Vazquez & Lori Reyna	Felipe Vazquez	8/21/2023	1:42 PM	yes
				15 Middleridge Lane North	Emailed Felipe, Dawn, Jeremey, Lora, RH Staff				
8/21/2023	2:00 PM	Trash not picked up on scheduled day for 3 weeks		2 Williamsburg Lane	Felipe Vazquez & Lori Reyna				
8/21/2023	3:58 PM	Trash not picked up on scheduled day of Monday		11 Middleridge Lane North	Felipe Vazquez & Lori Reyna				
8/21/2023	3:58 PM	Drivers missed several trash pick ups on Middleridge Lane North		11 Middleridge Lane North	Felipe Vazquez & Lori Reyna				
8/22/2023	9:11 AM	green waste not picked up from original compliant on 8/16/23		11 Caballeros Road	Felipe Vazquez & Lori Reyna	Miguel Ruiz			yes
8/22/2023	10:16 PM	Trash not picked up on scheduled day of Monday		15 Caballeros Road	Felipe Vazquez & Lori Reyna	Miguel Ruiz	8/22/2023	1:22 PM	yes
8/22/2023	12:37 PM	Trash not picked up on scheduled day of Monday		26 Crest Road East	Felipe Vazquez & Lori Reyna	Miguel Ruiz	8/22/2023	3:51 PM	yes
8/23/2023	9:01 AM	Trash not picked up on scheduled day of Tuesday		68 Portuguese Bend Road	Felipe Vazquez & Lori Reyna				
8/23/2023	1:30 PM	Customer complaint about Republic Services customer service not assisting with trash container requirements info		15 Upper Blackwater Canyon Rd	provided resident w/Lori Reyna's email				
8/28/2023	12:56 PM	Missed Pick Up 2nd week		15 Middleridge Lane North	Provided resident with Area Supervisor Contact	Lori Reyna	9/5/2023		yes
8/31/2023	4:15 AM	Request Pick-Up at Vacant Lot		71 Crest Road East	Felipe, Lori, Dawn, Addrian, Jeremy				
9/1/2023	2:31 PM	Trash not picked up on scheduled day		12 Cinchiring Rd	FELIPE Vazquez & Lori Reyna	Addrian Oressten	9/1/2023	3:42 PM	yes
				32 Eastfield Drive	Felipe, Lori Reyna				
9/5/2023	11:12 AM	Resident reported that her trash was not picked up on scheduled day and is always missed.		9 Upper Blackwater Canyon	Felipe Vazquez				yes
9/6/2023	9:11 AM	Resident reported that their trash was not picked up for one week, also reported that they reached out to republic but no one came.		32 Eastfield Drive	Felipe Vazquez				
				36 Eastfield Drive	Felipe Vasquez				
9/6/2023	2:15 PM	Resident reported that their trash was not picked up on the assigned day		50 Eastfield Drive	Felipe Vazquez				
9/6/2023	2:20 PM	Resident reports that their trash and green waste has not been picked up consistently for 2 weeks		36 Eastfield Drive	Felipe Vazquez				
9/7/2023	2:55 PM	Resident reports that their trash and green waste has not been picked up for 10 days. They reached out to republic, no one came.		7 Southfield Drive	Felipe Vazquez				

9/8/2023	1:35 PM	Resident reports that their green waste has not been picked up for 2 weeks		16 Eastfield Drive	Felipe Vazquez					
9/8/2023	2:55 PM	Resident Reports that their green waste and food waste has not been picked up since Tuesday 9/5/23. Emitting odor.		13 Georgeff Road	Felipe Vazquez					
9/11/2023	3:18 PM	Resident reports that their trash and green waste has not been picked up in 2 weeks		63 Crest Rd East	Felipe Vazquez					
				24 Cinchring Road	Michelle, Addrian, Felipe,		9/18/2023			yes
9/11/2023	4:58 PM	Resident reports that their trash and green waste has not been picked up since 09-01-2023		1 Buggy Whip Drive	Felipe Vazquez					
9/20/2023	10:31 AM	Resident reports that their trash and green waste has not been picked up consistently for 1.5 months		63 Crest Rd East	Felipe Vazquez	Felipe Vazquez	9/20/2023	10:33 AM		Yes
9/22/2023	8:53	Trash not being picked up consistently		1 Sagebrush Lane	Miguel Ruiz	Miguel Ruiz	9/22/2023	10:35		Yes
9/22/2023	8:55 AM	Trash not being picked up consistently		16 Eastfield Drive	Miguel Ruiz	Miguel Ruiz	9/22/2023	10:35 AM		Yes
9/22/2023	2:26 PM	Missed Pick Up		25 Portuguese Bend Rd	Miguel Ruiz	Miguel Ruiz	9/22/2023	2:40 PM		yes
9/26/2023	8:38 PM	Missed Pick-Up		7 Southfield Drive	Miguel Ruiz	Miguel Ruiz	9/26/2023	8:40 AM		Yes
9/27/2023	12:09 PM	Missed Pick Up, 2nd time in 3 weeks		63 Crest Rd East	Miguel Ruiz	Miguel Ruiz	9/26/2023	12:14 PM		yes
9/28/2023	8:18 AM	Republic did not deliver on promise to pick up green waste from the road		4 Poppy Trail	Miguel Ruiz	Miguel Ruiz	9/27/2023	1:20 PM		yes
10/2/2023	8:07	Paper Trash blown everywhere: Top of Georgeff & Crest		Georgeff/Crest	Miguel Ruiz	Miguel Ruiz	10/2/2023	11:20 AM		yes
10/3/2023	8:34	Missed Pick Up		2 Buckboard Lane	Miguel Ruiz	Miguel Ruiz	10/3/2023	8:38 AM		yes
10/3/2023	8:56	Missed Pick Up		7 Middleridge North	Miguel Ruiz	Miguel Ruiz				
10/3/2023	1:48PM	Missed Pick-Up		8 Maverick Lane	Miguel Ruiz					
				73 Portuguese Bend Rd	Miguel Ruiz	Miguel Ruiz	10/4/2023	11:05 AM		Yes
10/5/2023		Missed Bulky Pick up Green waste event		15 Eastfield Drive	Miguel Ruiz	Miguel Ruiz	10/5/2023	10:17 AM		yes
10/5/2023		Missed Bulky Pick up Green waste event		14 Cabelleros Road	Miguel Ruiz	Miguel Ruiz	10/5/2023	10:18 AM		yes
10/5/2023		Missed Bulky Pick up Green waste event		1 Sagebrush Lane						
				15 Eastfield Drive	Miguel Ruiz	Miguel Ruiz	10/9/2023	8:15 AM		yes
				63 Crest Rd East	Miguel Ruiz	Miguel Ruiz	10/18/2023	11:40		yes
10/9/2023	10:07AM	Missed Bulky Pick up Green waste event		6 Upper Black Water	Miguel Ruiz					
10/9/2023	12:15 PM	Missed Bulky Pick up Green waste event		3 Wrangler RD	Miguel Ruiz	Miguel Ruiz				yes
10/10/2023	11:38 AM	Missed Trash Pick Up		20 Georgeff	Miguel Ruiz	Miguel Ruiz				yes
10/12/2023	1:36AM	Missed Bulky Pick up Green waste event		3 Wrangler RD	Miguel Ruiz	Miguel Ruiz				yes

10/20/2023	11:17 AM	Trash Falling Out of Republic Truck		2 Quailridge South 25 Portuguese Bend Rd 15 Middleridge Lane North	Miguel Ruiz Miguel Ruiz Miguel Ruiz	Miguel Ruiz Miguel Ruiz Miguel Ruiz	10/30/2023 11/7/2023	11:30 AM 10:30 AM	yes
11/7/2023	2:15pm	missed pickup day before		8 Maverick Lane					
11/8/2023	8:30 AM	missed pickup day before		24 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz	11/8/2023		
11/8/2023	8:44am	missed pickup day before		8 Quailridge North	Miguel Ruiz				
11/8/2023	12:32pm	2nd call re: missed pickup		8 Maverick Lane	Miguel Ruiz				
11/8/2023	2:30 PM	Neighbors' trash also not picked up		24 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz	11/8/2023		
11/9/2023	11:42am	No pickup		26 Saddleback	Miguel Ruiz	Miguel Ruiz			
11/9/2023	3:33pm	8 houses missed Tuesday and Wednesday		24 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz			
11/13/2023	4:30pm	new resident - past 3 pickups missed		25 Caballeros	Miguel Ruiz	Miguel Ruiz			
11/14/2023	10:00 AM	Trash not picked up - regular and green waste		87 Eastfield Drive	Miguel Ruiz	Miguel Ruiz	11/14/2023		
11/15/2023	3:57pm	resident called 3x about pickup - pickup just later in day		25 Portuguese Bend Road	Miguel Ruiz	Miguel Ruiz			
11/16/2023	6:37am	No pickup Friday or Tuesday		12 John's Canyon Road	Miguel Ruiz	Miguel Ruiz			
11/16/2023	2:20pm	No pickup on Tuesday		12 Flying Mane	Miguel Ruiz	Miguel Ruiz			
11/21/2023	10:00am	No service previous day		1 & 6 Caballeros	Miguel Ruiz	Miguel Ruiz			
11/21/2023	4:13pm	No service previous day		8 Maverick Lane	Miguel Ruiz	Miguel Ruiz			
11/21/2023	4:13pm	cans had been taken by employee previously		32 Portugues Bend Road	Miguel Ruiz	Miguel Ruiz			
11/22/2023	7:40 AM	Trash not picked up on Monday;Thursday is a holiday		8 Caballeros Road	Miguel Ruiz/Steve Guerrero	Steve Guerrero			
11/28/2023	8:55am	New residents - no pickup for 2 weeks since moving in		52 Eastfield	Miguel Ruiz	Miguel Ruiz			
11/28/2023	8:55am	only partial pickup - bags left behind		37 Crest Road West	Miguel Ruiz	Miguel Ruiz			
11/28/2023	3:14pm	no trash pickup		12 Cinchring Road	Miguel Ruiz	Miguel Ruiz			
11/29/2023	9:40am	no trash pickup still		12 Cinchring Road	Miguel Ruiz	Miguel Ruiz			
11/29/2023	9:40am	no green waste pickup		7 Southfield Drive	Miguel Ruiz	Miguel Ruiz			
11/30/2023	2:54pm	no trash pickup still		12 Cinchring Road	Miguel Ruiz	Miguel Ruiz			
12/4/2023	10:00 AM	Loud noises from trash trucks waking her up and she would like the trucks to park somewhere else		67 Portuguese Bend Road	Miguel Ruiz	Miguel Ruiz			
12/5/2023	3:45 PM	Trash not picked up		42 Eastfield Drive	Miguel Ruiz	Miguel Ruiz			
		trash not picked up from the day before		36 Potuguese Road	Miguel Ruiz	Miguel Ruiz	11/21/2023		yes
		trash not picked up for several weeks		8 Maverick Lane	Miguel Ruiz	Miguel Ruiz	11/21/2023		yes
		missed trash pickup		7 Caballeros Road	Miguel Ruiz	Miguel Ruiz	11/22/2023		yes
		trash not picked up fpr 2 weeks In a row;concerned about attracting wildlife		6 Caballeros Road	Miguel Ruiz	Miguel Ruiz	11/22/2023		yes
		missed trash pickup		12 Southfield Drive	Miguel Ruiz	Miguel Ruiz	11/22/2023		yes
		missed trash pickup		12 Cinchring Road	Miguel Ruiz	Miguel Ruiz	11/28/2023		yes
		called again to report missed trash pickup: was upset (Karina resolved)		12 Cinchring Road	Miguel Ruiz	Miguel Ruiz	11/29/2023		yes

		Spoke to Karina about missed trash pickup; gave feedback		37 Crest Road West	Miguel Ruiz	Miguel Ruiz	11/30/2023		yes
		called to report missed trash pickup		24 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz	12/5/2023		yes
		missed trash pickup on Monday, cncerned about missing again today		35 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz	12/6/2023		
12/5/2023	8:35pm	collector only picked up one green barrel out of 6		24 Caballeros	Miguel Ruiz	Miguel Ruiz			
12/5/2023	10:23am	no pickup Friday		18 Buggy Whip	Miguel Ruiz	Miguel Ruiz			
12/5/2023	2:48pm	no pickup yesterday		15 Caballeros Road	Miguel Ruiz	Miguel Ruiz			
12/6/2023	12:20 AM	Missed trash pick up on 12/5 and she called the city on 12/5. She called on 12/6 still not picked up		42 Eastfield Drive	Miguel Ruiz	Miguel Ruiz	12/6/2023	12:30 PM	Yes
12/6/2023	1:00 PM	Oil stains in the driveway		42 Eastfield Drive	Miguel Ruiz	Miguel Ruiz			
12/6/2023	10:47am	no pickup yesterday		35 Chuckwagon Road	Miguel Ruiz	Miguel Ruiz			



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.F
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: KARINA BAÑALES

SUBJECT: ADOPT RESOLUTION NO. 1353 AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO CALRECYCLE

DATE: December 14, 2023

BACKGROUND:

CalRecycle has started accepting applications for the SB 1383 Local Assistance Grant (FY2022-23). SB 1383 regulations require jurisdictions to conduct education and outreach on organics recycling to all residents and other groups. This is a one-time grant fund that is non-competitive to provide funding to local jurisdictions to assist with the implementation of SB 1383 regulation requirements. The grant can be used to fund organic waste collection, edible food recovery, education and outreach, enforcement and inspection, program evaluation/gap analysis, procurement requirements, and record keeping. The City of Rolling Hills is eligible for \$75,000.

DISCUSSION:

The South Bay Cities Council of Governments (SBCCOG) is assisting local cities with meeting SB 1383. Their efforts would require Rolling Hills and other cities to allocate a portion of the SB 1383 grant funds to the SBCCOG so they can provide education and outreach in each city and throughout the South Bay. SBCCOG has an extensive grassroots network, an email blast list of 17,000 people, and attendance at over 100 outreach events each year in the South Bay. SBCCOG is well positioned to assist cities to help coordinate a regional message with staff and residents on organic waste outreach.

To meet the application requirements, an application was submitted to CalRecycle on November 15, 2023. A resolution from the Council is now needed to affirm the City's application.

Timeline

- *November 15, 2023:* Application Due Date (submitted)
- *December 20, 2023:* Secondary Due Date for approved resolution
- *June 14, 2022:* Secondary Due Date for Second Round Funding Approved Resolution

- *March 2024 (tentative)*: Grants Awarded; CalRecycle considers funding recommendations, and if approved, conditionally awards grants
- *April 1, 2026*: Date of Award Email; Grant Term

FISCAL IMPACT:

The City could receive up to \$75,000 in grant funds if awarded.

RECOMMENDATION:

Adopt Resolution No. 1353.

ATTACHMENTS:

[ResolutionNo1353_CalRecycle_Grant_Applications_F.pdf](#)

[GR_CRC_SB1383Grant2023_Rolling Hills_Application_Certification.pdf](#)

[GR_CRC_SB1383Grant2023_Rolling Hills_SB1383Budget.pdf](#)

[GR_CRC_SB1383Grant2023_OWR4_AppGuidelines_F.pdf](#)

[GR_CRC_SB1383Grant2023_ExhA_SB1383LocalAssistanceTermsandConditionsFY22-23.pdf](#)

RESOLUTION NO. 1353

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AUTHORIZING SUBMITTAL OF INDIVIDUAL GRANT APPLICATIONS FOR ALL CALRECYCLE GRANT PROGRAMS FOR WHICH THE CITY OF ROLLING HILLS IS ELIGIBLE

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals.

A. Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (“CalRecycle”) to administer various grant programs in furtherance of the State of California’s efforts to reduce, recycle, and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

B. In furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

C. CalRecycle grant application procedures require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants; and

D. The City Council of the City of Rolling Hills (“City”) desires to authorize the City Manager or her designee to submit an application to CalRecycle for grant programs for which it is eligible and execute all documents necessary to implement and secure payment thereunder.

Section 2. Now, therefore, be it resolved that the City of Rolling Hills authorizes the submittal of applications to CalRecycle for all grants for which the City of Rolling Hills is eligible.

Section 3. Be it further resolved that the City Manager, or her designee, is hereby authorized and empowered to execute in the name of the City of Rolling Hills all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project.

Section 4. Be it further resolved that these authorizations are effective for five years from the date of adoption.

Section 5. This Resolution is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that work for which funding is being received will not have a significant effect on the environment. Any funding received from CalRecycle will be used to reduce, recycle, and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 14th day of December 2023.

PAT WILSON
MAYOR

ATTEST:

CHRISTIAN HORVATH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

The foregoing Resolution No. 1353 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROLLING HILLS AUTHORIZING
SUBMITTAL OF INDIVIDUAL GRANT
APPLICATIONS FOR ALL CALRECYCLE GRANT
PROGRAMS FOR WHICH THE CITY OF ROLLING
HILLS IS ELIGIBLE**

was approved and adopted at a regular meeting of the City Council on the 14th day of December 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHRISTIAN HORVATH
CITY CLERK

Application Certification

Application Information

Applicant: City of Rolling Hills

Cycle Name: SB 1383 Local Assistance Grant Program

Cycle Code: OWR4

Grant ID: 28079

Grant Funds Requested: \$75,000.00

Matching Funds: \$0.00 (if applicable)

Application Due Date: 11/15/2023

Secondary Due Date: 12/20/2023

Contacts

Name	Title	Prime	Second	Auth	Cnslt	Prtcpnt. Auth
John Signo	Director of Planning and Community Servi	X		X		
Karina Banales	City Manager		X	X		

Budget

Category Name	Amount
Capacity Planning/Program Evaluation/Gap Analysis	\$0.00
Edible Food Recovery	\$0.00
Edible Food Recovery - Personnel	\$0.00
Education	\$5,000.00
Equipment	\$10,000.00
Indirect Costs	\$4,600.00
Personnel	\$54,400.00
Procurement	\$1,000.00
Record Keeping	\$0.00
Upgrade/Expansion	\$0.00

Documents

Document Title	Received Date
Application Certification	
Budget	Rolling Hills SB1383 Budget 11/15/2023
Narrative Proposal	Rolling Hills SB1383 Narrative 11/15/2023

Required By Secondary Due Date

Resolution/Letter of Commitment

Other Supporting Document(s)

Joint Powers Agreement

Letter of Authorization/Resolution

Letter of Designation

<https://secure.calrecycle.ca.gov/Grants/Grant/Grant.aspx?GrantID=28079>

Date Generated: November 15, 2023 12:23 PM

Page 1 of 2

Application Certification

Resolution

Check the following, as applicable. See Application Guidelines and Instructions for more information and examples.

- X Applicant acknowledges that its approved Resolution must be uploaded no later than the secondary due date. Applicant further acknowledges that if its Resolution is received after this date, its application will be disqualified.

Program Questions

SB 1383 Local Assistance Grant Program: If you are a Special District, do you provide solid waste collection services?

- X Not Applicable

California Labor Code section 1782 prohibits a charter city from receiving state funding or financial assistance for construction projects if that charter city does not comply with Labor Code sections 1770-1782. If any applicants or participating jurisdictions are charter cities or joint powers authorities that include charter cities, the lead applicant must certify that Labor Code section 1782 does not prohibit any included charter city from receiving state funds for the project described in this application. If it is determined after award that a participating jurisdiction is a charter city prohibited from receiving state funds for this grant project, the grant will be terminated and any disbursed grant funds shall be returned to CalRecycle. If any applicant or participating jurisdiction is a charter city or a joint powers authority that contains one or more charter cities, does Labor Code section 1782 prohibit those charter cities from receiving state funding for the project described in this grant application? Check the following, as applicable.

- X Applicant certifies that no charter cities included in this application are prohibited from receiving state funding for the project described in this grant application OR this application does not include any charter cities.

SB 1383 Local Assistance Grant Program: Does your jurisdiction have an enforceable ordinance(s), or similarly enforceable mechanism pursuant to section 18981.2 of Title 14 of the California Code of Regulations?

(x Yes) (No)

Conditions and Certification

Condition of Application Submittal: Acceptance of Grant Agreement Provisions

In the event the Applicant is awarded a grant, the submittal of this Application constitutes acceptance of all provisions contained in the Grant Agreement, which may consist of the following:

- Executed Grant Agreement Cover Sheet and any approved amendments
- Exhibit A - Terms and Conditions
- Exhibit B - Procedures and Requirements
- Exhibit C - Application with revisions, if any, and any amendments

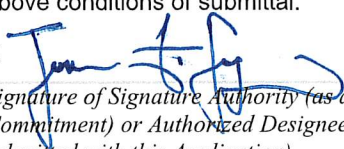
Environmental Justice:

In the event Applicant is awarded a grant, submittal of this Application constitutes acceptance of the following; that in the performance of the Grant Agreement, Applicant/Grantee shall conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State. (see Govt. Code §65040.12(e) and Pub. Resources Code §71110(a))

Certification:

I declare under penalty of perjury under the laws of the State of California, that funds have been allocated for the project(s)/activities identified in the grant application and that sufficient funds are available to complete the project(s)/activities identified in the grant application, that I have read the Application Guidelines and Instructions and that all information submitted for CalRecycle's consideration for award of grant funds is true and correct to the best of my knowledge, and that on behalf of the Applicant I accept the above conditions of submittal.

X


Signature of Signature Authority (as authorized in Resolution or Letter of Commitment) or Authorized Designee (as authorized in Letter of Designation, submitted with this Application)

Date

11/15/23

JOHN F. SIGNO

Print Name

DIRECTOR OF PLANNING & COMM. SERV.

Print Title

IMPORTANT! Applicant must print out this document, have the Signature Authority sign it, upload signed document to the application system, and retain the original hard copy document in your cycle file.

<https://secure.calrecycle.ca.gov/Grants/Grant/Grant.aspx?GrantID=28079>

Date Generated: November 15, 2023 12:23 PM

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Applicant Name: City of Rolling Hills	
Directions: Before completing the Budget Template, please review the Read Me tab of this workbook which includes examples of costs for each category. Then, complete the Budget Template below by providing detailed information on costs requested for this grant for activities identified in the Narrative Proposal. Itemize each item type intended for purchase separately and include pertinent information (year, make, and model for vehicles; relevant specifications for large equipment; capacity (cubic feet) for refrigeration). Add rows to the table below, as needed, ensuring that formatting carries over to new rows. Ensure that the Applicant's name is included at the top of this template.	
Indirect Costs	
Expenditure Detail (Include specific details about costs)	Total Funds
Invoicing, Accounting, and Budget Management	\$ 4,000.00
Mileage Reimbursement for Kitchen Pail Distribution	\$ 300.00
Mileage Reimbursement for Staff to Community Workshops	\$ 300.00
Indirect Costs Subtotal:	\$ 4,600.00
Indirect Costs Cap (10% of total grant amount)	\$7,500.00
Within Cap:	Yes
Capacity Planning/Program Evaluation/Gap Analysis	
Capacity Planning/Program Evaluation/Gap Analysis Subtotal:	\$ -
Edible Food Recovery	
Edible Food Recovery Subtotal	\$ -
Edible Food Recovery - Personnel	
Edible Food Recovery Subtotal - Personnel Subtotal	\$ -
Education and Outreach	
Purchase of printed materials including flyers and stickers	\$ 5,000.00
Education and Outreach Subtotal	\$ 5,000.00
Equipment (not related to Edible Food Recovery such as PPE, bins, lids, etc.)	
Bins and Lids (Kitchen Pails for Organic Waste)	\$ 10,000.00
Equipment Subtotal:	\$ 10,000.00
Personnel	

2 0.25 Full-Time Equivalent Staff Members for Education and Outreach Efforts	\$	33,000.00
Education and Outreach Workshops (4) Expert Consultant	\$	8,000.00
Staff Time for Kitchen Pail Distribution	\$	10,000.00
Staff Time for Bi-Annual Progress Reports	\$	2,400.00
Staff Time to Hire and Manage Expert Consultant	\$	1,000.00
Personnel Subtotal:	\$	54,400.00
Procurement		
Recycled Paper and Mulch	\$	1,000.00
Procurement Subtotal:	\$	1,000.00
Record Keeping		
Record Keeping Subtotal	\$	-
Upgrade/Expansion		
Upgrade/Expansion Subtotal	\$	-
Total Project Funds	\$	75,000.00



September 2023

Department of Resources Recycling and Recovery

SB 1383 Local Assistance Grant Program Application Guidelines and Instructions

Fiscal Year 2022–23

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Grant Cycle Overview

The Department of Resources Recycling and Recovery (CalRecycle) offers the SB 1383 Local Assistance Grant Program pursuant to Chapter 395, Statutes of 2016. The purpose of the grant is to provide funding to local jurisdictions to assist with the implantation of regulation requirements associated with SB 1383.

This resource document provides applicants with instructions to access and complete the application online and information about grant administration. The web-based application is in CalRecycle's [Grants Management System \(GMS\)](https://www.calrecycle.ca.gov/Funding/GMS/) (<https://www.calrecycle.ca.gov/Funding/GMS/>). The applicant will need to sign into GMS to complete and submit an application.

Note: The following terms used in this document are defined below, unless the context clearly indicates otherwise:

- “Applicant” refers to either the legal name of the entity that is legally responsible for grant administration and any entity that will receive, and control grant funded equipment, if awarded, or to a person who is completing an application on behalf of the Applicant (this is usually the primary contact listed on the application, but could also be the secondary contact, signature authority, or consultant).
- “You” refers to a person who is completing the application on behalf of the Applicant.
- “Grantee” refers to an applicant after approval of grant award.

Timeline

November 15, 2023: Application Due Date

- Applicants must submit applications in GMS by 11:59 p.m. on this date.
- Customer service will be available until 4:00 p.m. on this date.

December 20, 2023: Secondary Due Date

- Approved Resolution, and if applicable, Letters of Designation and Letters of Authorization, must be uploaded in GMS by this date if it was not submitted with the application.

March 2024 (tentative): Grants Awarded

- CalRecycle considers funding recommendations, and if approved, conditionally awards grants during this month.

Date of Award Email – April 1, 2026: Grant Term

For milestones that take place during the grant term, refer to the Procedures and Requirements document.

Eligible Applicants

California Labor Code section 1782 prohibits a charter city from receiving state funding or financial assistance for construction projects if that charter city does not comply with Labor Code sections 1770-1782. If any applicants or participating entities are charter

cities or Joint Powers Authorities that include charter cities, the lead participating entity must certify on the Detail tab of the application that Labor Code section 1782 does not prohibit any included charter city from receiving state funds for the project described in this application. If it is determined after award that an applicant or participating entity is a charter city prohibited from receiving state funds for this grant project, the grant will be terminated and any disbursed grant funds shall be returned to CalRecycle.

Eligible applicants include:

- City
- County
- City and county
- Regional or Joint Powers Authorities
- Special Districts that provide solid waste collection services

Individual Application

An Individual Application is one in which a single eligible entity will be responsible for grant implementation. The applicant in an Individual Application will be responsible for the performance of the grant and all related documentation. In addition, the applicant will be the only entity receiving any real or personal property that is purchased with grant funds.

Regional Application

Local governments may join together in a Regional Application in which two or more eligible jurisdictions join together for the purpose of grant implementation. A Regional Lead Participant must be designated to act on behalf of all Non-Lead Participants. The Lead Participant is the applicant, and if awarded, will be the grantee responsible for the performance of the grant and all required documentation. CalRecycle will direct all official correspondence and grant payments to the Lead Participant. If a jurisdiction is a Non-Lead Participant in a Regional Application, it may not apply individually.

Joint Powers Authority Application Requirements

Joint Powers Authorities (JPA) may submit a grant application as an individual applicant. An entity may not submit an individual application if that entity is also participating as a member of the JPA applicant. In addition to the requirements for an Individual Application, a JPA must upload a copy of its JPA Agreement.

The JPA Agreement must:

1. Give authority over solid waste management.
2. List all member entities.
3. Contain the signature of all members.

Eligible Projects/Products

Eligible activities and costs include:

- Capacity Planning
- Collection
- Edible Food Recovery
- Education and outreach (includes organic waste & edible food recovery)
- Enforcement and Inspection

- Program Evaluation/Gap Analysis
- Procurement Requirements (using recycled organic products – compost, mulch, electricity, and/or renewable gas and recycled paper and paper products)
- Record Keeping

Available Funds

- \$ 90,000,000 is available for this grant cycle, fiscal year 2022–23, subject to funding availability.
 - \$75,000 base award for each eligible applicant.
 - CalRecycle provides estimated funding amounts on the Notice of Funding Availability page for applicants to budget anticipated costs of implementing the program.
 - CalRecycle will distribute remaining funds to eligible entities based on per capita calculations using the Department of Finance’s January 2023 population statistics.

Ordinance Requirement

Applicants must identify the status of adopting an enforceable ordinance(s), or similarly enforceable mechanism, pursuant to section 18981.2 of Title 14 of the California Code of Regulations.

Grant Term

The Grant Term begins on the date that CalRecycle sends the Award Email. The Grant Term ends on April 1, 2026.

For detailed information about requirements within the grant term, refer to the Procedures and Requirements document.

Eligible and Ineligible Costs

Grantees may incur eligible costs only during the Grant Term. For detailed information about eligible and ineligible costs, refer to the Procedures and Requirements document.

Questions

Refer to the [Frequently Asked Questions page](#)

[<https://calrecycle.ca.gov/organics/slop/owrlocalassistancegrant/faq202223/>]. If your answer is not listed, please send your question to jayme.tesser@calrecycle.ca.gov.

Public Records Requests

CalRecycle’s policy is to make records requested by the public promptly available in accordance with the laws governing disclosure of records and information to the public. In general, all records in the possession of a state agency are public records subject to disclosure, unless a law provides that a particular kind of record or information is not a public record or is exempt or prohibited from disclosure.

Upon request, the entire contents of the submitted application are subject to public records requests. This may include contact information, project summary, uploaded documents, and scoring information. Public records may be requested from CalRecycle

through the [California Public Records Act Requests web page](https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/) (<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

Confidentiality

The following describes the treatment of certain confidential or proprietary information under the California Public Records Act (Government Code 6250, et seq.) and related regulations. It also describes how questions are resolved on whether information is truly confidential, the legal protections for confidential information, and internal and program procedures to maintain confidentiality.

Confidential or Proprietary Information

Title 14 of the California Code of Regulations (14 CCR), [sections 17041-17046](https://www2.calrecycle.ca.gov/Laws/Regulations/Title14/) (<https://www2.calrecycle.ca.gov/Laws/Regulations/Title14/>), states that confidential or proprietary information shall include, but is not limited to:

- Personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications or other documents submitted to [CalRecycle] which if released would result in harmful effects on the person's competitive position.
- Tax information prohibited from disclosure, pursuant to the Revenue and Taxation Code.

Accordingly, appropriate documents submitted with an application that are clearly marked, on each page, "confidential or proprietary information" will be treated by CalRecycle pursuant to the procedures set forth in 14 CCR sections 17041-17046. However, the law does not treat documents marked as "confidential or proprietary information" (such as sales brochures, promotional literature and other general non-financial documents) as confidential if they do not fall within the categories of protected financial documents listed above.

What if there is a question about what is confidential?

If CalRecycle receives a request to disclose data claimed by the applicant to be confidential, CalRecycle would notify the applicant of the request and state that the documents were under review to determine whether information was correctly identified as "confidential." If there was any question as to whether specific information was confidential, CalRecycle would contact the person(s) identified in the application to provide a justification and statement why the information is confidential. The process for evaluating confidentiality claims is set forth in section 14 CCR 17046.

What procedures does CalRecycle have in place to ensure that confidential information is kept confidential?

Confidential or proprietary information will be evaluated and analyzed only by CalRecycle staff, kept confidential, and will be maintained with restricted access. Records no longer needed to provide the services offered under the grant program are periodically destroyed, when allowed by audit policies and state law.

Application Instructions

Application Access

The application is available in CalRecycle's web-based Grants Management System (GMS). Access to GMS is secure; therefore, you must have a CalRecycle WebPass to log in to the system. Those who have not previously obtained a CalRecycle WebPass can create an account at the [CalRecycle WebPass page](https://secure.calrecycle.ca.gov/WebPass/) (<https://secure.calrecycle.ca.gov/WebPass/>).

To start an application:

1. Log in to [GMS](https://secure.calrecycle.ca.gov/Grants) (<https://secure.calrecycle.ca.gov/Grants>).
2. Select **Apply for a Grant** on the left.
 - All open grant cycles are displayed in a table.
3. Find SB 1383 Local Assistance, OWR: 2022–23 and select **Start Application**.
 - A pop-up window will appear asking for contact information. If you have an existing GMS Account, the information may be auto populated.
 - GMS will automatically add you as the Primary Contact for the new grant application; however, you may update this later.
4. Click **Save**.

GMS Tabs - Application Contents and Instructions

The components of the application are divided into tabs. To fill out an application, click on each tab and complete the sections in each tab as required. General directions are on the top of each tab, and detailed information about the requirements for each tab is listed below.

The applicant is responsible for a complete application. This includes signing documents, uploading required documents, and submitting the application by the due date(s). Failure to do so will result in disqualification from the SB 1383 Local Assistance Grant Program.

Examples of disqualifications may include:

- Applicant does not meet the eligibility requirements.
- Applicant fails to submit the application by the due date.
- Project is not eligible.
- Applicant fails to use required CalRecycle documents or forms.
- Applicant uploads incomplete or blank documents to the Documents tab.
- Signature Authority fails to sign Application Certification or any document that requires a signature.
- The online application is incomplete or missing information.

Applicant fails to certify that they have an enforceable ordinance, or similarly enforceable mechanism, pursuant to section 18981.2 of Title 14 of the California Code of Regulations.

Summary Tab

This tab provides a summary of the application, due dates, resource documents and links, application documents, and the Application Submission section. It is the applicant's responsibility to submit all required documents, based on the particular grant application/project, by the appropriate due date.

Applicant/Participant Tab

The applicant name is the legal name of the entity that is legally responsible for grant administration, if awarded.

1. Select the **Add Applicant/Participant** button and type in the **Applicant Name** and **County**. Do not enter your personal name.
2. Search the table for the correct applicant name and select **Add Applicant/Participant**.
3. Choose the **Lead Participant** radio button and click **Save**.
 - Every application must have a Lead Participant even if it is an individual application with no Non-Lead Participants.

If the Participant Search List does not contain your Applicant/Participant name:

2. Click on **Add New Applicant/Participant**.
3. Enter the **Applicant/Participant Name** as it appears on the Resolution. Do not include the department or unit name. Do not enter your personal name.
 - List county names with the name first followed by the word "County," e.g., "Sacramento County."
 - List city names as "City of" followed by the city's name, e.g., "City of Sacramento."
4. Complete all required fields then click **Save**.

For Regional or Joint Powers Authority Applications, add the name of each eligible Non-Lead Participant and select the Participating Jurisdiction radio button.

For a list of eligible applicants, please see the Grant Cycle Overview section titled "Eligible Applicants."

Detail Tab

Complete this tab as follows:

1. Enter a dollar amount in the **Grant Funds Requested** field. Do not exceed the maximum grant award amount provided in the SB 1383 Local Assistance Grant Program Funding Estimates document.
2. Enter the **Assembly Districts and Senate Districts**. To select more than one district hold the "Ctrl" key while selecting the numbers.
3. Enter the applicant's **Department Name**, e.g., "General Services." If the applicant does not have a department, enter the applicant's name.
4. Enter the grant payment mailing address.
5. **Project Summary/Statement of Use**: Enter a detailed description of your project.
6. Select the appropriate option for the Resolution and optional Letter of Designation.
7. Select the appropriate answer for Program Questions.

Contacts Tab

CalRecycle requires the application to have only one Primary Contact and at least one Signature Authority. Each application contact may be granted access by checking the box on the top of the contact's detail screen. The contact will be able to log in to GMS using their own CalRecycle WebPass and access the application.

Note: CalRecycle requires a valid email address for the Signature Authority in order to route the Grant Agreement, if awarded.

- **Primary Contact.** One person who the Signature Authority or their designee has authorized to manage and oversee the grant. This person will be the first contact with whom the Grant Manager will communicate.
- **Signature Authority.** The person(s) authorized to sign CalRecycle documents, such as grant applications, grant agreements, etc., as authorized by a board/council-adopted Resolution, Letter of Designation, or Letter of Commitment (if applicable).
- **Secondary Contact.** A person authorized (by the Primary Contact or Signature Authority or their designee) as the alternate person with whom the Grant Manager will communicate. (Not required.)
- **Consultant.** A professional who provides advice in an area of expertise. If CalRecycle awards a grant to the applicant, the consultants may manage the grant or only conduct specific activities, based on a written agreement between the applicant and the consultant outlining work to be performed. (Not required.)

Budget Tab

Select the applicable budget category and enter a dollar amount and budget detail information. The total must equal the Grant Funds Requested amount shown on the Detail tab.

Complete the Budget document provided in GMS and follow the steps below.

1. Transfer the total of each budget category from the budget document into the Budget tab of GMS.
 - a. Budget amounts in the Budget document must match those entered in the Budget tab.
 - b. The total amounts entered in the Budget tab of GMS must equal the Grant Funds Requested amount shown in the Detail tab.
2. Upload the Budget document in Excel format to the Documents tab of GMS. Do not convert to a PDF.

Utilizing a document form other than the official CalRecycle versions, tampering with the CalRecycle version, or otherwise circumventing imposed character limits, may subject the applicant to disqualification.

Documents Tab

See the Application Documents Section in the Summary tab for documents that must be uploaded in the Documents tab.

When uploading a document, enter a document title, select the appropriate document type from the drop-down list, and enter the date that it was executed/signed, if applicable, or select “today’s date.”

Utilizing a document form other than the official CalRecycle versions, tampering with the CalRecycle version, or otherwise circumventing imposed character limits may subject the applicant to disqualification.

Application Submittal and Deadline

The **Submit Application** button located in the Summary tab will be enabled after all required documents have been uploaded.

Click the **Submit Application** button and the application status will change to **Submitted**. You can only submit the application once; however, you may upload the following documents until the secondary due date: Resolution, Letter of Designation, Letters of Authorization, and JPA Agreements.

You must submit your application no later than 11:59 p.m. on November 15, 2023. Customer service will be available until 4:00 p.m. on the application due date either by emailing grantassistance@calrecycle.ca.gov or call Melissa Sanford at (916)-341-6104, however, there is no guarantee CalRecycle will be able to provide support if there is an influx of inquiries.

Note: Applications that are not submitted by the due date will be deleted from GMS.

Application Documents

Electronic and Original Signatures

CalRecycle now allows for certified e-Signature or original wet signature on documents or forms that certify legally binding information.

Note: E-signatures must include the first and last name of the Signature Authority, be in the Adobe Digital ID format (or through another certified digital signature program) and cannot be completed using the “Fill and Sign” function within Adobe. Any documents using the “Fill and Sign” function, will be considered incomplete and may be sent back to the applicant.

Once the document(s) have been signed by the Signature Authority, upload the digitally signed document, or scan the wet signature and save it to GMS. Retain the original document for potential CalRecycle audits. See Audit Considerations Section of the Procedures and Requirements document for more information.

If you have questions, email grantassistance@calrecycle.ca.gov.

CalRecycle Documents

CalRecycle documents are accessible through the Summary tab in the Application Documents section. To access a document, click on the link, open it up, fill it out, save it to your computer, and upload it to the Documents tab. If you are having trouble with a document, email grantassistance@calrecycle.ca.gov or call Melissa Sanford at (916) 341-6104.

Altered or reproduced CalRecycle documents or templates may result in automatic disqualification of your application. Unless a document specifies that it may be reproduced as necessary, **do not** alter CalRecycle documents.

Note: The maximum allowable file size for each document is 35MB. The maximum character limit is 60. Do not include special characters in file names.

Application Certification

The Application Certification is a required application document that must be generated from GMS.

Note: The Application Certification will act as the Grant Agreement for this grant program.

After you have completed each tab of the application and uploaded the required documents, generate the Application Certification.

1. Click “Print Application Certification” under the Application Submission section of the Summary tab.
 - a. **Note:** You will not be able to click “Print Application Certification” until each tab of the application is completed and all required application documents have been uploaded.
2. Signature Authority signs Application Certification.

3. Upload the signed Application Certification to the Documents tab.

Budget

The Budget document is a required application document that must be submitted as an Excel file (not as a PDF). Provide a clear accounting of all eligible costs necessary to complete your project(s). Budget line items should relate to the information provided in the Narrative Proposal. Budget documentation, including but not limited to quotes, estimates, and equipment details, are required for large equipment, refrigeration, and vehicles. When uploading quotes or other evidence of cost, enter a descriptive title to differentiate the quotes.

Utilizing a document form other than the official CalRecycle version, or tampering with the CalRecycle version, may subject the applicant to disqualification for the grant program.

Narrative Proposal

The Narrative Proposal is a required application document that describes the details of your proposed project. Each section of the Narrative Proposal must have a response. Ensure your narrative responses are detailed and address each portion of every question. Incomplete responses in the Narrative Proposal may delay your award email.

Utilizing a document form other than the official CalRecycle version, or tampering with the CalRecycle version, may subject the applicant to disqualification for the grant program.

Applicant's Required Authorization Documents

Below is a list of required authorizing documents by application type that the applicant is responsible for preparing and uploading to their application.

Note: Applicants must submit Grant Resolutions. Payment Program Resolutions will **not** be accepted.

Note: For Resolution, Letter of Authorization, and Letter of Designation templates, refer to the [Resolution and Letter Examples](https://www.calrecycle.ca.gov/Funding/SampleDocs) (<https://www.calrecycle.ca.gov/Funding/SampleDocs>) web page. CalRecycle staff are available to answer questions about the Resolution or to review your draft Resolution to ensure it meets the requirements of the grant program. You may email your draft Resolution to grantassistance@calrecycle.ca.gov.

Individual Application Authorization Documents:

If **subject to a governing body**, the applicant must submit a Resolution no later than the secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant. The Resolution must:

1. Authorize submittal of an application for one or more specifically named CalRecycle grant(s) or for all CalRecycle grants for which the applicant is eligible.
2. Identify the time period, up to five years, during which the authorizations are valid.
 - a. Five years is encouraged; however, periods of less than five years are acceptable.
 - b. If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.

3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all grant-related documents necessary to implement and close-out the grant(s).
 - a. (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.
4. Be signed or certified by the governing body.

Note: The Signature Authority must sign a Letter of Designation **prior** to the designee's exercise of their authority.

Regional Application Authorization Documents:

Lead Participant

Applicant must submit a Resolution no later than the secondary due date or CalRecycle will deem the application incomplete and may disqualify the applicant.

The Resolution must:

1. Authorize submittal of a Regional Application on behalf of itself as Lead Participant and all other Non-lead Participants for a specifically named CalRecycle grant.
2. Identify the time period, up to five years, during which the authorizations are valid.
 - a. Five years is encouraged; however, periods of less than five years are acceptable.
 - i. A Resolution that is valid for more than one year must contain either:
 1. a list of all potential jurisdictions that may serve as Non-Lead Participants, or
 2. a provision that the Signature Authority may alter the list of Non-Lead Participants for each grant cycle.
 - b. If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.
3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all grant-related documents necessary to implement and close-out the grant(s).
 - a. (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.
4. Be signed or certified by the governing body.

Non-lead Participant

The Non-Lead Participant prepares the Letter of Authorization (LOA) and gives the Lead Participant authorization to apply for and to act on its behalf in the implementation and administration of the grant/program.

Applicant must submit a Letter of Authorization no later than the secondary due date or CalRecycle will remove the Non-Lead Participant(s) from the application.

The LOA must:

1. Be on the Non-Lead Participant's official letterhead.

2. Specify grant program name.
3. Be valid for the duration of the specified grant cycle's term.
4. Authorize the Lead Participant to submit a Regional or JPA Application and act as the Lead Agency on behalf of the Non-Lead Participant.
5. Authorize the Lead Participant to execute all documents necessary to implement the grant.
6. Be signed by an individual authorized to contractually bind the Non-Lead Participant.

Joint Powers Authority Agreement

Joint Powers Authorities (JPA) must upload a copy of their JPA Agreements giving them authority to conduct the project, listing all member entities, and containing the signature of all members. CalRecycle does require Letters of Authorization for JPA applicants. A JPA applicant must upload a Resolution as a part of their application and list all JPA members that are participating as Non-Lead Participants on the Applicant/Participant tab. If a member of the JPA is applying as an individual applicant, do not list them as a participant.

Letter of Designation

CalRecycle requires a Letter of Designation (LOD) only when the Signature Authority identified in the approved Resolution chooses to delegate their signature authority to another person.

The approved Resolution must indicate the Signature Authority's ability to delegate or designate their authority. The applicant must upload the LOD **prior** to the designee's exercise of their authority. If the designee signs an application document in place of the Signature Authority, the applicant must upload the LOD with their application.

The LOD must:

1. Be on the applicant's letterhead.
2. Include the job title of the designee and the scope of the designee's authority.
3. Include the time period during which the designee may exercise the authority.
4. Be signed by the Signature Authority.

The designee's authority may not extend beyond the effective date of the approved Resolution. For example, if the Resolution is effective until December 31, 2024, then the Letter of Designation may not be effective beyond December 31, 2024. If the letter does not identify a valid time period, the letter will follow the same time frame as the Resolution.

Grant Review and Award Process

Grant Application Review Process

After the close of the application period, CalRecycle staff will review the applications for completeness and eligibility. Only complete applications will be considered for award.

Grant Award Process

For qualifying applications, CalRecycle staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or their designee; CalRecycle tentatively schedules this for March 2024. CalRecycle reserves the right to partially fund or fund individual phases of selected proposals, and CalRecycle may fund an amount less than requested.

CalRecycle reserves the right to not award any grant funds under one or more cycles.

Grant Award Conditions

When awarded, this grant will be subject to two conditions:

1. The recommended grantee must pay all outstanding debts due to CalRecycle, or bring current outstanding payments owed to CalRecycle, within 60 days of the award email date.

Failure to comply with this condition will void the grant award.

Grant Program Administration

Application Certification

The Application Certification will be the Grant Agreement that binds the Grantee to CalRecycle's requirements as outlined in the documents below. These documents shall guide the grantee's administration of the grant project.

Following CalRecycle's conditional approval of the grant awards, we will email grantees the information below.

- **Award email**
- **Exhibit A: Terms and Conditions**
 - Contain CalRecycle's standard legal requirements for grants
- **Exhibit B: Procedures and Requirements**
 - Contain specific requirements for administering this grant, including but not limited to project, reporting, and audit requirements

Reporting Process

CalRecycle requires grantees to report on the progress of their grant on a bi-annual basis. The Procedures and Requirements document contains detailed reporting information and deadlines.

Note: This requirement is subject to change at CalRecycle's discretion.

Payments

Funds must be placed into an interest-bearing account. Tracking and reporting of interest earned (if any) on the funds is not required. All interest accrued and received from the funds shall be used only for eligible expenses related to the performance of this Agreement.

Exhibit A

Terms and Conditions

SB 1383 Local Assistance Grant Program

Fiscal Year 2022–23

The following terms used in this Grant Agreement (Agreement) have the meanings given to them below, unless the context clearly indicates otherwise:

- "CalRecycle" means the Department of Resources Recycling and Recovery.
- "Director" means the Director of CalRecycle or his or her designee.
- "Grant Agreement" and "Agreement" means all documents comprising the agreement between CalRecycle and the grantee for this grant.
- "Grant Manager" means CalRecycle staff person responsible for monitoring the grant.
- "Grantee" means the recipient of funds pursuant to this Agreement.
- "Program" means the SB 1383 Local Assistance Grant Program.
- "State" means the State of California, including, but not limited to, CalRecycle and/or its designated officer.

Air or Water Pollution Violation

The grantee shall not be:

- (a) In violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district.
- (b) Out of compliance with any final cease and desist order issued pursuant to Water Code Section 13301 for violation of waste discharge requirements or discharge prohibitions.
- (c) Finally determined to be in violation of provisions of federal law relating to air or water pollution.

Amendment

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated into this Agreement is binding on any of the parties. This Agreement may be amended, modified or augmented by mutual consent of the parties, subject to the requirements and restrictions of this paragraph.

Americans with Disabilities Act

The grantee assures the state that it complies with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Assignment, Successors, and Assigns

- (a) This Agreement may not be assigned by the grantee, either in whole or in part, without CalRecycle's prior written consent.
- (b) The provisions of this Agreement shall be binding upon and inure to the benefit of CalRecycle, the grantee, and their respective successors and assigns.

Audit/Records Access

The grantee agrees that CalRecycle, the Department of Finance, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment date or grant term end date, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later. The grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.

[It may be helpful to share the Terms and Conditions (Exhibit A) and Procedures and Requirements (Exhibit B) with your finance department, contractors and subcontractors. Examples of audit documentation include, but are not limited to: expenditure ledger, payroll register entries and time sheets, personnel expenditure summary form, travel expense log, paid warrants, contracts, change orders, invoices, and/or cancelled checks.]

Authorized Representative

The grantee shall continuously maintain a representative vested with signature authority authorized to work with CalRecycle on all grant-related issues. The grantee shall, at all times, keep the Grant Manager informed as to the identity and contact information of the authorized representative.

Availability of Funds

CalRecycle's obligations under this Agreement are contingent upon and subject to the availability of funds appropriated for this grant.

Bankruptcy/Declaration of Fiscal Emergency Notification

If the grantee files for protection under Chapter 9 of the U.S. Bankruptcy Code (11 U.S.C. §901 et seq.) or declares a fiscal emergency at any time during the Grant Term, the grantee shall notify CalRecycle within 15 days of such filing or declaration, pursuant to the procedures set forth in the section entitled "Communications" herein.

Charter Cities

If the grantee is a charter city, a joint powers authority that includes one or more charter cities, or the regional lead for a regional program containing one or more charter cities, the grantee shall not receive any grant funding if such funding is prohibited by Labor Code section 1782. If it is determined that Labor Code section 1782 prohibits funding for the grant project, this Agreement will be terminated and any disbursed grant funds shall be returned to CalRecycle.

Child Support Compliance Act

For any agreement in excess of \$100,000, the grantee acknowledges that:

- (a) The grantee recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Family Code Section 5200 et seq.
- (b) The grantee, to the best of its knowledge, is fully complying with the earnings assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

Communications

All communications from the grantee to CalRecycle shall be directed to the Grant Manager. All notices, including reports and payment requests, required by this Agreement shall be given in writing by email, letter, or fax to the Grant Manager as identified in the Procedures and Requirements (Exhibit B). If an original document is required, prepaid mail or personal delivery to the Grant Manager is required following the email or fax.

Compliance

The grantee shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits. The grantee shall provide evidence, upon request, that all local, state, and/or federal permits, licenses, registrations, and approvals have been secured for the purposes for which grant funds are to be expended. The grantee shall maintain compliance with such requirements throughout the Grant Term. The grantee shall ensure that the requirements of the California Environmental Quality Act are met for any approvals or other requirements necessary to carry out the terms of this Agreement. The grantee shall ensure that all of grantee's contractors and subcontractors have all local, state, and/or federal permits, licenses, registrations, certifications, and approvals required to perform the work for which they are hired. Any deviation from the requirements of this section shall result in non-payment of grant funds.

Conflict of Interest

The grantee needs to be aware of the following provisions regarding current or former state employees. If the grantee has any questions on the status of any person

rendering services or involved with this Agreement, CalRecycle must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code, § 10410):

- (a) No officer or employee shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity, or enterprise is required as a condition of regular state employment.
- (b) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code, § 10411):

- (a) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- (b) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the twelve month period prior to his or her leaving state service.

If the grantee violates any provisions of above paragraphs, such action by the grantee shall render this Agreement void. (Pub. Contract Code, § 10420).

Contractors/Subcontractors

The grantee will be entitled to make use of its own staff and such contractors and subcontractors as are mutually acceptable to the grantee and CalRecycle. Any change in contractors or subcontractors must be mutually acceptable to the parties. Immediately upon termination of any such contract or subcontract, the grantee shall notify the Grant Manager.

Nothing contained in this Agreement or otherwise, shall create any contractual relation between CalRecycle and any contractors or subcontractors of grantee, and no agreement with contractors or subcontractors shall relieve the grantee of its responsibilities and obligations hereunder. The grantee agrees to be as fully responsible to CalRecycle for the acts and omissions of its contractors and subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the grantee. The grantee's obligation to pay its contractors and subcontractors is an independent obligation from CalRecycle's obligation to make payments to the grantee. As a result, CalRecycle shall have no obligation to pay or to enforce the payment of any moneys to any contractor or subcontractor.

Copyrights

Grantee retains title to any copyrights or copyrightable material produced pursuant to this Agreement. grantee hereby grants to CalRecycle a royalty-free, nonexclusive,

transferable, world-wide license to reproduce, translate, and distribute copies of any and all copyrightable materials produced pursuant this Agreement, for nonprofit, non-commercial purposes, and to have or permit others to do so on CalRecycle's behalf. Grantee is responsible for obtaining any necessary licenses, permissions, releases or authorizations to use text, images, or other materials owned, copyrighted, or trademarked by third parties and for extending such licenses, permissions, releases, or authorizations to CalRecycle pursuant to this section.

Corporation Qualified to do Business in California

When work under this Agreement is to be performed in California by a corporation, the corporation shall be in good standing and currently qualified to do business in the State. "Doing business" is defined in Revenue and Taxation Code Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

Discharge of Grant Obligations

The grantee's obligations under this Agreement shall be deemed discharged only upon acceptance of the final report by CalRecycle. If the grantee is a non-profit entity, the grantee's Board of Directors shall accept and certify as accurate the final report prior to its submission to CalRecycle.

Disclaimer of Warranty

CalRecycle makes no warranties, express or implied, including without limitation, the implied warranties of merchantability and fitness for a particular purpose, regarding the materials, equipment, services or products purchased, used, obtained and/or produced with funds awarded under this Agreement, whether such materials, equipment, services or products are purchased, used, obtained and/or produced alone or in combination with other materials, equipment, services or products. No CalRecycle employees or agents have any right or authority to make any other representation, warranty or promise with respect to any materials, equipment, services or products, purchased, used, obtained, or produced with grant funds. In no event shall CalRecycle be liable for special, incidental or consequential damages arising from the use, sale or distribution of any materials, equipment, services or products purchased or produced with grant funds awarded under this Agreement.

Discretionary Termination

The Director shall have the right to terminate this Agreement at his or her sole discretion at any time upon 30 days written notice to the grantee. Within 45 days of receipt of written notice, grantee is required to:

- (a) Submit a final written report describing all work performed by the grantee.
- (b) Submit an accounting of all grant funds expended up to and including the date of termination.
- (c) Reimburse CalRecycle for any unspent funds.

Disputes

In the event of a dispute regarding performance under this Agreement or interpretation of requirements contained therein, the grantee may, in addition to any other remedies

that may be available, provide written notice of the particulars of such dispute to the Branch Chief of Financial Resources Management Branch, Department of Resources Recycling and Recovery, PO Box 4025, Sacramento, CA 95812-4025. Such written notice must contain the grant number.

Unless otherwise instructed by the Grant Manager, the grantee shall continue with its responsibilities under this Agreement during any dispute.

Drug-Free Workplace Certification

The person signing this Agreement on behalf of the grantee certifies under penalty of perjury under the laws of California, that the grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and will provide a drug-free workplace by taking the following actions:

- (a) Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions that will be taken against employees for violations.
- (b) Establish a drug-free awareness program to inform employees about all of the following:
 - (1) The dangers of drug abuse in the workplace.
 - (2) The grantee's policy of maintaining a drug-free workplace.
 - (3) Any available counseling, rehabilitation, and employee assistance programs.
 - (4) Penalties that may be imposed upon employees for drug abuse violations.
- (c) Require that each employee who works on the grant:
 - (1) Receive a copy of the drug-free policy statement of the grantee.
 - (2) Agrees to abide by the terms of such statement as a condition of employment on the grant.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and grantee may be ineligible for award of any future State agreements if CalRecycle determines that the grantee has made a false certification, or violated the certification by failing to carry out the requirements as noted above.

Effectiveness of Agreement

This Agreement is of no force or effect until signed by both parties.

Entire Agreement

This Agreement supersedes all prior agreements, oral or written, made with respect to the subject hereof and, together with all attachments hereto, contains the entire agreement of the parties.

Environmental Justice

In the performance of this Agreement, the grantee shall conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

Failure to Perform as Required by this Agreement

CalRecycle will benefit from the grantee's full compliance with the terms of this Agreement only by the grantee's:

- (a) Investigation and/or application of technologies, processes, and devices which support reduction, reuse, and/or recycling of wastes.
- (b) Cleanup of the environment.
- (c) Enforcement of solid waste statutes and regulations, as applicable.

Therefore, the grantee shall be in compliance with this Agreement only if the work it performs results in:

- (a) Application of information, a process, usable data or a product which can be used to aid in reduction, reuse, and/or recycling of waste.
- (b) The cleanup of the environment.
- (c) The enforcement of solid waste statutes and regulations, as applicable.

If the Grant Manager determines that the grantee has not complied with the Grant Agreement, the grantee may forfeit the right to reimbursement of any grant funds not already paid by CalRecycle, including, but not limited to, the 10 percent withhold.

In addition to forfeiture of grant funds, failure to perform as required by this Agreement may impact Grantee's eligibility for future grants offered by CalRecycle.

Force Majeure

Neither CalRecycle nor the grantee, its contractors, vendors, or subcontractors, if any, shall be responsible hereunder for any delay, default, or nonperformance of this Agreement, to the extent that such delay, default, or nonperformance is caused by an act of God, weather, accident, labor strike, fire, explosion, riot, war, rebellion, sabotage, flood, or other contingencies unforeseen by CalRecycle or the grantee, its contractors, vendors, or subcontractors, and beyond the reasonable control of such party.

Forfeit of Grant Funds/Repayment of Funds Improperly Expended

If grant funds are not expended, or have not been expended, in accordance with this Agreement, or if real or personal property acquired with grant funds is not being used, or has not been used, for grant purposes in accordance with this Agreement, the Director, at his or her sole discretion, may take appropriate action under this Agreement, at law or in equity, including requiring the grantee to forfeit the unexpended portion of the grant funds, including, but not limited to, the 10 percent withhold, and/or to repay to CalRecycle any funds improperly expended.

Generally Accepted Accounting Principles

The grantee is required to use Generally Accepted Accounting Principles in documenting all grant expenditures.

Grant Manager

The Grant Manager's responsibilities include monitoring grant progress, and reviewing and approving Grant Payment Requests and other documents delivered to CalRecycle pursuant to this Agreement. The Grant Manager may monitor grantee performance to

ensure that the grantee expends grant funds appropriately and in a manner consistent with the terms and conditions contained herein. The Grant Manager does not have the authority to approve any deviation from or revision to the Terms and Conditions (Exhibit A) or the Procedures and Requirements (Exhibit B), unless such authority is expressly stated in the Procedures and Requirements (Exhibit B).

Grantee Accountability

The grantee is ultimately responsible and accountable for the manner in which the grant funds are utilized and accounted for and the way the grant is administered, even if the grantee has contracted with another organization, public or private, to administer or operate its grant program. In the event an audit should determine that grant funds are owed to CalRecycle, the grantee is responsible for repayment of the funds to CalRecycle.

Grantee's Indemnification and Defense of the State

The grantee agrees to indemnify, defend and save harmless the state and CalRecycle, and their officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the grantee as a result of the performance of this Agreement.

Grantee's Name Change

A written amendment is required to change the grantee's name as listed on this Agreement. Upon receipt of legal documentation of the name change, CalRecycle will process the amendment. Payment of Payment Requests presented with a new name cannot be paid prior to approval of the amendment.

In Case of Emergency

In the event of an emergency, or where there is an imminent threat to public health and safety or the environment, the grantee may choose, at its own risk, to incur grant-eligible expenses not previously included in the approved Budget, subject to subsequent approval by the Grant Manager of both the Budget change and the need to implement the Budget change on an emergency basis. The grantee shall notify the Grant Manager of the emergency and the Budget change at the earliest possible opportunity. CalRecycle reserves the right to accept or reject the grantee's determination that the circumstances constituted an emergency or a threat to public health and safety or the environment. If the Grant Manager determines that the circumstances did not constitute an emergency or a threat to public health or safety, the Budget change will be disallowed.

Limited Waiver of Sovereign Immunity and Consent to Jurisdiction

The Grantee expressly and irrevocably waives sovereign immunity (and any defenses based thereon) in favor of CalRecycle, but not as to any other person or entity, as to any dispute which specifically arises under this Agreement and not as to any other action, matters or disputes.

The Grantee does not waive its sovereign immunity with respect to (i) actions by third parties, except for parties acting on behalf of, under authorization from the Grantee or CalRecycle, or (ii) disputes between the Grantee and CalRecycle which do not specifically arise under this Agreement. The Grantee further agrees that exhaustion of tribal administrative remedies, including before any tribal court, shall not be required prior to proceeding to filing a complaint in the appropriate court of law; and

The Grantee and CalRecycle agree that any monetary damages awarded or arising under this Agreement shall be exclusively limited to actual direct damages incurred based on obligations contained in this Agreement that have been demonstrated with substantial certainty and which do not, in any event, exceed the total amount of the award under this Agreement. The Grantee and CalRecycle agree not to assert any claim for damages, injunctive, or other relief which is not consistent with the provisions of this Agreement; and

The Grantee and CalRecycle may seek, and the Grantee may seek after it has exhausted any available remedy through the Government Claims Program and the Program so approves, judicial review for breach of contract in the State Superior Court for Sacramento County, including any appellate proceedings. The Grantee and CalRecycle expressly consent to the jurisdiction of such Court, provided that:

- (a) No person or entity other than the Grantee and CalRecycle is a party to the action, unless failure to join a third party would deprive the court of jurisdiction; provided, however, that nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Grantee or CalRecycle in respect to any such third party.
- (b) The judgment so entered has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action, and may be enforced like any other judgment of the court in which it is entered.

Nothing in this Agreement shall be construed to constitute a waiver of the sovereign immunity of the Grantee with respect to intervention by any additional party not deemed an indispensable party to the proceeding. Unless otherwise agreed by the Grantee and CalRecycle, any dispute resolution meetings or communications, or mediation, shall be in the context of a settlement discussion to potential litigation and remain confidential to the extent not prohibited by applicable law.

No Agency Relationship Created/Independent Capacity

The grantee and the agents and employees of grantee, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of CalRecycle.

No Waiver of Rights

CalRecycle shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by CalRecycle. No delay or omission on the part of CalRecycle in exercising any rights shall operate as a waiver of such right or any other right. A waiver by CalRecycle of a provision of this Agreement shall not prejudice or constitute a waiver of CalRecycle's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by CalRecycle, nor any course of dealing between CalRecycle and grantee, shall constitute a waiver of any of CalRecycle's rights or of any of grantee's obligations as to any future transactions. Whenever the consent of CalRecycle is required under this Agreement, the granting of such consent by CalRecycle in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of CalRecycle.

Non-Discrimination Clause

- (a) During the performance of this Agreement, grantee and its contractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment on the bases enumerated in Government Code Section 12900 et seq.
- (b) The person signing this Agreement on behalf of the grantee certifies under penalty of perjury under the laws of California that the grantee has, unless exempted, complied with the nondiscrimination program requirements (Gov. Code, § 12990, subd. (a-f) and California Code of Regulations, Title 2, Section 8103). (Not applicable to public entities.)

Order of Precedence

The performance of this grant shall be conducted in accordance with the Terms and Conditions (Exhibit A), Procedures and Requirements (Exhibit B), Project Summary/Statement of Use, Work Plan, and Budget of this Agreement, or other combination of Exhibits specified on the Grant Agreement Coversheet attached hereto (collectively referred to as "Terms"). Grantee's CalRecycle-approved Application (Grantee's Application) is hereby incorporated herein by this reference. In the event of conflict or inconsistency between the articles, exhibits, attachments, specifications or provisions that constitute this Agreement, the following order of precedence shall apply:

- (a) Grant Agreement Coversheet and any Amendments thereto
- (b) Terms and Conditions
- (c) Procedures and Requirements
- (d) Project Summary/Statement of Use
- (e) Budget
- (f) Work Plan
- (g) Grantee's Application
- (h) All other attachments hereto, including any that are incorporated by reference.

Ownership of Drawings, Plans and Specifications

The grantee shall, at the request of CalRecycle or as specifically directed in the Procedures and Requirements (Exhibit B), provide CalRecycle with copies of any data, drawings, design plans, specifications, photographs, negatives, audio and video productions, films, recordings, reports, findings, recommendations, and memoranda of every description or any part thereof, prepared under this Agreement. Grantee hereby grants to CalRecycle a royalty-free, nonexclusive, transferable, world-wide license to reproduce, translate, and distribute copies of any and all such materials produced pursuant to this Agreement, for nonprofit, non-commercial purposes, and to have or permit others to do so on CalRecycle's behalf.

Payment

- (a) The approved Budget, if applicable, is attached hereto and incorporated herein by this reference and states the maximum amount of allowable costs for each of the tasks identified in the Work Plan, if applicable, which is attached hereto and incorporated herein by this reference. CalRecycle shall reimburse the grantee for only the work and tasks specified in the Work Plan or the Grantee's Application at only those costs specified in the Budget and incurred in the term of the Agreement.
- (b) The grantee shall carry out the work described in the Work Plan or in the Grantee's Application in accordance with the approved Budget, and shall obtain the Grant Manager's written approval of any changes or modifications to the Work Plan, approved project as described in the Grantee's Application or the approved Budget prior to performing the changed work or incurring the changed cost. If the grantee fails to obtain such prior written approval, the Director, at his or her sole discretion, may refuse to provide funds to pay for such work or costs.
- (c) The grantee shall request reimbursement in accordance with the procedures described in the Procedures and Requirements (Exhibit B).
- (d) Ten percent will be withheld from each Payment Request and paid at the end of the grant term, when all reports and conditions stipulated in this Agreement have been satisfactorily completed. Failure by the grantee to satisfactorily complete all reports and conditions stipulated in this Agreement may result in forfeiture of any such funds withheld pursuant to CalRecycle's 10 percent) retention policy.
- (e) Lodgings, Meals and Incidentals: Grantee's Per Diem eligible costs are limited to the amounts authorized in the California State Administrative Manual (contact the Grant Manager for more information).
- (f) Payment will be made only to the grantee.
- (g) Reimbursable expenses shall not be incurred unless and until the grantee receives a Notice to Proceed as described in the Procedures and Requirements (Exhibit B).

Personnel Costs

If there are eligible costs pursuant to Exhibit B, Procedures and Requirements, any personnel expenditures to be reimbursed with grant funds must be computed based on actual time spent on grant-related activities and on the actual salary or equivalent hourly wage the employee is paid for his or her regular job duties, including a proportionate

share of any benefits to which the employee is entitled, unless otherwise specified in the Procedures and Requirements (Exhibit B).

Real and Personal Property Acquired with Grant Funds

- (a) All real and personal property, including equipment and supplies, acquired with grant funds shall be used by the grantee only for the purposes for which CalRecycle approved their acquisition for so long as such property is needed for such purposes, regardless of whether the grantee continues to receive grant funds from CalRecycle for such purposes. In no event shall the length of time during which such property, including equipment and supplies, acquired with grant funds, is used for the purpose for which CalRecycle approved its acquisition be less than five (5) years after the end of the grant term, during which time the property, including equipment and supplies, must remain in the State of California.
- (b) Subject to the obligations and conditions set forth in this section, title to all real and personal property acquired with grant funds, including all equipment and supplies, shall vest upon acquisition in the grantee. The grantee may be required to execute all documents required to provide CalRecycle with a security interest in any real or personal property, including equipment and supplies, and it shall be a condition of receiving this grant that CalRecycle shall be in first priority position with respect to the security interest on any such property acquired with the grant funds, unless pre-approved in writing by the Grant Manager that CalRecycle will accept a lower priority position with respect to the security interest on the property. Grantee shall inform any lender(s) from whom it is acquiring additional funding to complete the property purchase of this grant condition.
- (c) The grantee may not transfer Title to any real or personal property, including equipment and supplies, acquired with grant funds to any other entity without the express authorization of CalRecycle. Grantee's violation of this provision shall result in Grantee's reimbursement to CalRecycle of the amount of grant funds used to purchase said equipment and supplies.
- (d) CalRecycle will not reimburse the grantee for the acquisition of equipment that was previously purchased with CalRecycle grant funds, unless the acquisition of such equipment with grant funds is pre-approved in writing by the Grant Manager. In the event of a question concerning the eligibility of equipment for grant funding, the burden will be on the grantee to establish the pedigree of the equipment.

Reasonable Costs

A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Consideration will be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the performance of the grant.
- (b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms-length bargaining, federal and state laws and regulations, and the terms and conditions of this Agreement.
- (c) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, clients, and the public at large.

- (d) Significant deviations from the established practices of the organization which may unjustifiably increase the grant costs.

Recycled-Content Paper

All documents submitted by the grantee must be printed double-sided on recycled-content paper containing 100 percent post-consumer fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper.

Reduction of Waste

In the performance of this Agreement, grantee shall take all reasonable steps to ensure that materials purchased or utilized in the course of the project are not wasted. Steps should include, but not be limited to: the use of used, reusable, or recyclable products; discretion in the amount of materials used; alternatives to disposal of materials consumed; and the practice of other waste reduction measures where feasible and appropriate.

Reduction of Waste Tires

Unless otherwise provided for in this Agreement, in the performance of this Agreement, for all purchases made with grant funds, including, but not limited to equipment and tire-derived feedstock, the grantee shall purchase and/or process only California waste tires and California waste tire-derived products. As a condition of final payment under this Agreement, the grantee must provide documentation substantiating the source of the tire materials used during the performance of this Agreement to the Grant Manager.

Reimbursement Limitations

Under no circumstances shall the grantee seek reimbursement pursuant to this Agreement for a cost or activity that has been or will be paid for through another funding source. The grantee shall not seek reimbursement for any costs used to meet cost sharing or matching requirements of any other CalRecycle funded program.

All costs charged against the Agreement shall be net of all applicable credits. The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items that are reimbursable under this Agreement. Applicable credits may include, but are not necessarily limited to, rebates or allowances, discounts, credits toward subsequent purchases, and refunds. Grantee shall, where possible, deduct the amount of the credit from the amount billed as reimbursement for the cost, or shall deduct the amount of the credit from the total billed under a future invoice.

Reliable Contractor Declaration

Prior to authorizing any contractor or subcontractor to commence work under this Grant, the grantee shall submit to CalRecycle a Reliable Contractor Declaration (CalRecycle 168) from the contractor or subcontractor, signed under penalty of perjury, disclosing whether of any of the events listed in Section 17050 of Title 14, [California Code of Regulations, Natural Resources](https://www.calrecycle.ca.gov/laws/regulations/title14) (<https://www.calrecycle.ca.gov/laws/regulations/title14>), Division 7, has occurred with respect to the contractor or subcontractor within the

preceding three (3) years. If a contractor is placed on CalRecycle's Unreliable List after award of this Grant, the grantee may be required to terminate that contract.

Remedies

Unless otherwise expressly provided herein, the rights and remedies hereunder are in addition to, and not in limitation of, other rights and remedies under this Agreement, at law or in equity, and exercise of one right or remedy shall not be deemed a waiver of any other right or remedy.

Self-Dealing and Arm's Length Transactions

All expenditures for which reimbursement pursuant to this Agreement is sought shall be the result of arm's-length transactions and not the result of, or motivated by, self-dealing on the part of the grantee or any employee or agent of the grantee. For purposes of this provision, "arm's-length transactions" are those in which both parties are on equal footing and fair market forces are at play, such as when multiple vendors are invited to compete for an entity's business and the entity chooses the lowest of the resulting bids. "Self-dealing" is involved where an individual or entity is obligated to act as a trustee or fiduciary, as when handling public funds, and chooses to act in a manner that will benefit the individual or entity, directly or indirectly, to the detriment of, and in conflict with, the public purpose for which all grant monies are to be expended.

Severability

If any provisions of this Agreement are found to be unlawful or unenforceable, such provisions will be voided and severed from this Agreement without affecting any other provision of this Agreement. To the full extent, however, that the provisions of such applicable law may be waived, they are hereby waived to the end that this Agreement be deemed to be a valid and binding agreement enforceable in accordance with its terms.

Site Access

The grantee shall allow the state to access sites at which grant funds are expended and related work being performed at any time during the performance of the work and for ninety (90) days after completion of the work, or until all issues related to the grant project have been resolved.

Stop Work Notice

Immediately upon receipt of a written notice from the Grant Manager to stop work, the grantee shall cease all work under this Agreement.

Termination for Cause

CalRecycle may terminate this Agreement and be relieved of any payments should the grantee fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination, CalRecycle may proceed with the work in any manner deemed proper by CalRecycle. All costs to CalRecycle shall be deducted from any sum due the grantee under this Agreement. Termination pursuant to

this section may result in forfeiture by the grantee of any funds retained pursuant to CalRecycle's 10 percent retention policy.

Time is of the Essence

Time is of the essence to this Agreement.

Tolling of Statute of Limitations

The statute of limitations for bringing any action, administrative or civil, to enforce the terms of this Agreement or to recover any amounts determined to be owing to CalRecycle as the result of any audit of the grant covered by this Agreement shall be tolled during the period of any audit resolution, including any appeals by the grantee to the Director.

Union Organizing

By signing this Agreement, the grantee hereby acknowledges the applicability of Government Code Sections 16645, 16645.2, 16645.8, 16646, 16647, and 16648 to this Agreement and hereby certifies that:

- (a) No grant funds disbursed by this grant will be used to assist, promote, or deter union organizing by employees performing work under this Agreement.
- (B) If the grantee makes expenditures to assist, promote, or deter union organizing, the grantee will maintain records sufficient to show that no state funds were used for those expenditures, and that grantee shall provide those records to the Attorney General upon request.

Venue/Choice of Law

- (a) All proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties hereunder shall be held in Sacramento County, California. The parties hereby waive any right to any other venue. The place where the Agreement is entered into and place where the obligation is incurred is Sacramento County, California.
- (b) The laws of the State of California shall govern all proceedings concerning the validity and operation of this Agreement and the performance of the obligations imposed upon the parties hereunder.

Waiver of Claims and Recourse against the State

The grantee agrees to waive all claims and recourse against the state, its officials, officers, agents, employees, and servants, including, but not limited to, the right to contribution for loss or damage to persons or property arising out of, resulting from, or in any way connected with or incident to this Agreement. This waiver extends to any loss incurred attributable to any activity undertaken or omitted pursuant to this Agreement or any product, structure, or condition created pursuant to, or as a result of, this Agreement.

Work Products

Grantee shall provide CalRecycle with copies of all final products identified in the Work Plan. Grantee shall also provide CalRecycle with copies of all public education and advertising material produced pursuant to this Agreement.

Workers' Compensation/Labor Code

The grantee is aware of Labor Code Section 3700, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Labor Code, and the grantee agrees to comply with such provisions before commencing the performance of the work of this Agreement.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.G
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: KARINA BAÑALES

SUBJECT: ADOPT RESOLUTION NO. 1354 EXTENDING THE CITY'S DEADLINE FOR POST-ENTITLEMENT PHASE ONLINE PERMITTING SYSTEM TO JANUARY 1, 2026

DATE: December 14, 2023

BACKGROUND:

California Assembly Bill 2234 ("AB 2234") took effect on January 1, 2023. AB 2234 added sections 65913.3 and 65913.3.5 to the Government Code and, most notably, extends elements similar to those of the Permit Streamlining Act to a local agency's review of ministerial "post-entitlement phase permit" applications for housing development project.

Under AB 2234, post-entitlement phase permits are all nondiscretionary permits and reviews filed after the entitlement process has been completed that are required or issued by the local agency to begin construction of a development that will be at least two-thirds residential. Examples of post-entitlement phase permits include, but are not limited to:

- (i) building permits;
- (ii) permits of minor or standard off-site improvements;
- (iii) permits for demolition; or
- (iv) permits for minor or standard excavation and grading.

AB 2234 imposes numerous requirements on a local agency's review and processing of a post-entitlement phase permit application, including:

- (1) posting application checklists and examples online;
- (2) time limits to determine whether an application is complete;
- (3) time limits to approve or deny an application;
- (4) providing an applicant with the right to appeal the local agency's decision; and
- (5) implementing an online permitting system.

This item before the City Council this evening concerns item (5) above, AB 2234's online permitting system requirement.

DISCUSSION:

Among other things, AB 2234 requires local agencies that are located in counties with a population of 250,000 or greater to implement an online permitting system that allows applicants to apply for, check the status of, complete and retrieve post-entitlement phase permits. Local agencies in counties with a population of less than 250,000 are exempt from this online permitting system requirement.

For local agencies in counties with a population of 250,000 or greater, the deadline to comply with AB 2234's online permitting system requirement is: (i) January 1, 2024 if the local agency has a population of 75,000 or greater or is located in a county with a population of 1.1 million or greater; or (ii) January 1, 2028 for all local agencies not covered by (i). The City of Rolling Hills is subject to the January 1, 2024 deadline because it sits in a county with a population of 1.1 million or greater, Los Angeles County.

AB 2234 authorizes any local agency subject to the January 1, 2024 deadline to give itself an extension of up to two years (i.e., to January 1, 2026) if its legislative body does both of the following before January 1, 2024: (1) makes a written finding that adopting an online permitting system by January 1, 2024, would require substantial increases in permitting fees; and (2) has initiated a procurement process for the purpose of complying with the online permitting system requirement.

Implementing an online permitting system by the January 1, 2024 deadline would present several financial and logistical burdens for the City that, in turn, would require a substantial increase in permitting fees. There would be a substantial increase in permitting fees because the City would need to hire a third party vendor to implement such system, which costs would have to be passed on to applicants. The City is seeking to initiate new compliant permitting system software, but the procurement process will substantially increase permitting fees if it is to occur on a short timeframe, and may result in additional software costs, which would need

to be reflected in the fees imposed on applicants.

The resolution attached as Attachment 1 makes the requisite findings and, if adopted by the City Council, will extend the City's deadline to comply with AB 2234's online permitting system requirement to January 1, 2026. As required by AB 2234, the resolution also includes a direction to staff to initiate the procurement process necessary to comply with this requirement. This process will be conducted in accordance with state law and the City's applicable procurement policies.

For the reasons provided above, staff recommends that the City Council adopt the attached resolution.

FISCAL IMPACT:

None, provided that if the City were to comply with AB 2234 by the Jan 1, 2024 deadline, it would present several financial and logistical burdens on the City which would require a substantial increase in permitting fees.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[ResolutionNo1354_AB2234_Extension_F.pdf](#)

RESOLUTION NO. 1354

A RESOLUTION OF THE CITY COUNCIL OF THE CITY ROLLING HILLS, CALIFORNIA EXTENDING THE DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.3.5 (AB 2234)

WHEREAS, California Assembly Bill 2234 (“AB 2234”) added sections 65913.3 and 65913.3.5 to the Government Code and took effect on January 1, 2023; and

WHEREAS, AB 2234 extends elements similar to those of the Permit Streamlining Act to a local agency’s review of ministerial “post-entitlement phase permit” applications for housing development projects; and

WHEREAS, under AB 2234, a “post-entitlement phase permit” includes all nondiscretionary permits and reviews that are required or issued by the local agency after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential. Examples include, among other things, building permits, demolition permits, and permits for minor or standard excavation and grading; and

WHEREAS, in addition to above, AB 2234 requires local agencies that are located in counties with a population of 250,000 or greater to implement an online permitting system that allows applicants to apply for, check the status of, complete and retrieve post-entitlement phase permits (local agencies in counties with a population of less than 250,000 are exempt from this online permitting system requirement); and

WHEREAS, for local agencies in counties with a population of 250,000 or greater, the deadline to comply with AB 2234’s online permitting system requirement is: (1) January 1, 2024 if the local agency has a population of 75,000 or greater or is located in a county with a population of 1.1 million or greater; or (2) January 1, 2028 for all local agencies not covered by (1); and

WHEREAS, the City of Rolling Hills (“City”) is subject to the January 1, 2024 deadline because the population of the county in which it sits, Los Angeles County, exceeds 1.1 million people; and

WHEREAS, any local agency subject to the January 1, 2024 deadline may give itself an extension of up to two years (i.e., to January 1, 2026) if its legislative body does both of the following before January 1, 2024: (1) makes a written finding that adopting an online permitting system by January 1, 2024, would require substantial increases in permitting fees; and (2) has initiated a procurement process for the purpose of complying with the online permitting system requirement; and

WHEREAS, the City desires to extend its deadline to comply with AB 2234's online permitting system requirement to January 1, 2026; and

NOW, THEREFORE, the City Council of the City of Rolling Hills does hereby resolve as follows:

SECTION 1. Recitals. The City Council hereby finds and determines that the recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. The City Council hereby finds that the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly

SECTION 3. AB 2234 Findings; Direction to Staff. In accordance with Government Code section 65913.3.5(a)(2)(A)-(B):

1. *Substantial Increase in Permitting Fees.* The City Council hereby finds that implementing an online permitting system by January 1, 2024 would require substantial increases in the City's permitting fees because the City would need to hire a third party vendor to implement such system, which costs would have to be passed on to applicants. The City is seeking to initiate new compliant permitting system software, but the procurement process will substantially increase permitting fees if it is to occur on a short timeframe, and may result in additional software costs, which would need to be reflected in the fees imposed on applicants.

2. *Initiation of Procurement Process.* The City Council hereby directs staff to initiate the procurement process necessary to comply with AB 2234's online permitting system requirements. Such process shall be in accordance with state law and the City's applicable procurement policies.

SECTION 4. Extension. The City Council hereby elects to extend its deadline to implement an online permitting system to January 1, 2026.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 14th day of December, 2023.

Patrick Wilson, Mayor

ATTEST

Christian Horvath, City Clerk

APPROVED AS TO FORM

Patrick Donegan, City Attorney



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.H
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: KARINA BAÑALES

SUBJECT: APPROVE THE DEVELOPMENT PLANS FOR AN EMERGENCY OUTDOOR SIREN SYSTEM AT THREE LOCATIONS, DIRECT STAFF TO PROCEED WITH THE PERMITTING AND INSTALLATION OF THE SIREN SYSTEM, AND MAKE A FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: December 14, 2023

BACKGROUND:

In Fiscal Years 19/20 and 20/21, the City Council provided funding for the Block Captain Program to investigate communication platforms in the event of complete power failure in the community. The Block Captains and staff used funds to purchase two-way radios, and when the handheld radio option proved ineffective, a Request for Proposal (RFP) was issued in February 2021 to solicit proposals on other communication systems. The City received one proposal from HQE Systems, Inc. (HQE).

On April 26, 2021, staff recommended that the City Council engage the services of HQE.

At the January 10, 2022, City Council meeting, staff presented the final Feasibility Study and recommended that the City Council conduct a community survey to gauge interest in an outdoor siren system. In a review of the Feasibility Study, the City Council requested information relating to the annual maintenance cost of the proposed outdoor siren system. The City Council also asked that a street-level map of Solution A and Solution B be presented in the Feasibility Study.

On March 14, 2022, the City Council unanimously voted to amend the PSA with HQE allocating an additional not-to-exceed \$3,500 to investigate additional siren pole locations.

In early July 2022, HQE submitted a revised Feasibility Study.

At the January 23, 2023 City Council meeting, the City Council selected four siren pole locations as follows:

- City Hall;
- Fire Station 106 (12 Crest Road West);
- Cal Water Facility (3960 Crest Road); and
- Easement at Crest Road East gate.

At the March 27, 2023 City Council meeting, the City Council approved the HQE proposal for additional work in the amount of \$4,195 to perform another sound propagation analysis for three locations from the above list.

On May 15, 2023, representatives from HQE met with City staff and representatives from the Rolling Hills Community Association (RHCA) to visit the three proposed sights. Prior to the site visits, Cal Water informed staff that their facility location was no longer an option. Instead, the RHCA easement at the Crest Road East gate was used.

On June 12, 2023, the City Council received an updated sound propagation report confirming that three siren pole locations would allow the majority of the residents to hear the siren at 70 decibels. HQE System Inc. indicated that the turnkey solution selected by the City Council was estimated at \$144,000 with an annual maintenance fee of \$13,981. With the added intelligible voice feature of \$39,000 per pole, the capital improvement project cost was \$261,000. City Council voted, 4-1 (Dieringer dissenting), to move forward with the proposed siren installation using the intelligible voice system.

DISCUSSION:

On October 23, 2023, staff presented the plans for City Council approval, but the Council directed staff to modify the Crest Road West location in order to not affect the southward-facing view corridor. Staff also relocated the City Hall Campus pole based on discussions with the City of Rolling Hills Estates. These new locations were presented at the November 13, 2023 City Council meeting as an update and were amenable to the Council.

HQE has prepared the development plans showing the location and specifications for each siren. Here is a summary of each:

1. City Hall Location: The revised 50-foot-high pole location will be on the northeast side of the City Council Chambers adjacent to the parking lot where there are currently hedges. This is roughly 50 feet from the originally proposed location near Palos Verdes Drive North, which was in the Rolling Hills Estates easement.
2. Crest Road West Adjacent to Fire Station 56: The revised location along Crest Road West will remain within the RHCA roadway easement but further east behind a tree and closer to the fire station. RHCA has requested that it be placed away from the roadway for safety and aesthetics. The proposed location is still on a downslope from the street but higher than the original location. As such, the pole is expected to be 50 feet tall as opposed to the original height of 70 feet.
3. Crest Road East Outside of Gate: This location is within an RHCA easement approximately 10 feet from an Edison pole and six feet from a fence. The fence will need to be removed to install the pole, but it will be replaced.

Wooden Poles

It should be noted that the poles approved by the City Council are wooden poles, which require conduits to run up the side of the poles. The conduit and other equipment will be

painted so they are less obtrusive.

Pole Height

The new location for the pole on Crest Road West will be at a higher elevation than the original location, which means a shorter pole can be used. As such, a standard Class 3 pole, which is 50 feet high above grade, is needed. The original location would have required a longer Class 1 pole, which must be customized and is more expensive. The approved budget covers the new location.

ENVIRONMENTAL REVIEW

The solicitation for bids did not constitute a Project as defined under the California Environmental Quality Act ("CEQA"). Further, the repair, replacement, and installation of an Equestrian Fence at City Hall is exempt from CEQA pursuant to section 15301 of the CEQA Guidelines (Existing facilities) in that it will replace previously existing fencing at City Hall. Further, this action is exempt under section 15302 of the CEQA Guidelines as it consists of replacing or reconstructing existing structures and facilities on the same site as the replaced structures and facilities and will have the same purpose and capacity.

FISCAL IMPACT:

The City Council previously allocated \$300,000 to the Outdoor Siren System project. The City spent \$3,500 on the initial Feasibility Study. Another \$1,900 was spent coordinating with Cal Water on potential siren pole locations within the community. The sound propagation study cost \$4,195 for a total of \$9,595, leaving \$290,405 available for the project.

At the June 12, 2023 City Council meeting, HQE System Inc. confirmed that the turnkey solution selected by the City Council was estimated at \$144,000 with an annual maintenance fee of \$13,981. With the added intelligible voice feature of \$39,000 per pole, the capital improvement project cost is \$261,000, which the Council approved. This leaves \$29,405 from the original allocation.

RECOMMENDATION:

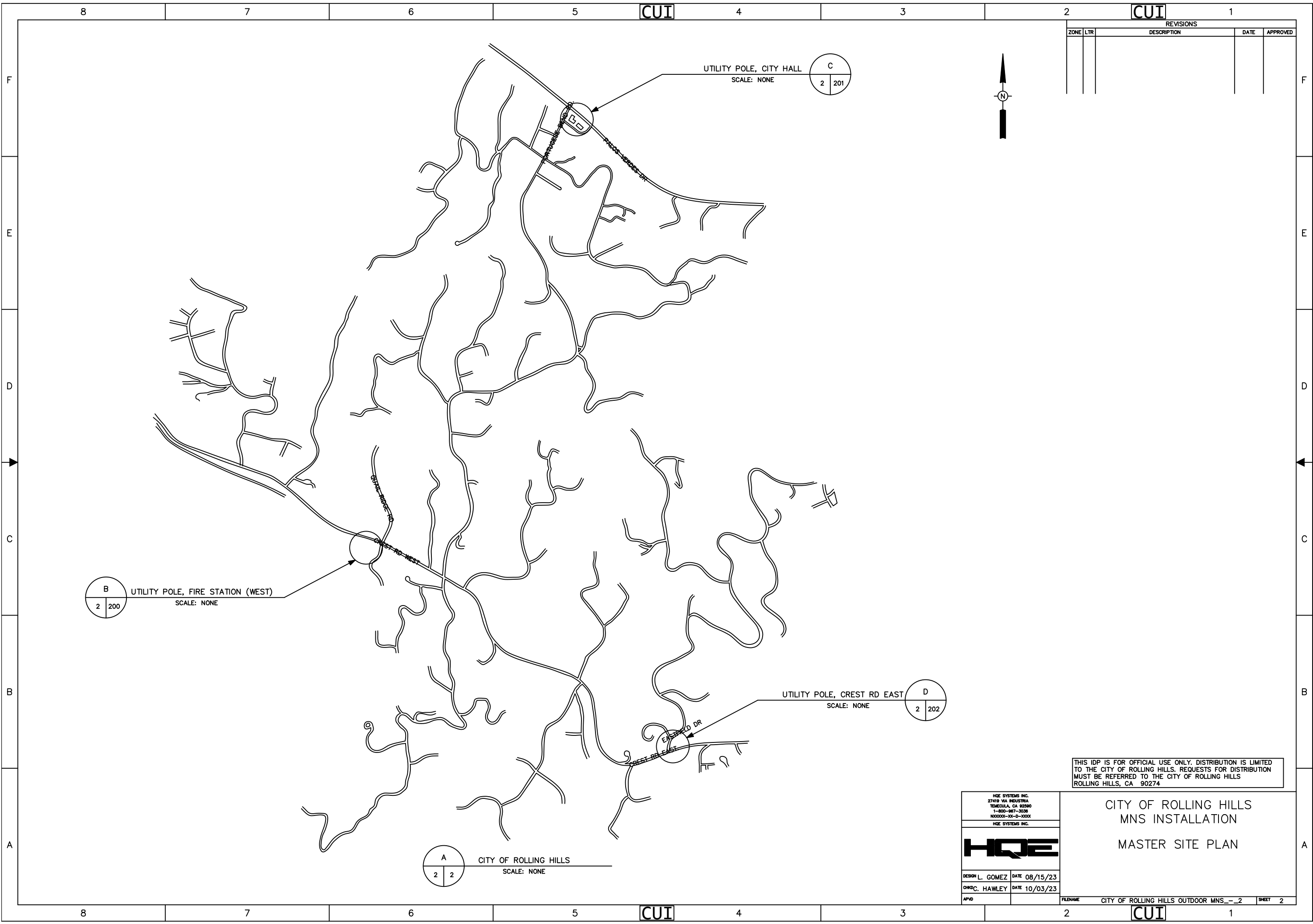
Approve as presented.

ATTACHMENTS:

[PW_OutdoorSirenSystem_Plans_231206.pdf](#)

[CL_AGN_230706_HQE_SirenInstallation_F_A2_E.pdf](#)

[PW_OutdoorSirenSystem_Photos_231205.pdf](#)



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HQE SYSTEMS INC.
27419 VIA INDUSTRIA
TEMESULA, CA 92590
1-800-987-3036
N00000-101-0-10000
HQE SYSTEMS INC.

HQE

DESIGN L. GOMEZ DATE 08/15/23
CHKD C. HAWLEY DATE 10/03/23
APVD

CITY OF ROLLING HILLS
MNS INSTALLATION

MASTER SITE PLAN

FILENAME CITY OF ROLLING HILLS OUTDOOR MNS_-_2 SHEET 2

REVISIONS			
ZONE	LTR	DESCRIPTION	DATE

100% SUBMITTAL 12/06/23

8			7			6			5			4			3			2			1																	
LIST OF MATERIAL															REVISIONS																							
ITEM NO.	QTY	DESCRIPTION										REMARKS										CFM	ZONE	LTR	DESCRIPTION										DATE		APPROVED	
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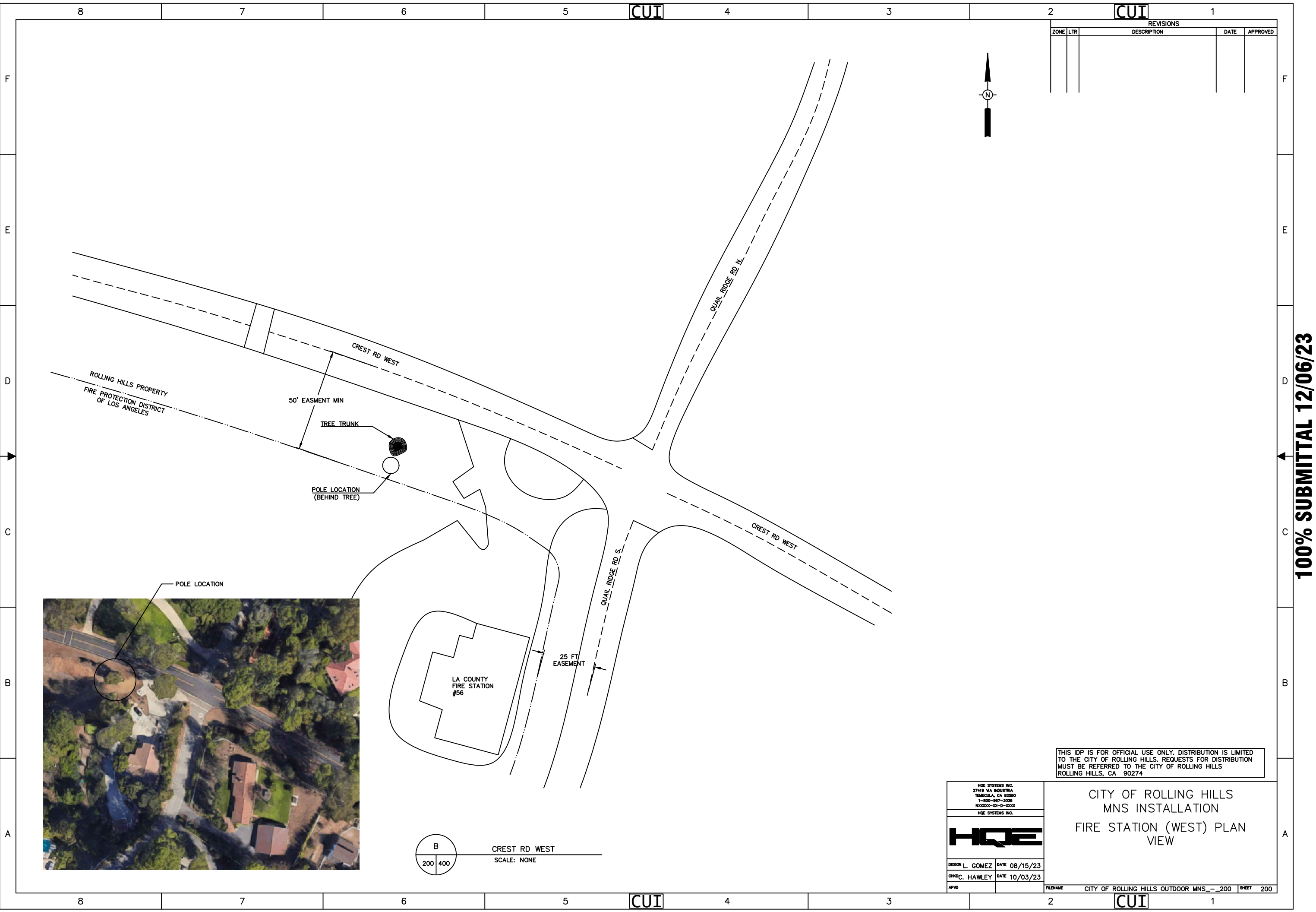
A

NOTES:
1. LIST OF MATERIAL - TBD

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NWC APPROVAL			HQE SYSTEMS INC. 27419 VIA INDUSTRIA TEMESCUA, CA 90290 1-800-987-3036 N00000-XX-D-3000X HQE SYSTEMS INC.				CITY OF ROLLING HILLS MNS INSTALLATION LIST OF MATERIALS				
PROJ ENGR	SIGNATURE	DATE									
BR HEAD											
DIV DIR											
SUBGRP DIR											
APVD FOR NWC		DATE	DESIGN L. GOMEZ	DATE 08/15/23	CHKD C. HAWLEY		DATE 10/03/23	FILENAME CITY OF ROLLING HILLS OUTDOOR MNS_-_101		SHEET 101	

100% SUBMITTAL 12/06/23



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HQE SYSTEMS INC.
27419 VIA INDUSTRIA
TEMESCUA, CA 92590
1-800-987-3036
N00000-XI-D-3000X
HQE SYSTEMS INC.

HQE

DESIGN L. GOMEZ
CHKD C. HAWLEY
APVD

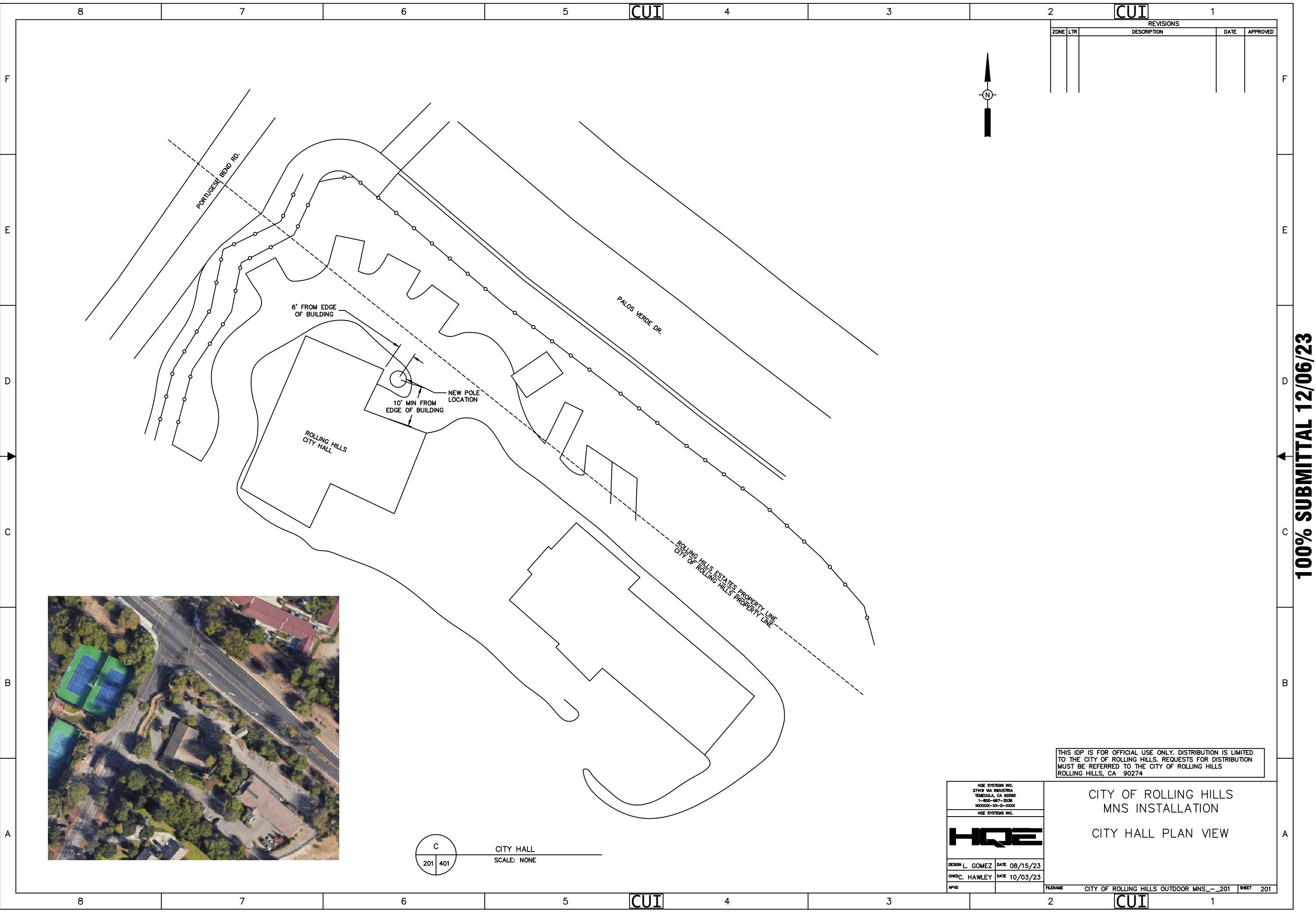
DATE 08/15/23
DATE 10/03/23

CITY OF ROLLING HILLS
MNS INSTALLATION
FIRE STATION (WEST) PLAN VIEW

FILENAME CITY OF ROLLING HILLS OUTDOOR MNS_-_200 SHEET 200

REVISIONS				
ZONE	LTR	DESCRIPTION	DATE	APPROVED

100% SUBMITTAL 12/06/23



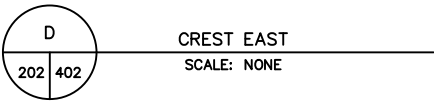
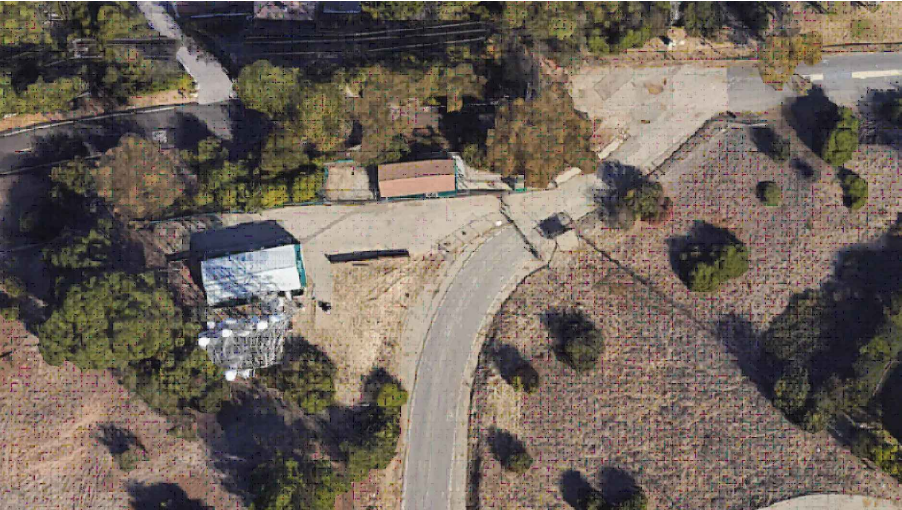
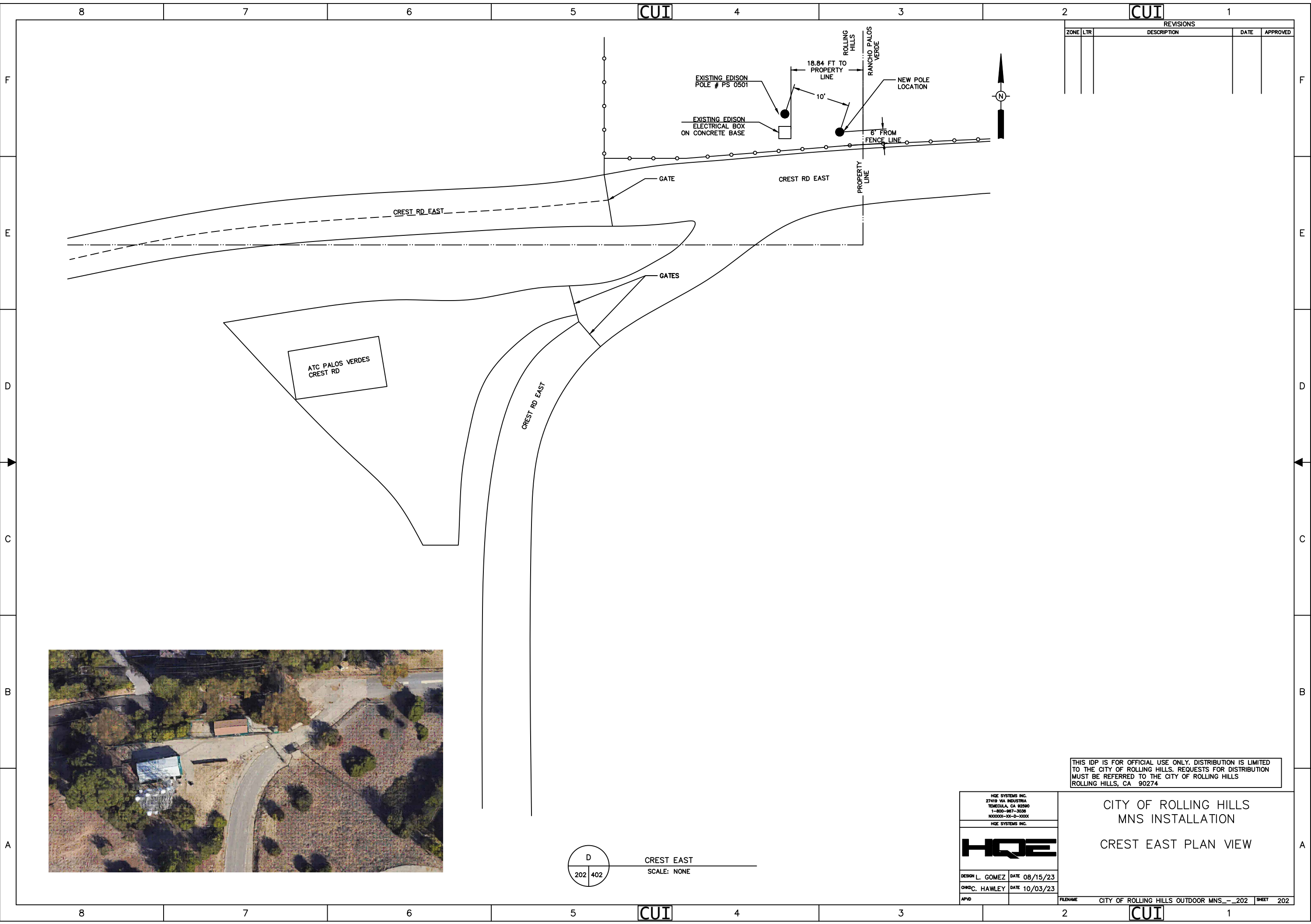
CITY HALL
SCALE: NONE

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HQE SYSTEMS INC. 27419 VIA INDUSTRIA TEMESCUA, CA 90290 1-800-987-3036 N00000-XI-D-1000X HQE SYSTEMS INC.	
DESIGN L. GOMEZ	DATE 08/15/23
CHKD C. HAWLEY	DATE 10/03/23
APVD	

CITY OF ROLLING HILLS MNS INSTALLATION	
CITY HALL PLAN VIEW	
FILENAME	CITY OF ROLLING HILLS OUTDOOR MNS_-_201
SHEET	201

100% SUBMITTAL 12/06/23



HQE SYSTEMS INC.
27419 VIA INDUSTRIA
TEMESULA, CA 92590
1-800-987-3036
N00000-XI-D-3000X
HQE SYSTEMS INC.

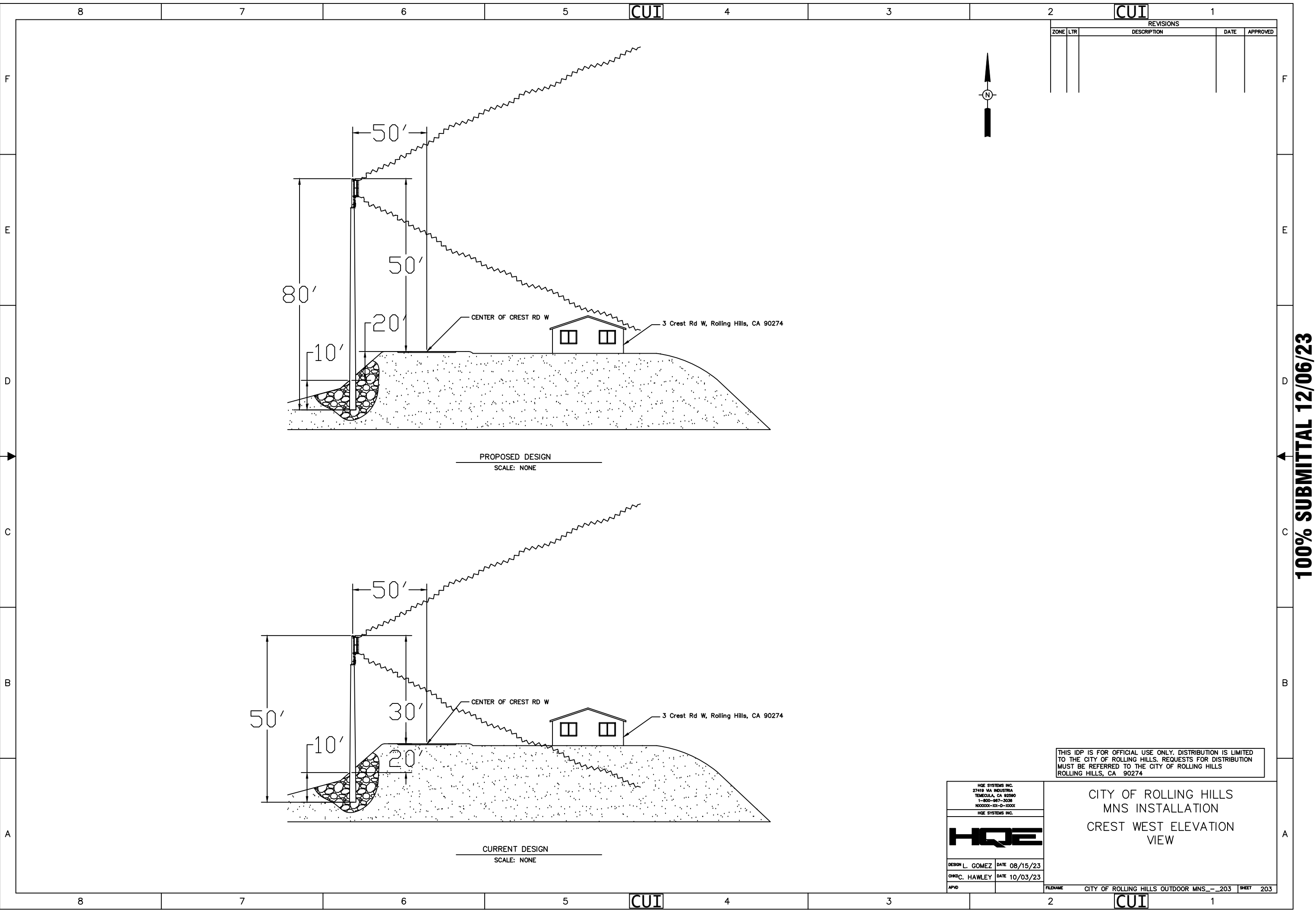
HQE

DESIGN L. GOMEZ	DATE 08/15/23
CHWC. HAWLEY	DATE 10/03/23
APVD	

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CITY OF ROLLING HILLS
MNS INSTALLATION
CREST EAST PLAN VIEW

FILENAME	CITY OF ROLLING HILLS OUTDOOR MNS_-_202	SHEET	202
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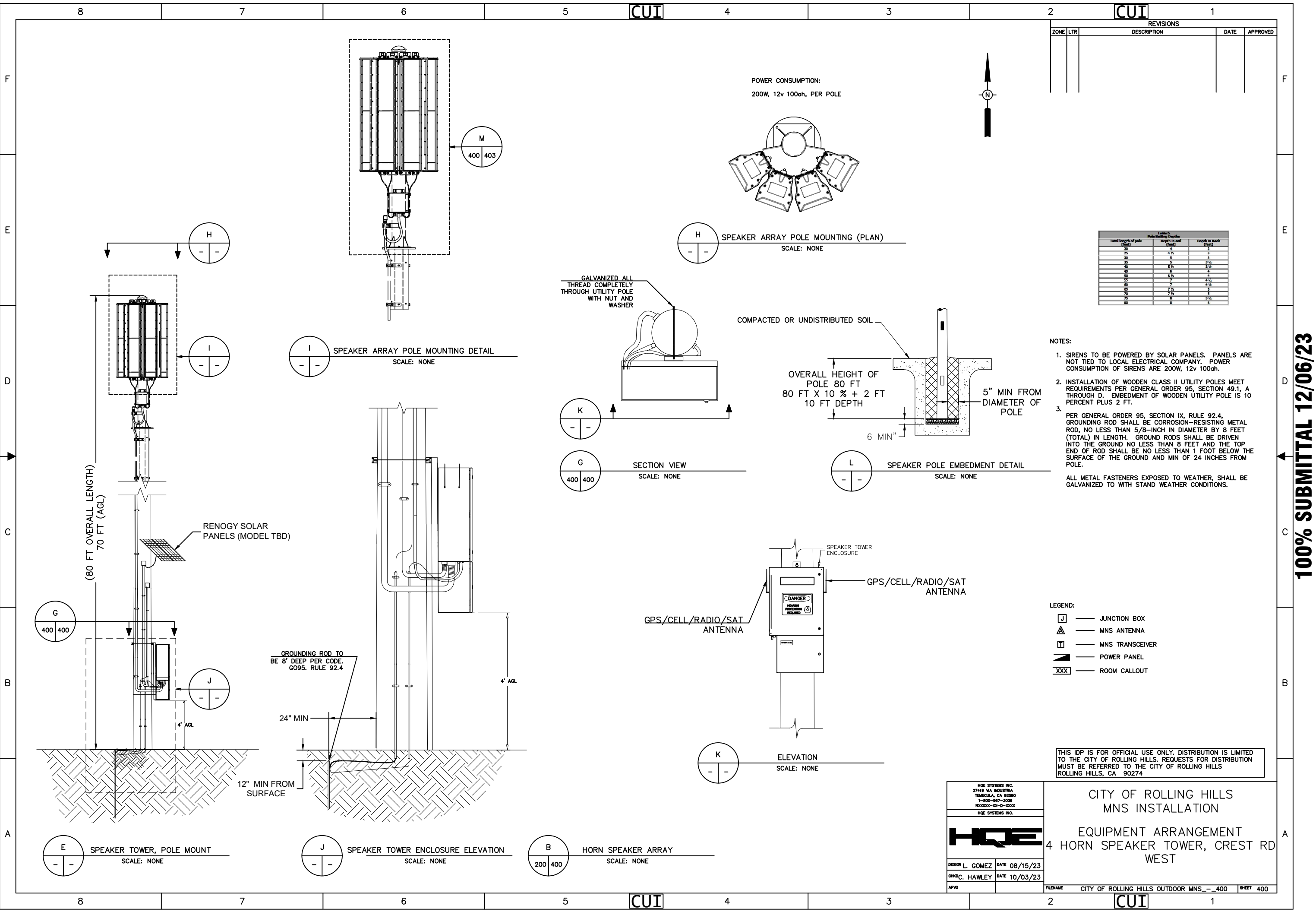
HQE SYSTEMS INC.
27418 VIA INDUSTRIA
TEMESCU, CA 92590
1-800-987-3036
N00000-XI-D-1000X
HQE SYSTEMS INC.

HQE

DESIGN L. GOMEZ DATE 08/15/23
CHECK C. HAWLEY DATE 10/03/23
APVD

CITY OF ROLLING HILLS
MNS INSTALLATION
CREST WEST ELEVATION
VIEW

100% SUBMITTAL 12/06/23



100% SUBMITTAL 12/06/23

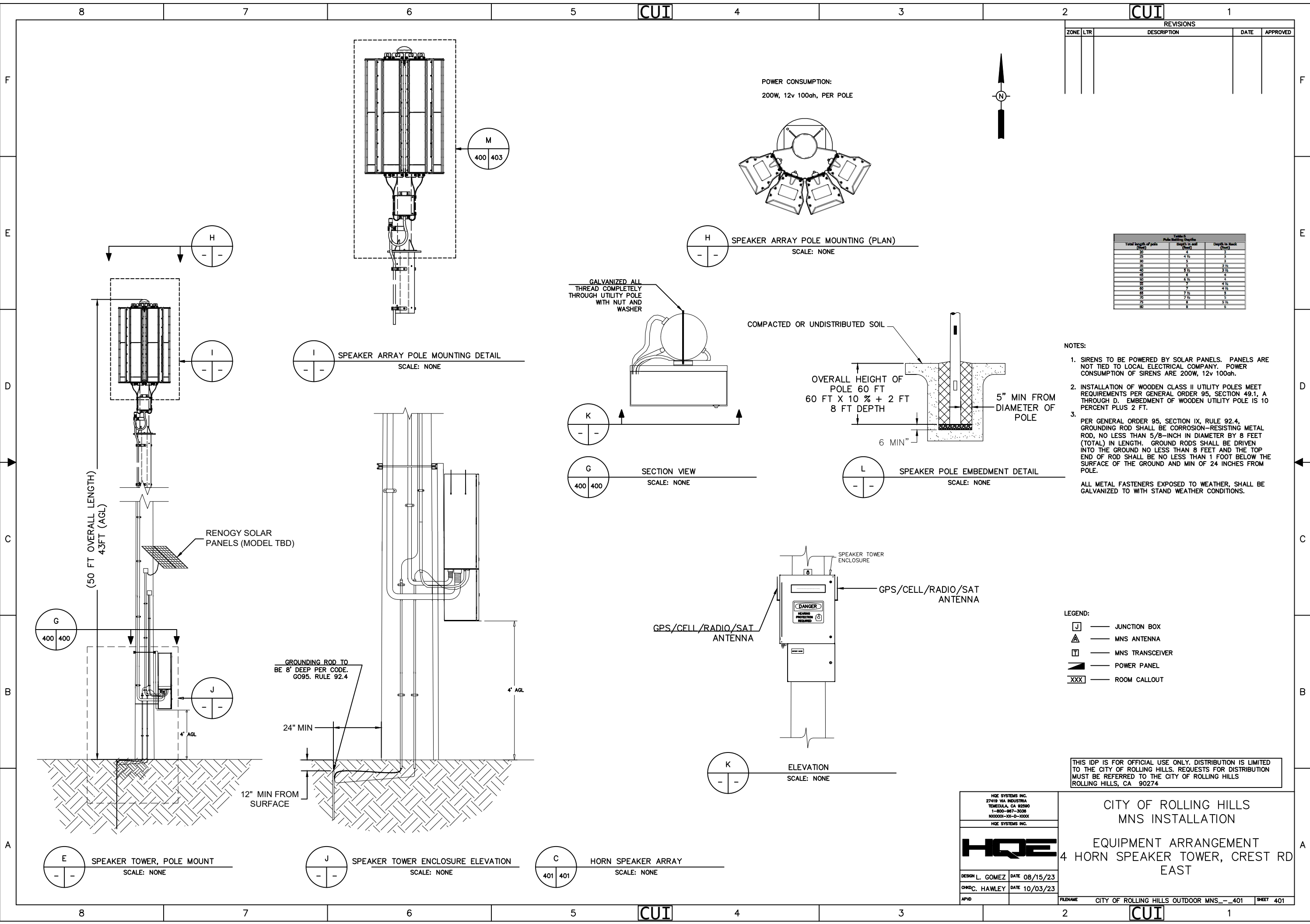


Table B Pole Embedment Details		
Total length of pole (feet)	Depth to and from (feet)	Depth to back (feet)
20	4	2
25	4 1/2	2 1/2
30	5	3
35	5 1/2	3 1/2
40	6	4
45	6 1/2	4 1/2
50	7	5
55	7 1/2	5 1/2
60	8	6

- NOTES:
- SIRENS TO BE POWERED BY SOLAR PANELS. PANELS ARE NOT TIED TO LOCAL ELECTRICAL COMPANY. POWER CONSUMPTION OF SIRENS ARE 200W, 12v 100ah.
 - INSTALLATION OF WOODEN CLASS II UTILITY POLES MEET REQUIREMENTS PER GENERAL ORDER 95, SECTION 49.1, A THROUGH D. EMBEDMENT OF WOODEN UTILITY POLE IS 10 PERCENT PLUS 2 FT.
 - PER GENERAL ORDER 95, SECTION IX, RULE 92.4, GROUNDING ROD SHALL BE CORROSION-RESISTING METAL ROD, NO LESS THAN 5/8-INCH IN DIAMETER BY 8 FEET (TOTAL) IN LENGTH. GROUND RODS SHALL BE DRIVEN INTO THE GROUND NO LESS THAN 8 FEET AND THE TOP END OF ROD SHALL BE NO LESS THAN 1 FOOT BELOW THE SURFACE OF THE GROUND AND MIN OF 24 INCHES FROM POLE.
- ALL METAL FASTENERS EXPOSED TO WEATHER, SHALL BE GALVANIZED TO WITH STAND WEATHER CONDITIONS.

- LEGEND:
- J — JUNCTION BOX
 - A — MNS ANTENNA
 - T — MNS TRANSCEIVER
 - P — POWER PANEL
 - XXX — ROOM CALLOUT

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HQE SYSTEMS INC.
27419 VIA INDUSTRIA
TEMESCU, CA 90260
1-800-987-3036
N00000-X0-D-1000X
HQE SYSTEMS INC.

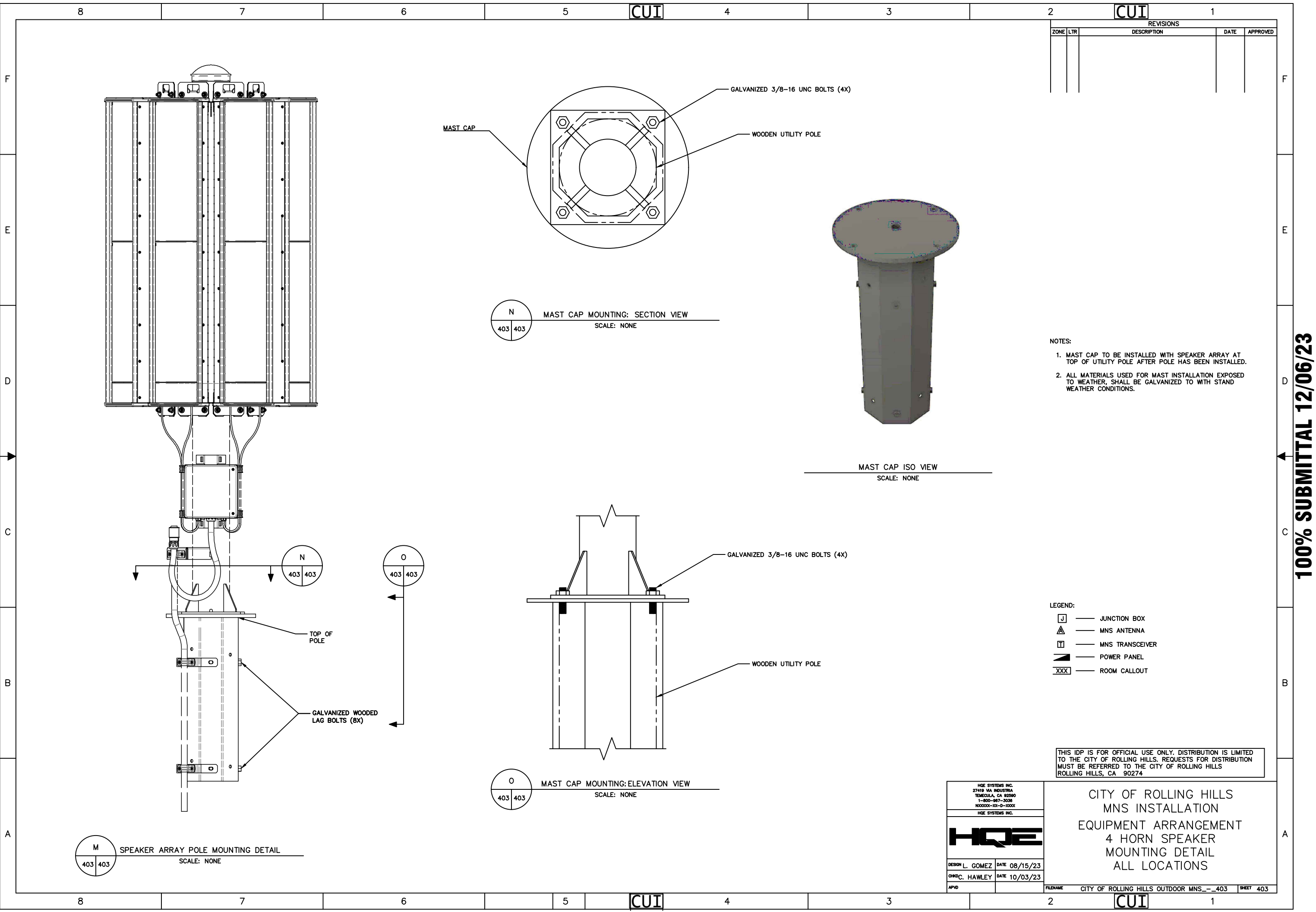
HQE

DESIGN L. GOMEZ DATE 08/15/23
CHWC. HAWLEY DATE 10/03/23
APVD

CITY OF ROLLING HILLS
MNS INSTALLATION

EQUIPMENT ARRANGEMENT
4 HORN SPEAKER TOWER, CREST RD EAST

100% SUBMITTAL 12/06/23



CITY OF ROLLING HILLS **PROFESSIONAL SERVICES AGREEMENT**

THIS AGREEMENT made and entered into this 26th day of June 2023 between the City of Rolling Hills, a municipal corporation, hereinafter referred to as "CITY" and HQE Systems Inc. a California corporation located at 27419 Via Industria, Temecula, CA 92590 "CONSULTANT."

1. RECITALS:

A. The CITY desires to contract the CONSULTANT to provide the design, procurement and installation of a turnkey emergency communications system for the City of Rolling Hills.

B. CONSULTANT is well qualified by reason of education and experience to perform such services; and

C. CONSULTANT is willing to render such services as hereinafter defined.

Now, therefore, for and in consideration of the mutual covenants and conditions herein contained, CITY hereby engages CONSULTANT and CONSULTANT agrees to perform the services set forth in this AGREEMENT.

2. SCOPE OF WORK

CONSULTANT shall perform all work necessary to complete in a manner satisfactory to CITY the services set forth in the attached Exhibit A. The end result of the services shall include a turnkey emergency communications system which includes, but is not limited to; (i) three, 50 foot speaker towers (two directional and one omnidirectional) equipped with intelligible voice and tone capability at the three locations identified in Exhibit A and referred to as the First Station Tower, Easter Gate Tower and City Hall Tower which shall result in a system that, at a minimum, produces the specified Sound Pressure Level identified by the Original Equipment Manufacturer to ensure proper coverage. Outside of extraordinary circumstances on a property (e.g. loud generator, wall of 100' trees covering the perimeter of a property, etc.), CONSULTANT warrants that the system is designed to reach 70 dB at each residence in the City; (ii) speaker/audio system that can provide the listed decibel levels throughout the City as described in Exhibit A; (iii) system that can be managed and activated via an Advanced Communication Module (ACM) to remotely access, control and activate via a secure portal; (iv) reasonable efforts such that the system may be integrated with other regional alert systems which may require additional costs (collectively referred to as "SERVICES").

To the extent this Agreement conflicts with Exhibit A, or any other exhibit, this Agreement shall control.

3. COST

The CITY agrees to pay CONSULTANT for all the work contemplated by this AGREEMENT in the amount of Two Hundred Sixty One Thousand Dollars (\$261,000.00). The cost is more particularly described in Exhibit A. This fee includes all expenses, consisting of all local travel, attendance at meetings, printing and submission of any plans or any other documents required by the Scope of Work. Any increase in contract amount or scope shall be approved by expressed written amendment executed by the CITY and CONSULTANT.

4. METHOD OF PAYMENT

CONSULTANT shall be reimbursed within (30 days) of submitting an uncontested invoice to CITY for SERVICES. CONSULTANT shall submit invoices per the approved project milestones. Milestones include 50% upon parts on order. 40% upon installation. Final 10% upon full test and acceptance by the CITY. CONSULTANT shall submit invoices electronically to the City Manager of the CITY and shall also provide a courtesy copy by U.S. Mail addressed to the City Manager of the CITY.

5. SUBCONTRACTING

CONSULTANT may employ qualified independent subcontractor(s) to assist CONSULTANT in the performance of SERVICES with CITY's prior written approval.

6. COMMENCEMENT OF WORK

CONSULTANT shall commence work under this AGREEMENT upon execution of this AGREEMENT.

7. PERFORMANCE TO SATISFACTION OF CITY

CONSULTANT agrees to perform all work to the reasonable satisfaction of CITY and within the time hereinafter specified.

8. COMPLIANCE WITH LAW

All SERVICES rendered hereunder shall be provided in accordance with the requirements of relevant local, State and Federal Law.

(A). Federal Requirements

In the event federal funds are used to fund all or a portion of this contract. The CONSULTANT shall comply with all federal requirements including, but not limited to, the following:

(i). 2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which is expressly incorporated herein by reference.

(ii). Federal Contract Provisions attached hereto as Exhibit B and incorporated herein by reference.

Subcontracts, if any, shall contain a provision making them subject to all of the provisions stipulated in the contract, including but not limited to, 2 C.F.R. Part 200 and the Federal Contract Provisions.

With respect to any conflict between such federal requirements and the terms of this contract and/or the provisions of state law and except as otherwise required under federal law or regulation, the more stringent requirement shall control.

(B). CONSULTANT is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects (“Prevailing Wage Laws”). If the services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, CONSULTANT agrees to fully comply with such Prevailing Wage Laws. CONSULTANT shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the CONSULTANT and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the CONSULTANT and all subconsultants performing such services must be registered with the Department of Industrial Relations. CONSULTANT shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

9. ACCOUNTING RECORDS

CONSULTANT must maintain accounting records and other evidence pertaining to costs incurred which records and documents shall be kept available at the CONSULTANT's office during the contract period and thereafter for five years from the date of final payment.

10. OWNERSHIP OF DATA

All data, designs, photographs, and other material collected or prepared under the contract shall become the property of the CITY.

11. TERM OF CONTRACT

The term of this Agreement shall be from the effective date of this Agreement to December 31, 2024, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon notice from the City.

12. TERMINATION

This contract may be terminated by the CITY with or without cause upon fourteen (14) days written notice to the CONSULTANT. All work satisfactorily performed pursuant to the contract and prior to the date of termination may be claimed for reimbursement.

13. ASSIGNABILITY

CONSULTANT shall not assign or transfer interest in this contract without the prior written consent of the CITY.

14. AMENDMENT

It is mutually understood and agreed that no alteration or variation of the terms of this contract, or any subcontract requiring the approval of the CITY, shall be valid unless made in writing, signed by the parties hereto, and approved by all necessary parties.

15. NON-SOLICITATION CLAUSE

The CONSULTANT warrants that he or she has not employed or retained any company or persons, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the CITY shall have the right to annul this contract without liability, or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

16. INDEMNITY

CONSULTANT shall indemnify and save harmless CITY, its elected and appointed officers and employees from all claims, damages, suits, cost or actions of every name, kind or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of CONSULTANT, its officers, agents, employees and/or servants in connection with this AGREEMENT.

CITY shall indemnify and save harmless CONSULTANT, its officers, agents, employees, and servants from all claims, damages, suits, costs or actions of every name, kind, or description, brought for, or on account of, (i) injuries to or death of any person, (ii) damage to property or (iii) arising from performance of this AGREEMENT in any manner that resulted from the fault or negligence of the CONSULTANT, its officers, agents, employees, and/or servants in connection with this AGREEMENT.

If CONSULTANT should subcontract all or any portion of the SERVICES to be performed under this AGREEMENT, CONSULTANT shall require each subcontractor to indemnify, hold harmless and defend CITY and each of its officers, officials, employees, agents and volunteers in accordance with the term of the preceding paragraph. This section shall survive termination or expiration of this AGREEMENT.

17. INSURANCE

A. Without limiting CONSULTANT'S obligations arising under paragraph 16 - Indemnity, CONSULTANT shall not begin work under this AGREEMENT until it obtains policies of insurance required under this section. The insurance shall cover CONSULTANT, its agents, representatives and employees in connection with the performance of work under this AGREEMENT, and shall be maintained throughout the term of this AGREEMENT. Insurance coverage shall be as follows:

i. Automobile Liability Insurance with minimum coverage of \$300,000 for property damage, \$300,000 for injury to one person/single occurrence, and \$300,000 for injury to more than one person/single occurrence.

ii. Public Liability and Property Damage Insurance, insuring CITY its elected and appointed officers and employees from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from CONSULTANT'S actions under this AGREEMENT, whether or not done by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. Such insurance shall have a combined single limit of not less than \$500,000.

iii. Worker's Compensation Insurance for all CONSULTANT'S employees to the extent required by the State of California. CONSULTANT shall require all subcontractors who are hired by CONSULTANT to perform the SERVICES and who have employees to similarly obtain Worker's Compensation Insurance for all of the subcontractor's employees.

iv. Professional Liability Insurance for CONSULTANT that at a minimum covers professional misconduct or lack of the requisite skill required for the performances of SERVICES in an amount of not less than \$500,000 per occurrence.

B. Deductibility Limits for policies referred to in subparagraphs A (i) (ii) and (iii) shall not exceed \$5,000 per occurrence.

C. Additional Insured. City, its elected and appointed officers and employees shall be named as additional insured on policies referred to in subparagraphs A (i) and (ii).

D. Primary Insurance. The insurance required in paragraphs A (i) and (ii) shall be primary and not excess coverage.

E. Evidence of Insurance. Consultant shall furnish CITY, prior to the execution of this AGREEMENT, satisfactory evidence of the insurance required, issued by an insurer authorized to do business in California, and an endorsement to each such policy of insurance evidencing that each carrier is required to give CITY at least 30 days prior written notice of the cancellation of any policy during the effective period of the AGREEMENT. All required insurance policies are subject to approval of the City Attorney. Failure on the part of CONSULTANT to procure or maintain said insurance in full force and effect shall constitute a material breach of this AGREEMENT or procure or renew such insurance, and pay any premiums therefore at CONSULTANT'S expense.

18. ENFORCEMENT OF AGREEMENT

In the event that legal action is commenced to enforce or declare the rights created under this AGREEMENT, the prevailing party shall be entitled to an award of costs and reasonable attorney's fees in the amount to be determined by the court.

19. CONFLICTS OF INTEREST

No member of the governing body of the CITY and no other officer, employee, or agent of the CITY who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this AGREEMENT; and the CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed.

20. INDEPENDENT CONTRACTOR

The CONSULTANT is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its agents shall have control over the conduct of the CONSULTANT or any of the CONSULTANT's employees or subcontractors, except as herein set forth. The CONSULTANT shall not at any time or in

any manner represent that it or any of its agents or employees are in any manner agents or employees of the CITY.

21. ENTIRE AGREEMENT OF THE PARTIES

This AGREEMENT supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of CONSULTANT by CITY and contains all the covenants and agreements between the parties with respect such employment in any manner whatsoever. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement or amendment hereto shall be effective unless executed in writing and signed by both CITY and CONSULTANT.

22. NOTICES.

All written notices required by, or related to this AGREEMENT shall be sent by Certified Mail, Return Receipt Requested, postage prepaid and addressed as listed below. Neither party to this AGREEMENT shall refuse to accept such mail; the parties to this AGREEMENT shall promptly inform the other party of any change of address. All notices required by this AGREEMENT are effective on the day of receipt, unless otherwise indicated herein. The mailing address of each party to this AGREEMENT is as follows:

CITY: Elaine Jeng, PE, City Manager
City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

CONSULTANT: HQE Systems, Inc.
Attn: Qais Alkurdi
27419 Via Industria
Temecula, CA 92590

23. GOVERNING LAW

This AGREEMENT shall be governed by and construed in accordance with the laws of the State of California, and all applicable federal statutes and regulations as amended.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the date and year first above written.

CITY OF ROLLING HILLS

CONSULTANT

CITY MANAGER



ELAINE JENG, PE

DATE: 07/07/2023



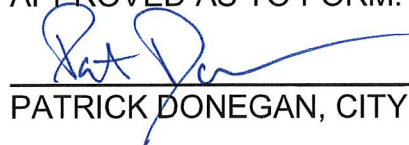
DATE: 07/06/2023

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



PATRICK DONEGAN, CITY ATTORNEY

Exhibit A

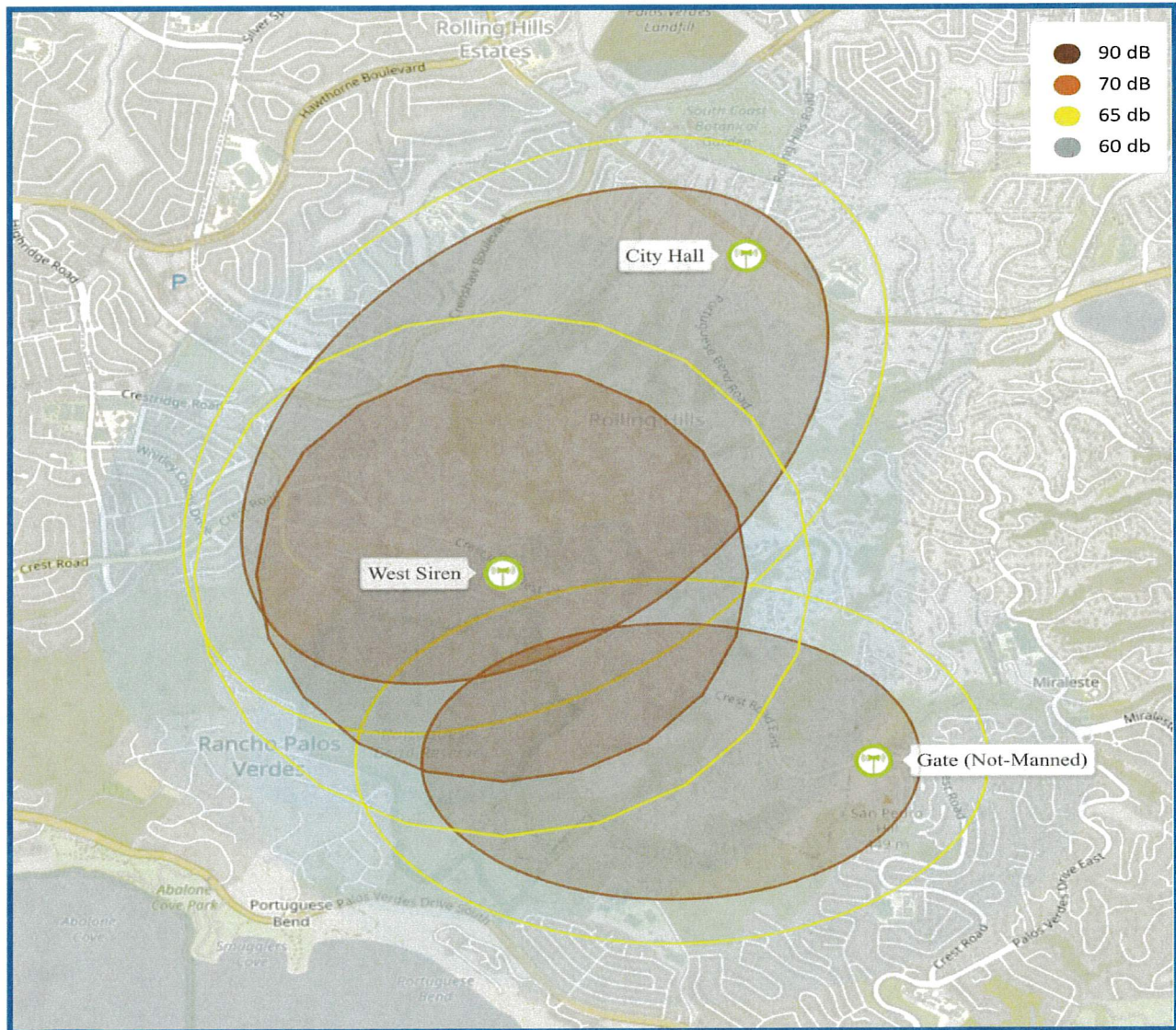
Scope of Work and Cost

NOT FOR GENERAL RELEASE TO THE PUBLIC
PROPRIETARY PRICING AND SENSITIVE TECHNICAL SYSTEMS INFO FOR THE CITY

City of Rolling Hills, CA
June 21, 2023

New proposed installation locations

1. City Hall
2. Crest Rd. East
3. Crest Rd. West



Speaker Types: Intelligible Voice & Tone

- Intelligible Voice and Tone Sirens
 - Make/Model: SiRcom, Line Arrays

Power: Battery System

- No SCE electrical support requirements
- The system is engineered to provide the City with a full operational capability without any AC main power source for charging. All charging will be done through solar power.

Comms: Advanced Communications Module (ACM)

- The system will be managed and activated via the SiRcom Advanced Communications Module (ACM). The ACM is an advanced communications

Discounted Price: \$261,000.00 (Full turnkey installation), includes the following:

- Equipment to be proposed
 - QTY 3, Intelligible Voice and Tone Siren Systems
 - Full battery operated with solar charging
 - Real-time systems health monitoring
 - Mounted on Class II wood poles
 - QTY 1, Central Control Station (CCS) - siren activation software
 - On-Premise solution
 - Includes: Cloud-based activation solution to allow for access to the system by authorized administrator
- Services to be proposed
 - Design support
 - Installations labor
 - Training for City administrators
 - Test and Turnover
 - Full community outreach package
 - Marketing assets (flyers, information brochures)
 - Social media post templates
 - Video templates
 - PR release templates
 - 1 Year Full Warranty

Options

Yearly Maintenance: \$13,981.00 per year

- Hassle free maintenance service
 - Annual preventive maintenance visit
 - Manufacturer's standard testing
 - Cleaning of all of the parts (clean, grease, seal)
 - Replace degraded or damaged parts
 - As required corrective maintenance support (remote and onsite)
- No cost to replace any faulty parts (Act of God, Vandalism, Unauthorized Repairs/Access by the City or 3rd Party Vendor not covered), includes:
 - Siren parts
 - Solar charging parts
 - 12V batteries
 - Wires, cabling, and consumable parts
- Up to 5 hours of annual refresher training for the activation software
- Annual data usage for Satellite and Cellular Communications (estimated annual cost for QTY 3 sirens and QTY 1 central control station (activation software): ~\$500/Year

Exhibit B

FEDERAL CONTRACT PROVISIONS

During the performance of this contract, Consultant shall comply with all applicable federal laws and regulations including but not limited to the federal contract provisions in this Exhibit.

1. **CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS (2 C.F.R. § 200.321)**

- (A) Consultant shall be subject to 2 C.F.R. § 200.321 and will take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible and will not be discriminated against on the grounds of race, color, religious creed, sex, or national origin in consideration for an award.
- (B) Affirmative steps shall include:
 - (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
 - (v) Using the services/assistance of the Small Business Administration (SBA), and the Minority Business Development Agency (MBDA) of the Department of Commerce.

Consultant shall submit evidence of compliance with the foregoing affirmative steps when requested by the City. Notwithstanding the foregoing, the affirmative steps requirements detailed above do not apply in the case of a noncompetitive procurement made under the emergency exception/exigency exception to competitive procurements.

2. **COST PRINCIPLES (2 C.F.R. PART 200, SUBPART E)**

- (A) If any indirect costs will be charged to the City under this contract, such costs must conform to the cost principles set forth under the Uniform Rules at 2 C.F.R. Part 200, subpart E ("Cost Principles"). In general, costs must (i) be necessary and reasonable; (ii) allocable to the grant award; (iii) conform to any limitations or exclusions set forth in the Cost Principles; (iv) be adequately documented; and (v) be determined in accordance with generally accepted accounting principles ("GAAP"), except, for state and local governments and Indian tribes only, as otherwise provided for in 2 C.F.R. Part 200, subpart E. 2 C.F.R. § 200.403. Costs that are determined unallowable pursuant to a federal audit are subject to repayment by Consultant.

3. **ACCESS TO RECORDS & RECORD RETENTION (2 C.F.R. 200.336)**

- (A) Consultant shall comply with 2 C.F.R. § 200.336 and provide the Federal Agency, Inspectors General, the Comptroller General of the United States, City, and the State of California or any of their authorized representatives access, during normal business hours, to documents, papers, books and records which are directly pertinent to this contract for the purposes of making and responding to audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to the Consultant's personnel for the purpose of interview and discussion related to the books and records.
- (B) The Consultant agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- (C) The Consultant agrees to provide the Federal Agency or its authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.
- (D) In compliance with the Disaster Recovery Act of 2018, the City and Consultant acknowledge and agree that no language in this contract is intended to prohibit audits or internal review by the FEMA Administrator or the Comptroller General of the United States.

4. **REQUIRED CONTRACT PROVISIONS IN ACCORDANCE WITH APPENDIX II TO PART 200 – CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS (2 C.F.R. § 200.326)**

- (A) Appendix II to Part 200 (A); Appendix II to Part 200 (B): Remedies for Breach; Termination for Cause/Convenience. If the contract is in excess of \$10,000 and the contract does not include provisions for both termination for cause and termination for convenience by the City, including the manner by which it will be effected and the basis for settlement, then the following termination clauses shall apply. If the contract is for more than the simplified acquisition threshold (see 2 C.F.R. § 200.88) and does not provide for administrative, contractual, or legal remedies in instances where Contractor violates or breaches the terms of the contract, then the following termination clauses shall apply and have precedence over the contract. Otherwise, the following termination clauses shall not be applicable to the contract.

- (i) Termination for Convenience. The City may, by written notice to Consultant, terminate this contract for convenience, in whole or in part, at any time by giving written notice to Consultant of such termination, and specifying the effective date thereof ("Notice of Termination for Convenience"). If the termination is for the convenience of the City, the City shall compensate Consultant for work or materials fully and adequately provided through the effective date of termination. No amount shall be paid for unperformed work or materials not provided, including anticipated profit. Consultant shall provide documentation deemed adequate by the City to show the work actually completed or materials provided by Consultant prior to the effective date of termination. This contract shall terminate on the effective date of the Notice of Termination.
- (ii) Termination for Cause. If Consultant fails to perform pursuant to the terms of this contract, the City shall provide written notice to Consultant specifying the default ("Notice of Default"). If Consultant does not cure such default within ten (10) calendar days of receipt of Notice of Default, the City may terminate this contract for cause. If Consultant fails to cure a default as set forth above, the City may, by written notice to Consultant, terminate this contract for cause, in whole or in part, and specifying the effective date thereof ("Notice of Termination for Cause"). If the termination is for cause, Consultant shall be compensated for that portion of the work or materials provided which has been fully and adequately completed and accepted by the City as of the date the City provides the Notice of Termination. In such case, the City shall have the right to take whatever steps it deems necessary to complete the project and correct Consultant's deficiencies and charge the cost thereof to Consultant, who shall be liable for the full cost of the City's corrective action, including reasonable overhead, profit and attorneys' fees.
- (iii) Reimbursement; Damages. The City shall be entitled to reimbursement for any compensation paid in excess of work rendered or materials provided and shall be entitled to withhold compensation for defective work or other damages caused by Consultant's performance of the work.
- (iv) Additional Termination Provisions. Upon receipt of a Notice of Termination, either for cause or for convenience, Consultant shall promptly discontinue the work unless the Notice directs to the contrary. Consultant shall deliver to the City and transfer title (if necessary) to all provided materials and completed work, and work in progress including drafts, documents, plans, forms, maps, products, graphics, computer programs and reports. Consultant acknowledges the City's right to terminate this contract with or without cause as provided in this Section, and hereby waives any and all claims for damages that might arise from the City's termination of this contract. The City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed work or materials not provided, and shall not be entitled to damages or compensation for termination of work or supply of materials. If City terminates this contract for cause, and it is later determined that the termination for cause was wrongful, the termination shall automatically be converted to and treated as a termination for convenience. In such event, Consultant shall be entitled to receive only the amounts payable under this Section, and Consultant specifically waives any claim for any other amounts or damages, including, but

not limited to, any claim for consequential damages or lost profits. The rights and remedies of the City provided in this Section shall not be exclusive and are in addition to any other rights and remedies provided by law, equity or under this contract including, but not limited to, the right to specific performance.

- (B) Appendix II to Part 200 (C) – Equal Employment Opportunity: Except as otherwise provided under 41 C.F.R. Part 60, if this contract meets the definition of a “federally assisted construction contract” in 41 C.F.R. § 60-1.3, then Consultant shall comply with the following equal opportunity clause, in accordance with Executive Order 11246 of September 24, 1965 entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967 and implementation regulations at 41 C.F.R. Chapter 60:
- (i) Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Consultant will take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion, transfer, recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.
 - (ii) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant, state that all qualified applicants will receive consideration for employment without regard to their race, color, religion, sex, or national origin.
 - (iii) Consultant will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with Consultant's legal duty to furnish information.
 - (iv) Consultant will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of

September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (v) Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - (vi) Consultant will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - (vii) In the event of Consultant's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - (viii) Consultant will include the provisions of paragraphs (i) through (viii) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. Consultant will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event Consultant becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, Consultant may request the United States to enter into such litigation to protect the interests of the United States.
- (C) Appendix II to Part 200 (D) – Davis-Bacon Act; Copeland Act: Not applicable to this contract.
- (D) Appendix II to Part 200 (E) – Contract Work Hours and Safety Standards Act:
- (i) If this contract is in excess of \$100,000 and involves the employment of mechanics or laborers, Consultant shall comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). Under 40 U.S.C. 3702, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and

provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- (ii) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- (iii) In the event of any violation of the clause set forth in paragraph (ii) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (ii) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (ii) of this section.
- (iv) The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Consultant or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (iii) of this section.
- (v) The Consultant or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (ii) through (v) of this Section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (ii) through (v) of this Section.

(E) Appendix II to Part 200 (F) – Rights to Inventions Made Under a Contract or Agreement:

- (i) If the Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the non-Federal entity wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution

of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the non-Federal entity must comply with the requirements of 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements), and any implementing regulations issued by the City.

- (ii) The regulation at 37 C.F.R. § 401.2(a) currently defines "funding agreement" as any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal government. This term also includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as defined in the first sentence of this paragraph.
- (iii) This requirement does not apply to the Public Assistance, Hazard Mitigation Grant Program, Fire Management Assistance Grant Program, Crisis Counseling Assistance and Training Grant Program, Disaster Case Management Grant Program, and Federal Assistance to Individuals and Households – Other Needs Assistance Grant Program, as FEMA awards under these programs do not meet the definition of "funding agreement."

(F) Appendix II to Part 200 (G) – Clean Air Act and Federal Water Pollution Control Act: If this contract is in excess of \$150,000, Consultant shall comply with all applicable standards, orders, or requirements issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

- (i) Pursuant to the Clean Air Act, (1) Consultant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq., (2) Consultant agrees to report each violation to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to the Federal awarding agency and the appropriate Environmental Protection City Regional Office, and (3) Consultant agrees to include these requirements in each subcontract exceeding \$150,000.
- (ii) Pursuant to the Federal Water Pollution Control Act, (1) Consultant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., (2) Consultant agrees to report each violation to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to the Federal awarding agency and the appropriate Environmental Protection Agency Regional Office, and (3) Consultant agrees to include these requirements in each subcontract exceeding \$150,000.

(G) Appendix II to Part 200 (H) – Debarment and Suspension: A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the

OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 C.F.R. part 1986 Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

- (i) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such Consultant is required to verify that none of the Consultant, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
 - (ii) Consultant must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
 - (iii) This certification is a material representation of fact relied upon by City. If it is later determined that Consultant did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
 - (iv) Consultant warrants that it is not debarred, suspended, or otherwise excluded from or ineligible for participation in any federal programs. Consultant also agrees to verify that all subcontractors performing work under this contract are not debarred, disqualified, or otherwise prohibited from participation in accordance with the requirements above. Consultant further agrees to notify the City in writing immediately if Consultant or its subcontractors are not in compliance during the term of this contract.
- (H) Appendix II to Part 200 (I) – Byrd Anti-Lobbying Act: If this contract is in excess of \$100,000, Consultant shall have submitted and filed the required certification pursuant to the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1353). If at any time during the contract term funding exceeds \$100,000.00, Consultant shall file with the City the Federal Standard Form LLL titled "Disclosure Form to Report Lobbying." Consultants that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.
- (I) Appendix II to Part 200 (J) – Procurement of Recovered Materials:
 - (i) Consultant shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements

of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement.

- (ii) Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.
- (iii) Information about this requirement, along with the list of EPA-designate items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

5. MISCELLANEOUS PROVISIONS

- (A) The Consultant shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA preapproval.
- (B) This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of this contract. The Consultant will comply with all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.
- (C) Consultant acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to the Consultant's actions pertaining to this contract.
- (D) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the City, Consultant, any subcontractors or any other party pertaining to any matter resulting from the contract.
- (E) General and Administrative Expenses And Profit For Time And Materials Contracts/Amendments.
 - (i) General and administrative expenses shall be negotiated and must conform to the Cost Principles.
 - (ii) Profit shall be negotiated as a separate element of the cost. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the Consultant, the Consultant's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - (iii) Any agreement, amendment or change order for work performed on a time and materials basis shall include a ceiling price that Consultant exceeds at its own risk.

SIREN LOCATION AT CITY HALL



**Approximate height and location*



SIREN LOCATION AT CREST ROAD WEST NEAR FIRE STATION



**Approximate height and location*



SIREN LOCATION OUTSIDE CREST ROAD EAST GATE



**Approximate height and location*





City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.I
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: APPROVE RE-APPOINTMENTS TO THE PLANNING & TRAFFIC COMMISSIONS FOR THE TERM BEGINNING JANUARY 2, 2024 AND EXPIRING JANUARY 1, 2028

DATE: December 14, 2023

BACKGROUND:

The City of Rolling Hills commission appointment process for filling expiring terms calls for the incumbents and public to be informed of the openings prior to the expiration of terms.

On October 23, 2023, the City Council reviewed the appointment timeline, and the official local appointment list, per the Maddy Act, was posted at City Hall.

On October 24, 2023, letters were mailed to incumbents advising of the Commission reappointment process. The public was noticed via the Blue Newsletter and City Website of the openings and the timeline process.

On November 21, 2023, at 12 p.m., the period to receive letters of interest ended.

On November 28, 2023, the City Council Personnel Committee (Councilmember Pieper and Councilmember Dieringer) conducted interviews with new Commission candidates.

The below list shows the Commissioners whose terms are expiring along with the date of their original appointment and term expiration.

Planning Commission

Sean Cardenas	June 8, 2015	to	January 1, 2024
Brad Chelf (Chair)	April 26, 2010	to	January 1, 2024

Traffic Commission

Dr. Val Margeta	September 23, 1996	to	January 1, 2024
V'Etta Virtue	April 13, 1983	to	January 1, 2024

DISCUSSION:

Upon completion of the noticing period and the November 21, 2023 due date for letters of interest, staff had only received two submissions from both incumbents: Chelf and Cardenas. For the Traffic Commission, staff received submissions from incumbents Margeta and Virtue, and a submission from Mr. Roger Hawkins.

Mr. Hawkins was interviewed on November 28, 2023. The Personnel Committee recommended the re-appointment of Planning Commissioners Chelf and Cardenas and Traffic Commissioners Margeta and Virtue.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve the re-appointment of Planning Commissioners Chelf and Cardenas and Traffic Commissioners Margeta and Virtue.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 10.A
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: KARINA BAÑALES

SUBJECT: ZONING CASE NO. 23-105: VARIANCE REQUEST FOR CONSTRUCTION OF A PORTION OF A RESIDENTIAL ADDITION TO ENCROACH INTO THE FRONT YARD SETBACK FOR A PROPERTY LOCATED AT 7 PINE TREE LANE (LOT 86-RH) (MIRTORABI), AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: December 14, 2023

BACKGROUND:

On November 21, 2023, the Planning Commission unanimously voted 4-0 to adopt Resolution No. 2023-14 approving Zoning Case No. 23-105 for the proposed project.

Applicants' Request

On August 14, 2023, an application was duly filed by Azam and Mostafa Mirtorabi ("Applicants") with respect to real property located at 7 Pine Tree Lane, Rolling Hills (LOT 86-RH) requesting a Variance for a portion of a 770-square-foot addition to encroach into the 50-foot front yard setback. More specifically, the Applicants request a Variance for approximately 280 square feet (32%) of the proposed addition to encroach 18.3 feet into the 50-foot front yard setback. The proposed addition has a maximum height of 13.4 feet.

Subject Property

The lot is a wide-shaped parcel zoned RAS-2 with a net lot area of 6.14 acres (267,832 square feet). The property includes a 25-foot-wide roadway easement along Pine Tree Lane.

The lot is approximately 900 feet wide by 290 feet deep. There are two building pads: a main residential building pad (Pad 1) and a stable pad (Pad 2). The lot is developed with a 3,912-square-foot main residence, 600-square-foot attached garage, 965-square-foot stable, 1,418-square-foot chicken coop, 690-square-foot pool/spa, 24-square-foot pool equipment, 88-square-foot breezeway, 377-square-foot storage sheds, 175-square-foot basement, and 160-square-foot service yard. The property is accessible from a driveway apron that fronts onto the east side of Pine Tree Lane. The long driveway extends all around the north and east of the main residence, leading into the 3,800-square-foot motor court and three-car garage. The west wing of the main residence is located in the front yard setback.

DISCUSSION:

A. Variance

Since the proposed addition is only 770 square feet, it would typically be approved administratively without Planning Commission review because it is under 1,000 square feet. However, because a portion encroaches into the front yard setback, a variance request is required subject to Planning Commission approval.

The Rolling Hills Municipal Code requires a Variance application and approval for the proposed portion of the addition to encroach into the required 50-foot front yard setback.

The project includes items that are typically part of Ministerial Review: a 770-square-foot addition, a 390-square-foot new walkway, and 10 cubic yards of grading to be balanced onsite (5 CY cut and 5 CY fill).

MUNICIPAL CODE COMPLIANCE

Setbacks

The project requires a variance request to encroach into the front yard setback.

Lot Coverage and Building Pad Coverage

The Project complies with the Development Standards in the Rolling Hills Municipal Zoning Code. The existing structural coverage is 7,272 square feet or 2.72%, and the project proposes a net of 770 square feet or 0.29%, for a total of 8,042 square feet or 3.00%. This is still under the maximum allowed 20% structural coverage. The existing flatwork coverage is

19,906 square feet or 7.43%, and the project proposes 390 square feet for a total of 20,296 square feet or 7.57%. This is still under the maximum allowable 15% structural coverage. The existing structural and flatwork coverage is 28,338 square feet or 10.58%, and the project increases that by 1,160 square feet or 0.43%. The total overall structural and flatwork coverage will result in 28,580 square feet or 10.6%, which is still well under the maximum allowed 35% structural and flatwork coverage.

Disturbance

The existing disturbed area is 90,573 square feet or 33.82% which is still below the maximum allowed 40%. There is no increase in disturbance because the proposed project is in an already disturbed area.

Neighbor Concerns

No public comments have been received on the date of publication of this Agenda item. There was a neighbor who attended the field trip but did not have any concerns.

Review by RHCA

The Rolling Hills Community Association has already reviewed the project.

Field Visit

On November 21, 2023 at 7:30 a.m., the Planning Commission viewed the project in the field, opened the hearing to enable brief public testimony, and continued the meeting to the evening meeting of the Planning Commission. A neighbor attended the field trip but did not have any concerns. The Applicant, Mrs. Mirtorabi, attended the field trip and evening meeting in support of the project.

Environmental Review

The project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts accessory structures.

CRITERIA FOR VARIANCE

17.38.050 - Required findings.

In granting a variance, the Commission (and Council on appeal) must make the following findings:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone;
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question;
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
- D. That in granting the variance, the spirit and intent of this title will be observed;
- E. That the variance does not grant special privilege to the applicant;
- F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities; and
- G. That the variance request is consistent with the General Plan of the City of Rolling Hills.
- H. (Ord. 239 §11(part), 1993).

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

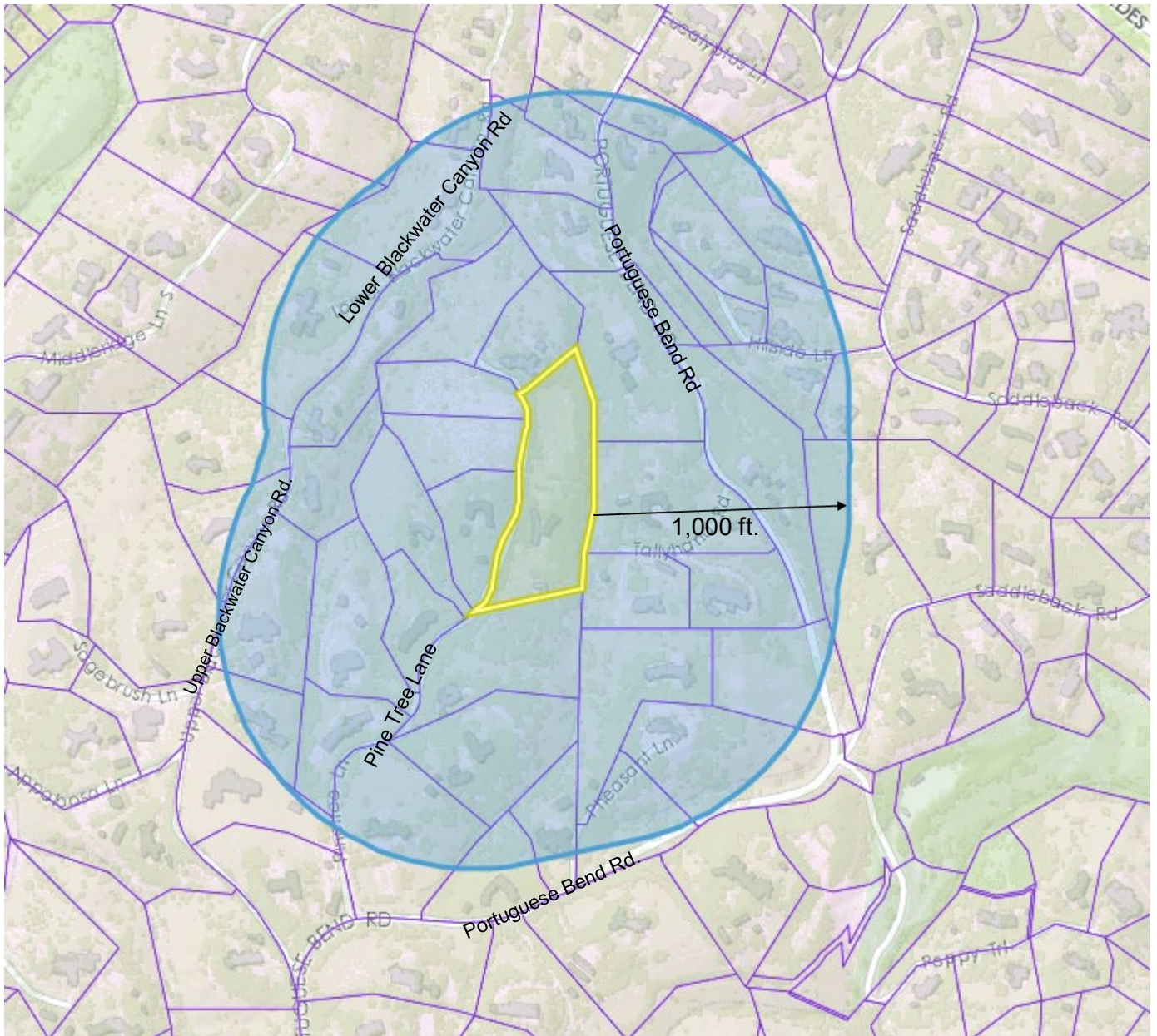
[ATTACHMENT 1_PL_ADR_231116_1: Vicinity Map](#)

[ATTACHMENT2_PL_ADR_231116: Development Table](#)

[ATTACHMENT3_PL_ADR_231116: Photos](#)

[ATTACHMENT4_2023-14_PC_Resolution_7PineTreeLane_ZC23-105_Miratobi_F_E.pdf](#)

[ATTACHMENT5:_PL_ADR_231116 Development Plans](#)



City of Rolling Hills

TITLE	<u>VICINITY MAP</u>	CASE NO.	<u>ZONING CASE NO. 23-105</u>
OWNER	<u>MIRTORABI</u>		VARIANCE
ADDRESS	<u>7 PINE TREE LANE, ROLLING HILLS, CA 90274</u>		

SITE



Development Table
Zoning Case No. 23-105
7 Pine Tree Lane

VARIANCE	EXISTING	PROPOSED	TOTAL
RA-S- 2 Zone	SINGLE FAMILY RESIDENCE, ATTACHED GARAGE POOL/SPA, POOL EQUIPMENT, STABLE, TRELLIS, SERVICE YARD, CHICKEN COOP BASEMENT AND SHEDS	770 SF RESIDENTIAL ADDITION TO MAIN HOUSE, 390 NEW WALKWAYS, AND 10 CY GRADING	
Net Lot Area	267,832 SF		267,832 SF
Residence	3,912 SF	770 SF	4,512 SF
Attached Garage	600 SF	0 SF	600 SF
Swimming Pools/Spa	769 SF	0 SF	769 SF
Pool Equipment	24 SF	0 SF	24 SF
Pool House			
ADU			
Stable minimum: 450 SF Corral minimum: 550 SF	965 SF	0 SF	965 SF
New Planter Box			
Recreation Court			
Attached Covered Porches			
Detached Sheds	377 SF	0 SF	377 SF
Attached Trellis	88 SF	0 SF	88 SF
Water features			
Service Yard	160 SF	0 SF	160 SF
Primary Driveway	12,220 SF	0 SF	12,220 SF
Paved walkways	640 SF	390 SF	1,030 SF
Patios			
Pool Deck	3,246 SF	0 SF	3,246 SF
Parking Pads	3,800 SF	0 SF	3,800 SF
Grading (balanced onsite)			
Structural Lot Coverage (20% maximum with deductions)	7,272 SF (2.72%)	770 SF (0.29%)	8,042 SF (3.0%)
Flatwork Lot Coverage (15% maximum)	19,906 SF (7.43%)	390 SF (0.14%)	20,296 SF (7.572%)
Total Lot Coverage (Structures and Flatwork) (35% maximum with deductions)	27,178 SF (10.15%)	1,160 SF (0.43%)	28,338 SF (10.58%)
Total Disturbed Area (40% maximum)	90,573 SF (33.82%)	0 SF (0%)	90,573 SF (33.82%)
Building Pad 1 (30% Maximum Guideline)	4,889 SF (18.04%)	770 SF (2.84%)	5,659 SF (20.88%)
Building Pad 2 (30% Maximum Guideline)	2,577 SG (50.47%)	0 SF	2,557 (50.47%)

Attachment 3: Photos

Zoning Case No. 23-105

7 Pine Tree Lane

















RESOLUTION NO. 2023-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-105 FOR A VARIANCE FOR A PORTION OF A RESIDENTIAL ADDITION TO ENCROACH INTO THE FRONT SETBACK, LOCATED AT 7 PINE TREE LANE (LOT 86-RH) (Mirtorabi)

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. On August 14, 2023, an application was duly filed by Azam and Mostafa Mirtorabi ("Applicants") with respect to real property located at 7 Pine Tree Lane, Rolling Hills (LOT 86-RH) requesting a Variance for a portion of a residential addition to encroach into the 50-foot front yard setback. More specifically, the Applicants are requesting a Variance for approximately 280-square-feet (31%) of the proposed addition to encroach 20 feet into the 50-foot required front setback. The total proposed addition is 770-square-feet and maximum 13.4¼ in height.

Section 2. The lot is a long narrow shaped parcel zoned RAS-2, and has a net lot area of 6.14 acre (267,832 square feet). The property includes a 25-foot-wide roadway easement along Pine Tree Lane. The lot has two building pads, a main residential building pad (Pad 1) and stable pad (Pad 2). The lot is developed with a 3,912-square-foot main residence, 600-square-foot attached garage, 769 square-foot swimming pool, 965-square-foot stable with an attached unpermitted 1,418-square-foot chicken coop, 690-square-foot pool/spa, 24-square-foot pool equipment, 88-square-foot breezeway, 700-square-foot storage sheds, 175-square-foot basement, and 160-square-foot service yard. The existing hardscape includes a 3,800-square-foot motor court.

The overall Project includes one item subject to Discretionary Review: portion of a residential the addition to encroach into the 50-foot front yard setback. There are other items that are part of the Administrative Review that include the total 770-square-foot addition, 390-square-foot new walkway and 10 cubic yards of grading to be balanced onsite (5 CY cut and 5 CY fill).

Section 4. The Planning Commission conducted duly noticed public hearings to consider the application at its field trip meeting and regular meeting on November 10, 2023. Neighbors within a 1,000-foot radius were notified of the public hearings and a notice was published in the Daily Breeze on November 10, 2023. The applicants were notified of the public hearings in writing by first class mail and the applicants were in attendance at the hearings.

Section 5. The Project is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures), which exempts the construction and location of a limited number of new, small facilities or structures, including accessory structures, including but not limited to garages, carports, patios, swimming pools and fences. Here, the proposed Project includes an 770-square foot residential addition, 390-square foot walkway, and 10 cubic yards of grading.

Accordingly, the Project qualifies for the exemption pursuant to Section 15303. Further, no exceptions to the exemption apply; there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The site has already been graded and existing structures are on site.

Section 6. Variance Findings. Section 17.38.050 sets forth the required findings for granting a variance for a portion of a proposed residential addition, approximately 280-square-feet (total 770-square-feet) to encroach 18.2 3/4-feet into the required 50-foot front yard setback. With respect to this request for a Variance, the Planning Commission finds as follows:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same vicinity and zone.

There are extraordinary circumstances applicable to this property. Unlike most properties in the RAS-2 Zone, the existing west portion of the residence already encroaches into the front setback and front yard. The proposed addition is in an expansion of area that is already developed, disturbed, and encroaches into the required setback. The main residence is accessible by a driveway entrance off Pine Tree Lane. The existing west section of the residence already encroaches into the front setback and front yard, meaning the addition will be consistent with the appearance of the existing property.

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question.

The addition in the setback will result in a minor encroachment into the setback area and other properties in the vicinity have been granted additions in the past.

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

Granting a variance for the addition to encroach into the required front 50-foot setback will not be detrimental to the public welfare and will not be injurious to properties in the vicinity because it is a minor encroachment which is consistent with the encroachments by the existing residence. Further, the project will not be visible from Pine Tree Lane or private properties. The addition is screened from the trees located along fence line on Pine Tree Lane.

D. That in granting the variance, the spirit and intent of this title will be observed.

The granting of the variance will allow for a development that is harmonious in scale and mass with the site, the propose addition is visually harmonious with adjacent properties and in scale with adjacent residential development.

E. That the variance does not grant special privilege to the applicant.

The variance does not grant special privileges for the Applicants, the proposed addition is just an expansion of the west section of the residence that is already encroaching into the front setback. The project, together with the variance, will be compatible with the objectives, policies, general land uses, and programs specified in the General Plan.

F. That the variance is consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan relating to siting and siting criteria for hazardous waste facilities.

Granting a variance for the project will be consistent with the applicable portions of the Los Angeles County Hazardous Waste Management Plan related to siting criteria for hazardous waste facilities. The project site is not listed on the current State of California Hazardous Waste and Substances Sites List. The proposed addition would not constitute a hazardous waste facility.

G. That the variance request is consistent with the General Plan of the City of Rolling Hills.

Approvals granting the variance to allow a portion of the addition to encroach into the required setback will be consistent with the General Plan of the City of Rolling Hills, which encourages residential uses.

Section 7. Based upon the foregoing findings, and the evidence in the record, the Planning Commission hereby approves Zoning Case No. 23-105 subject to the following conditions:

A. The Variance approval shall expire within two years from the effective date of approval as defined in RHMC Section 17.38.070 of the Zoning Ordinance unless otherwise extended pursuant to the requirements of this section.

B. If any condition of this resolution is violated, the entitlement granted by this resolution shall be suspended and the privileges granted hereunder shall lapse and upon receipt of written notice from the City, all construction work being performed on the subject property shall immediately cease, other than work determined by the City Manager or his/her designee required to cure the violation. The suspension and stop work order will be lifted once the Applicant cures the violation to the satisfaction of the City Manager or his/her designee. In the event that the Applicant disputes the City Manager or his/her designee's determination that a violation exists or disputes how the violation must be cured, the Applicant may request a hearing before the City Council. The hearing shall be scheduled at the next regular meeting of the City Council for which the agenda has not yet been posted; the Applicant shall be provided written notice of the hearing. The stop work order shall remain in effect during the pendency of the hearing. The City Council shall make a determination as to whether a violation of this Resolution has occurred. If the Council determines that a violation has not occurred or has been cured by the time of the hearing, the Council will lift the suspension and the stop work order. If the Council determines that a violation has occurred and has not yet been cured, the Council shall provide the Applicant with a deadline to cure the violation; no construction work shall be performed on

the property until and unless the violation is cured by the deadline, other than work designated by the Council to accomplish the cure. If the violation is not cured by the deadline, the Council may either extend the deadline at the Applicant's request or schedule a hearing for the revocation of the entitlements granted by this Resolution pursuant to Chapter 17.58 of the Rolling Hills Municipal Code (RHMC).

C. All requirements of the Building and Construction Ordinance, the Zoning ordinance, and of the zone in which the subject property is located must be complied with unless otherwise a variance to such requirement has been approved.

D. The lot shall be developed and maintained in substantial conformance with the site plan on file at City Hall and approved by the Planning Commission on November 21, 2023 except as otherwise provided in these conditions. The working drawings submitted to the Department of Building and Safety for plan check review shall conform to the approved development plan. All conditions of the Variance approval shall be incorporated into the building permit working drawings, and where applicable complied with prior to issuance of a grading or building permit from the building department.

The conditions of approval of this Resolution shall be printed onto a separate sheet and included in the building plans submitted to the Building Department for review and shall be kept on site at all times.

Any proposed modifications and/or changes to the approved project, including resulting from field conditions, shall be discussed with staff so that staff can determine whether the modification is minor or major in nature. Minor modifications are subject to approval by the City Manager or his or her designee. Major modifications are subject to approval by the Planning Commissioner after a public hearing. Applicant shall not implement modifications or changes to the approved project without the appropriate approval from the City Manager or designee or the Planning Commission, as required.

E. Prior to submittal of final working drawings to Building and Safety Department for issuance of building and grading permits, the plans for the project shall be submitted to City staff for verification that the final plans are in compliance with the plans approved by the Planning Commission.

F. A licensed professional preparing construction plans for this project for Building Department review shall execute a Certificate affirming that the plans conform in all respects to this Resolution approving this project and all of the conditions set forth herein and the City's Building Code and Zoning Ordinance.

Further, the person obtaining a building and/or grading permit for this project shall execute a Certificate of Construction stating that the project will be constructed according to this Resolution and any plans approved therewith.

G. Structural lot coverage of the lot shall not exceed 8,042 square feet or 3.0% of the net lot area (20% maximum). The existing flatwork coverage is 20,296 square feet or 7.5%. The

total lot coverage proposed, including structures and flatwork, shall not exceed 28,338 square or 10.58% (35% maximum).

H. The lot is already disturbed at 90,573 square-feet or 33.8% (maximum 40%). Grading for this project shall not exceed 5 cubic yards of cut and 5 cubic yards of fill for a total of 10 cubic yards balanced on site.

I. The existing residential building pad (Pad #1) is 4,889 square-feet or 18.04%. The project proposes an increase of 770-square-feet or 2.84%. The total proposed building pad coverage of Pad #1 is 5,569 square feet or 20.88% which is still below the 30% maximum guideline. The stable building pad will remain the same at 5,066 or 50.4%, this exceeds the maximum 30% guideline, but there no proposed changes.

J. A driveway access shall be provided per the Fire Department requirements and the driveway shall be roughened and the first 20 feet of the driveway shall not exceed 7% in slope.

K. Access to the stable and to the corral shall be decomposed granite or 100% pervious roughened material; it shall not be wider than 12 feet.

L. A minimum of five-foot level path and/or walkway, which does not have to be paved, shall be provided around the entire perimeter of all of the proposed structures, including the detached garage and stable, or as otherwise required by the Fire Department.

M. The applicant shall comply with all requirements of the Low Impact Development requirements for storm water management on site (RHMC Chapter 8.32).

N. Hydrology, soils, geology and other reports, as required by the Building and Public Works Departments, and as may be required by the Building Official, shall be prepared.

O. Prior to issuance of a final construction approval of the project, all graded slopes shall be landscaped. Prior to issuance of building permit, the landscaping plan shall meet the requirements of the City, shall be submitted to the City in conformance with Fire Department Fuel Modification requirements, and shall be approved by the City's landscape consultant.

P. The project shall be landscaped, and continually maintained in substantial conformance with the landscaping plan on file approved by the City's landscape consultant. A detailed landscaping plan shall provide that any trees and shrubs used in the landscaping scheme for this project shall be planted in a way that screens the project development from adjacent streets and neighbors, such that shrubs and trees as they mature do not grow into a hedge or impede any neighbors views and the plan shall provide that all landscaping be maintained at a height no higher than the roof line of the nearest project structure. In addition, the landscaping plan shall provide for screening of development with vegetation not to exceed 10 feet in height, and that the vegetation used for screening shall be planted in an off-set manner, so as to prevent it, as it grows from forming a solid hedge. The landscaping plan shall utilize to the maximum extent feasible, plants that are native to the area, are water-wise and are

consistent with the rural character of the community. Plants listed as high hazardous plants under RHMC Section 8.30.015 are prohibited.

Q. The applicant shall submit a landscaping performance bond or other financial obligation, to be kept on deposit by the City, in the amount of the planting plus irrigation plus 15%. The bond shall be released no sooner than two years after completion of all plantings, subject to a City staff determination that the plantings required for the project are in substantial conformance with approved plans and are in good condition.

R. The landscaping shall be subject to the requirements of the City's Water Efficient Landscape Ordinance, (Chapter 13.18 of the RHMC).

S. Pursuant to Chapter 8.30 of the RHMC, the property shall at all times be maintained free of dead trees and vegetation.

T. The setback lines and roadway easement lines in the vicinity of the construction for this project shall remain staked throughout the construction. A construction fence may be required.

U. Perimeter easements, including roadway easements and trails, if any, shall remain free and clear of any improvements to advance equestrian use and emergency preparedness for evacuation within the City. Where RHCA has demonstrated authority over the easement, the City's Planning Director may grant relief from this condition upon satisfactory proof of permission from RHCA and a legitimate showing that there is no need for the condition to advance equestrian uses and emergency preparedness.

V. Minimum of 65% of any construction materials must be recycled or diverted from landfills. The hauler of the materials shall obtain City's Construction and Demolition permits for waste hauling prior to start of work and provide proper documentation to the City.

W. *During construction*, conformance with the air quality management district requirements, storm water pollution prevention practices, county and local ordinances and engineering practices so that people or property are not exposed to undue vehicle trips, noise, dust, objectionable odors, landslides, mudflows, erosion, or land subsidence shall be required.

X. *During construction*, to the extent feasible, all parking shall take place on the project site, on the new driveway and, if necessary, any overflow parking may take place within the unimproved roadway easements along adjacent streets, and shall not obstruct neighboring driveways, visibility at intersections or pedestrian and equestrian passage. During construction, to the maximum extent feasible, employees of the contractor shall car-pool into the City. To the extent feasible, a minimum of 4' wide path, from the edge of the roadway pavement, for pedestrian and equestrian passage shall be available and be clear of vehicles, construction materials and equipment at all times.

Y. *During construction*, the property owners shall be required to schedule and regulate construction and relate traffic noise throughout the day between the hours of 7 AM and

6 PM, Monday through Saturday only, when construction and mechanical equipment noise is permitted, so as not to interfere with the quiet residential environment of the City of Rolling Hills.

Z. Prior to demolition of the existing structures, an investigation shall be conducted for the presence of hazardous chemicals, lead-based paints or products, mercury and asbestos-containing materials (ACMs). If hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, remediation shall be undertaken in compliance with California environmental regulations and policies.

AA. The property owner and/or his/her contractor/applicant shall be responsible for compliance with the no-smoking provisions in the Municipal Code. The contractor shall not use tools that could produce a spark, including for clearing and grubbing, during red flag warning conditions. Weather conditions can be found at: http://www.wrh.noaa.gov/lox/main.php?suite=safety&page=hazard_definitions#FIRE. It is the sole responsibility of the property owner and/or his/her contractor to monitor the red flag warning conditions.

AB. Development shall drain in accordance with the approved grading and drainage plan. Drainage dissipaters shall be constructed outside of any easements. The drainage system shall be approved by the Department of Building and Safety. If an above ground swale and/or dissipater is required, it shall be designed in such a manner as not to cross over any equestrian trails or discharge water onto a trail, shall be stained in an earth tone color, and shall be screened from any trail, road and neighbors' view to the maximum extent practicable, without impairing the function of the drainage system.

AC. *During construction*, dust control measures shall be used to stabilize the soil from wind erosion and reduce dust and objectionable odors generated by construction activities in accordance with South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices.

AD. *During construction*, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2022 County of Los Angeles Uniform Building Code shall be followed to minimize erosion and to protect slopes and channels to control storm water pollution.

AE. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of storm water drainage facilities and septic tank.

AF. The applicant shall pay all of the applicable Building and Safety and Public Works Department fees and Palos Verdes Peninsula Unified School District fees, if any.

AG. Prior to final inspection of the project, "as graded" and "as constructed" plans and certifications shall be provided to the Planning Department and the Building Department to ascertain that the completed project is in compliance with the Planning Commission approved plans. In addition, any modifications made to the project during construction, shall be depicted on the "as built/as graded" plan.

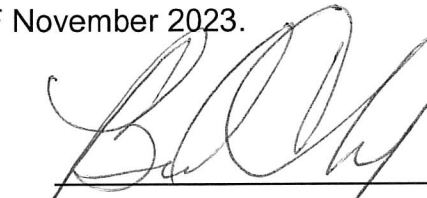
AH. The applicants shall execute an Affidavit of Acceptance of all conditions of the Variance approval, or the approval shall not be effective.

AI. All conditions of this Resolution, when applicable, must be complied with prior to the issuance of a grading or building permit from the Building and Safety Department

AJ. Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.

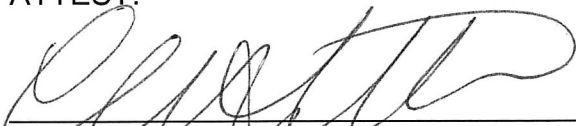
AK. To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Rolling Hills, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF November 2023.



BRAD CHELF, CHAIRPERSON

ATTEST:



CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2023-14 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF ZONING CASE NO. 23-105 FOR A VARIANCE FOR A PORTION OF A RESIDENTIAL ADDITION TO ENCROACH INTO THE FRONT SETBACK, LOCATED AT 7 PINE TREE LANE (LOT 86-RH) (Mirtorabi)

was approved and adopted at a regular meeting of the Planning Commission on November 21, 2023, by the following roll call vote:

AYES: Cooley, Douglass, Vice Chair Kirkpatrick, Chair Chelf

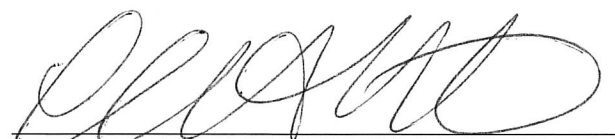
NOES:

ABSENT: Cardenas

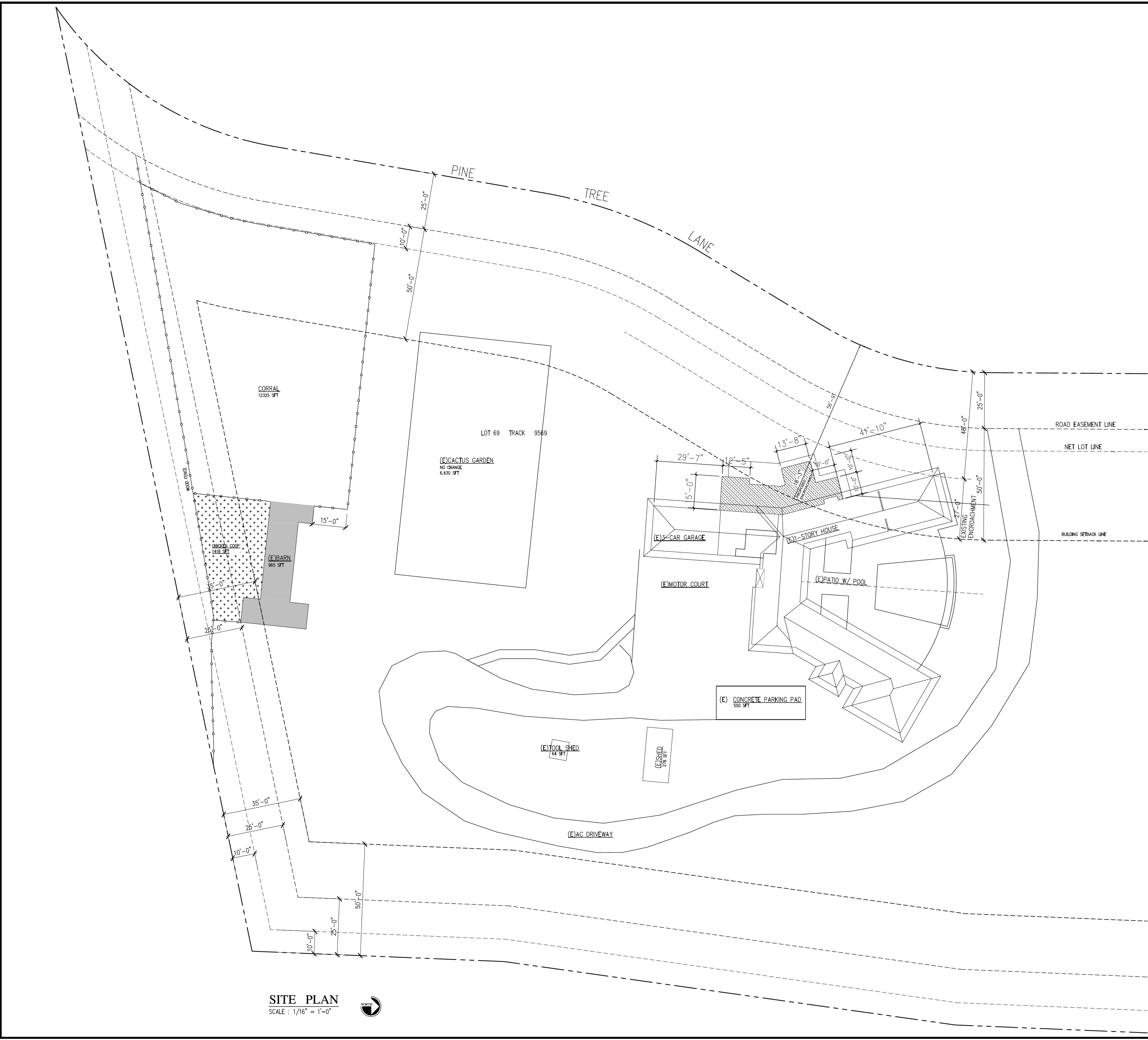
ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.



CHRISTIAN HORVATH, CITY CLERK



SITE PLAN
SCALE : 1/16" = 1'-0"



PROJECT DATA

JOB ADDRESS: 7 PINE TREE LANE, ROLLING HILLS CA 90274

OWNER: AZAM & MO MIRTORABI
7 PINE TREE LANE
ROLLING HILLS CA 90274
PH: (310) 980-7503

APN: 7569-013-006

ZONING: ZC 23-105
RAS-2 (SINGLE FAMILY RESIDENTIAL)

LOT AREA: 267,832 SFT (6.15 ACRES)

EXISTING OCCUPANCY: R-3
PROPOSED OCCUPANCY: R-3

EXISTING CONST. TYPE: V-B (NON-SPRINKLERED)
PROPOSED CONST. TYPE: V-B (NON-SPRINKLERED)

FLOOR AREA:
EXISTING HOUSE = 3,912 SFT
EXISTING GARAGE = 600 SFT
TOTAL EXISTG = 4,512 SFT

PROPOSED ADDITION = 770 SFT
TOTAL PROPOSED = 4682 SFT

EXISTING BARN = 965 SFT (NO CHANGE)
EXISTING CHICKEN COOP = 1,418 SFT (NO CHANGE)
EXISTING DETACHED SHEDS= 377 SFT (NO CHANGE)

COVERAGE:
EXISTING (BUILDING) = 4,512
PROPOSED (BUILDING) = 4682

HEIGHT:
PROPOSED HEIGHT = 14'-0" (TO MATCH EXISTING)

ROLLING HILLS REQUIRED DATA:

	EXISTING	PROPOSED	TOTAL
PRIMARY DRIVEWAY(S)	12,220 sq. ft.	0 sq. ft.	12,220 sq. ft.
PAVED WALKS, PATIO AREAS, COURTYARDS	640 sq. ft.	390 sq. ft.	1,030 sq. ft.
POOL DECKING	3,246 sq. ft.	0 sq. ft.	3,246 sq. ft.
OTHER PAVED DRIVES ROAD EASEMENTS, PARK'G PADS	3,800 sq. ft.	0 sq. ft.	3,800 sq. ft.
TOTAL FLATWORK	19,906 sq. ft.	390 sq. ft.	20,296 sq. ft.
%-TOTAL FLATWORK COVERAGE	7.43%	0.15%	7.58%
TOTAL STRUCTURAL & COVERAGE	7,272 sq. ft.	770 sq. ft.	8,042 sq. ft.
%- STRUCT. COVERAGE	2.72%	0.29%	3.00%
TOTAL STRUCTURAL & FLATWORK COVERAGE	Structural: 7,272 sq. ft. Flatwork: 19,906 sq. ft.	770 sq. ft. 390 sq. ft.	8,042 sq. ft. 20,296 sq. ft.
%-TOTAL COVERAGE	27,178 sq. ft. (10.15%)	1,160 sq. ft. (0.43%)	28,338 sq. ft. (10.58%)
TOTAL DISTURBED AREA:	90573 sq. ft.	0 sq. ft.	90573 sq. ft.
%-DISTURBED AREA	33.82%	0%	33.82%
GRADING QUANTITY (include future stable, corral and access way; basement and all other areas to be graded)			5.5 cubic yards

All structures (attached an detached) must be listed.

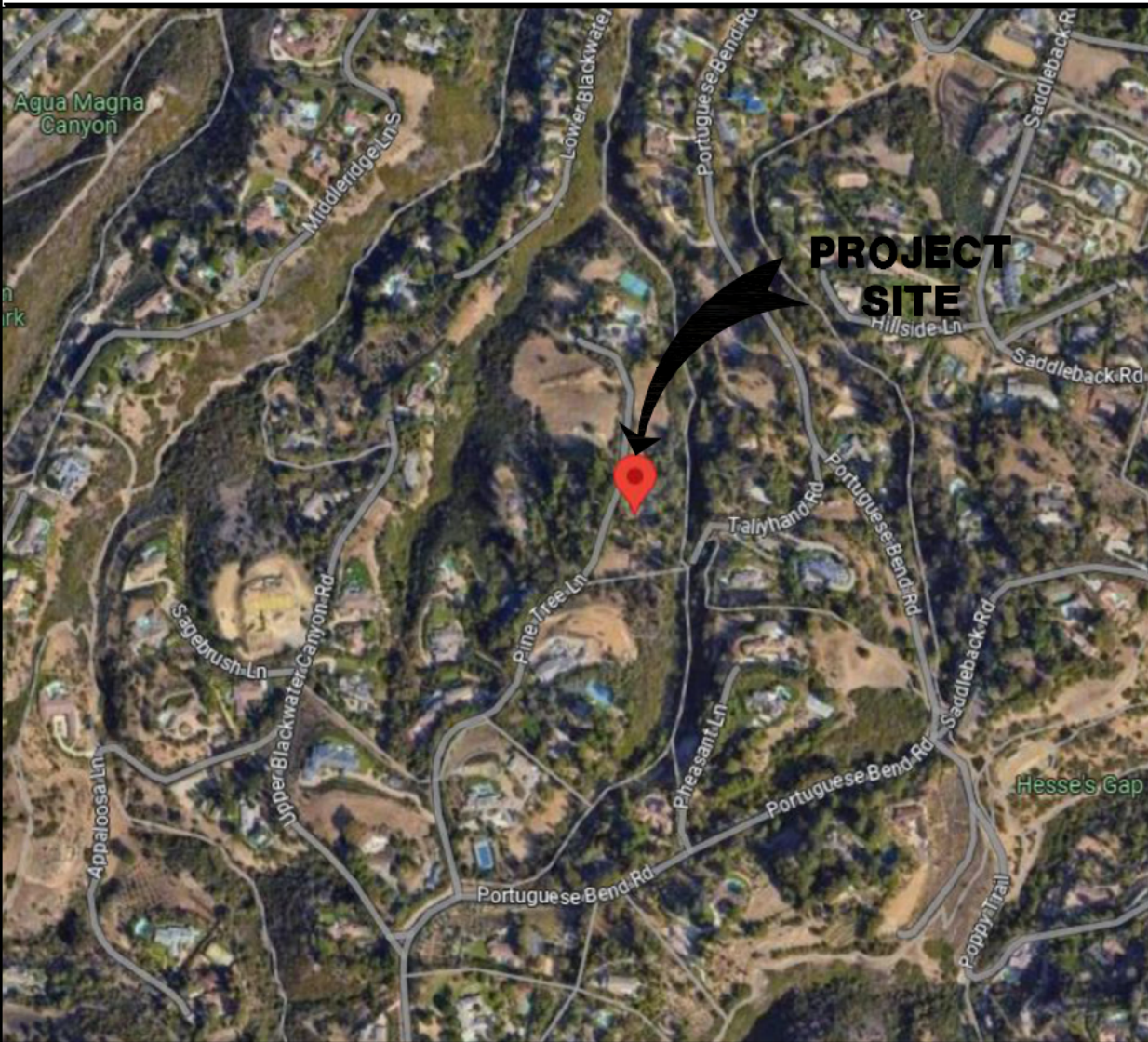
LEGEND

- INDICATES FOOTPRINT OF PROPOSED ADDITION
- INDICATES FOOTPRINT OF BARN / STABLE TO REMAIN
- INDICATES EXISTING BUILDING TO REMAIN

PROJECT DESCRIPTION

- 880 SQ.FT SINGLE STORY ADDITION TO EXISTING SINGLE FAMILY RESIDENCE.

VICINITY MAP



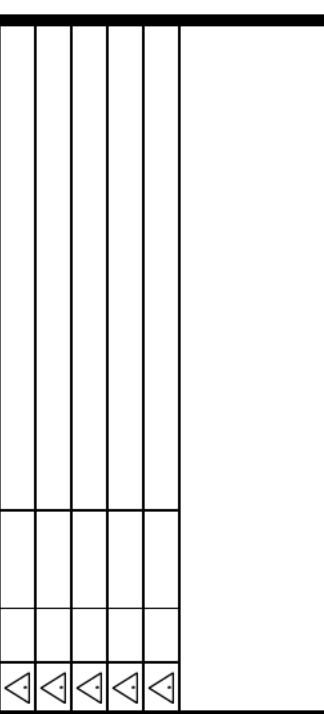
OWNER / APPLICANT
AZAM & MO MIRTORABI
7 Pine Tree Lane
Rolling Hills, CA 90274

NEW ADDITION
LOCATED AT:
7 Pine Tree Lane
Rolling Hills, CA 90274

BLUE HORIZON
CONSULTING ENGINEERS INC.
P.O. BOX 61109
LOS ANGELES, CA 90061
P (949) 882-1482
info@blueeng.com



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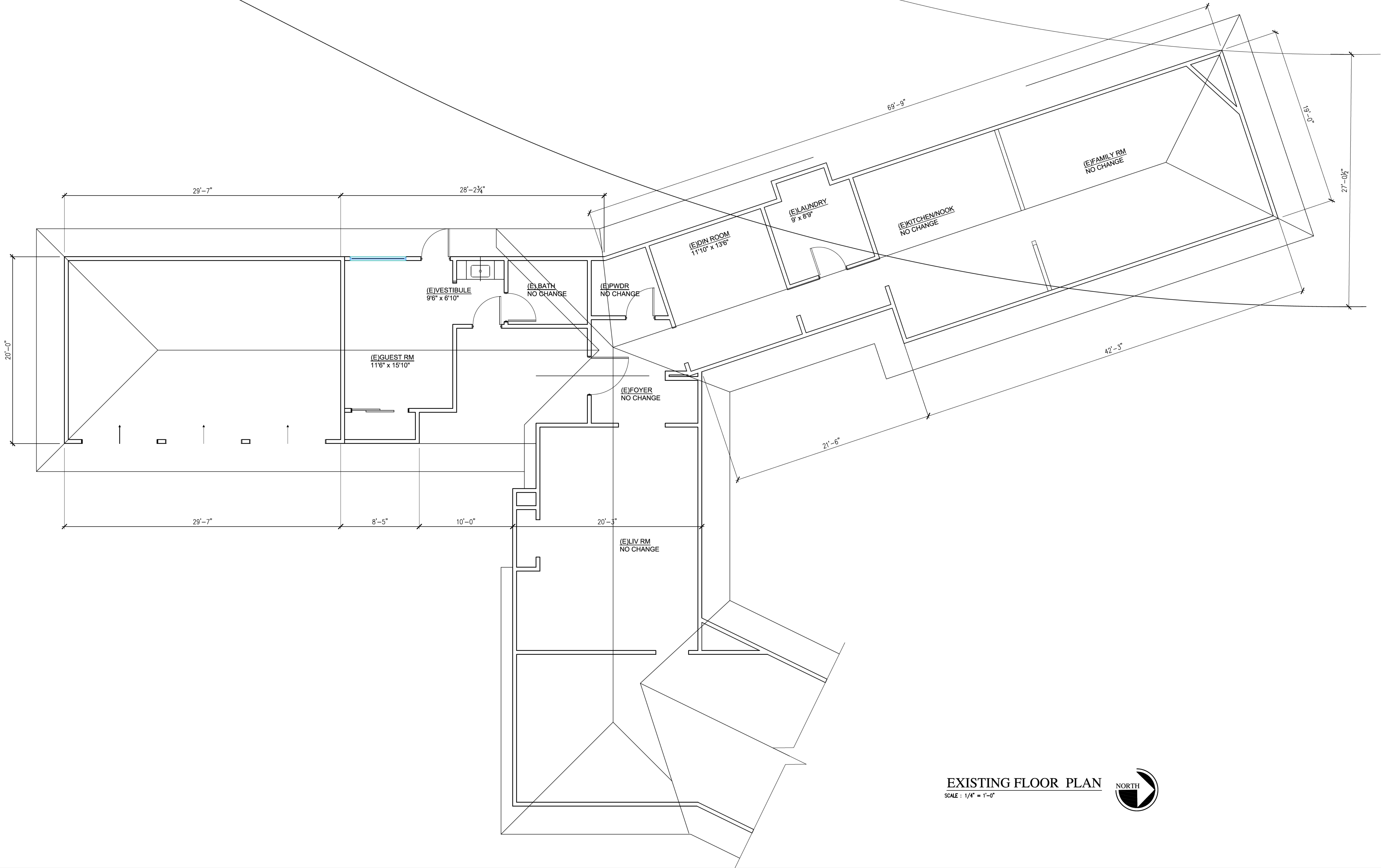


NEW ADDITION
LOCATED AT:
7 Pine Tree Lane
Rolling Hills, CA 90274

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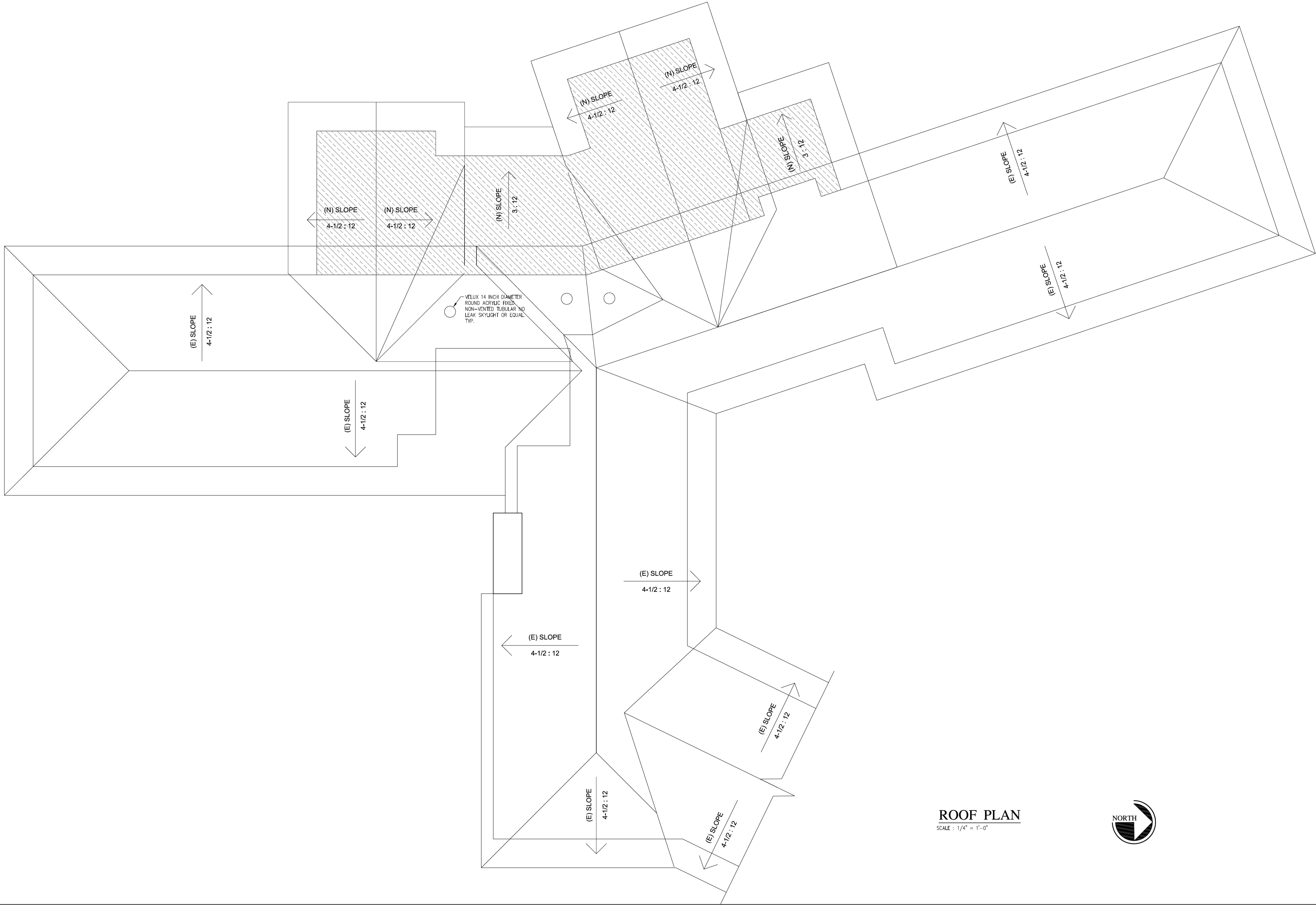


EXISTING FLOOR PLAN
SCALE : 1/4" = 1'-0"



SHEET 23-29 A-0	DESIGNED BY C. NGUYEN	DATE 07/06/2023	OWNER / APPLICANT AZAM & MO MIRTORABI 7 Pine Tree Lane Rolling Hills, CA 90274	NEW ADDITION LOCATED AT: 7 Pine Tree Lane Rolling Hills, CA 90274	EXISTING FLOOR PLAN	 JOSHUA M. HOSHENSHTEYN C 82840 CIVIL STATE OF CALIFORNIA	BLUE HORIZON CONSULTING ENGINEERS INC. P.O. BOX 61108 Rolling Hills, CA 90274 www.bhorizon.com P (949) 882-1482 mhsh@bhorizon.com
	CHECKED BY C. NGUYEN	DATE 07/06/2023					

147



ROOF PLAN

SCALE : 1/4" = 1'-0"



23-29

CHAWN
C. NGUYEN
DATE
07/06/2023

A-2



07/06/23

BLUE HORIZON
CONSULTING ENGINEERS INC.
10000 S. 100th St., Suite 100
Los Angeles, CA 90048
www.bhorizon.com
P (646) 882-1488
info@bhorizon.com

NEW ADDITION
LOCATED AT:
7 Pine Tree Lane
Rolling Hills, CA 90274

ROOF PLAN

OWNER / APPLICANT
AZAM & MO MIRTORABI
7 Pine Tree Lane
Rolling Hills, CA 90274

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City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 11.A
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: KARINA BAÑALES

SUBJECT: PUBLIC HEARING FOR INTRODUCTION AND FIRST READING OF ORDINANCE NO. 384 OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: December 14, 2023

BACKGROUND:

The City Council last updated the RHMC's wireless communication facility ("WCF") regulations in 2004. Numerous federal and state laws and regulations have since taken effect, which (among other things) significantly restricted local control over the permitting and placement of wireless communication facilities ("WCF"). Noteworthy features of these regulations include the following:

1. Ban on Moratoria

On August 2, 2018, the Federal Communications Commission ("FCC") adopted a Third Report & Order and Declaratory Ruling, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) ("**Moratoria Order**"), that, among other things, contained a declaratory ruling prohibiting express and *de facto* moratoria for all personal wireless services, telecommunications services, and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis. The declaratory ruling in the Moratoria Order was made effective upon release. This means there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

2. Shot Clocks and Enhanced Remedies

The FCC has adopted shot clocks (i.e., timelines) within which a local government must act on WCF applications. The most recent shot clocks have focused on applications for small WCFs and modifications to existing WCFs.

2009 Shot Clocks: In 2009, the FCC adopted a Declaratory Ruling, 24 FCC Rcd. 18994 (rel. Nov. 18, 2009), to clarify existing federal law requiring local governments to act on WCF applications within a reasonable period of time. In that Declaratory Ruling, the FCC established two shot clocks for local action on wireless facilities applications: (1) a 60-day shot clock for collocations; and (2) a 150-day shot clock for all other types of WCF applications.

The State of California later adopted AB 57 (Gov. Code 65964.1), which took effect on January 1, 2016, and created a “deemed granted” remedy (effective January 1, 2016 for collocations and “other” applications; effective January 1, 2022 for small cells) if the local government failed to act on an application during the time period allowed under the applicable FCC shot-clocks. This “deemed granted” remedy is available for any application under these shot clocks other than those proposed for placement in fire department facilities.

Eligible Facilities Requests: In 2012, Congress adopted a law (codified as 47 CFR Sec. 1455) requiring that certain applications to modify or add to existing WCFs must be approved at the local level. In 2014, the FCC adopted an implementing Order, including height and size criteria and a 60-day shot clock to process these “eligible facilities requests” (29 FCC Rcd. 12865). More recently, the FCC adopted clarifications and changes to its rules to further facilitate these types of deployments. A failure to act within this FCC shot clock period can result in the application being deemed approved under federal law.

Small Wireless Facilities Shot Clocks: On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088 (rel. Sep. 27, 2018) (“**Small Cell Order**”), which, among other things:

- Created new shorter (60-day and 90-day) shot clocks for small WCFs (as defined in the Small Cell Order);
- Interpreted existing shot clock regulations to require local public agencies to issue all relevant permits and authorizations within this period;
- Established a national standard for an effective prohibition related to small WCFs that replaced the existing “significant gap” test adopted by the United States Court of Appeals for the Ninth Circuit; and
- Provided that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

The Small Cell Order went into effect in part on January 14, 2019, and in part on April 15,

2019. On August 12, 2020, a three-judge panel of the Ninth Circuit Court of Appeals upheld the Moratoria Order and significant portions of the Small Cell Order, including the shorter shot clocks and remedies for failing to meet a shot clock. (*City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020) (“*City of Portland*”). On October 22, 2020, the Ninth Circuit Court of Appeals denied a petition for an en banc review of the above-referenced panel’s decision.

In 2021, the California legislature enacted AB 537 (Gov. Code 65964.1), further expanding the reach of AB 57’s deemed granted remedy to apply to all WCF applications subject to FCC shot clocks. Following AB 537, a deemed approved remedy is available for each and every WCF application type—which is triggered when the local government fails to render a final decision on a WCF application and issues all necessary approvals by the applicable FCC shot clock deadline.

3. Limits on Design Standards

In addition to the foregoing, the Small Cell Order placed limits on aesthetic regulations for small WCFs, including undergrounding. Under the Small Cell Order, local aesthetic regulations are permissible so long as they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, objective, and published in advance (so that applicants know the applicable WCF aesthetic requirements).

In the *City of Portland* discussed above, the Court invalidated certain portions of the FCC’s Small Cell Order that imposed new rules for aesthetic standards for small wireless facilities. Now, a city’s aesthetic regulations for small wireless facilities will not be preempted if they are (1) reasonable (technically feasible); and (2) published in advance.

4. Limits on Fees

The Small Cell Order declared that all WCF-related fees (including permit fees and rental fees for the use of government-owned infrastructure, such as streetlights) must be based on a reasonable approximation of the local government’s costs, such that only objectively reasonable costs are factored into those fees, and fees are no higher than the fees charged to similarly situated competitors in similar situations. The FCC established presumptively reasonable fee levels (called “safe harbors”), including non-recurring fees equal to \$500 for a single application for up to five collocations, plus \$100 for each additional collocation and \$1,000 for each new pole. Recurring fees for attachment to a local government’s poles are presumed reasonable if equal to \$270 per facility/per year, including the fee for attachment to the infrastructure and use of the public right-of-way.

Planning Commission Recommendation

On November 21, 2023, the Planning Commission considered the proposed Wireless Ordinance and voted 4-0 (Cardenas absent) to adopt Resolution No. 2023-10 recommending to the City Council approval of the Wireless Ordinance. The action followed a series of meetings held by the Planning Commission on August 15, 2023, September 12, 2023, and October 17, 2023.

At the August 15th meeting, the Planning Commission directed staff to require a conditional use permit (CUP) for Type 3 facilities, which are new small wireless communication facilities ("WCF") on a new or replacement structure.

At the September 12th meeting, the Planning Commission had additional questions about wireless service, existing coverage, and potentially new wireless locations. Staff and the city attorney's office discussed the issues and contacted Crown Castle and the Rolling Hills Community Association (RHCA) about existing coverage and upcoming wireless facility proposals. The proposed Ordinance was further amended.

At the October 17th meeting, the Planning Commission discussed the Ordinance further and advised staff to continue working with RHCA. On October 26th, staff and the City Attorney's office met with RHCA and its legal counsel. The Ordinance was amended based on discussions and feedback from the Planning Commission.

DISCUSSION:

Revised Ordinance Recommended by the Planning Commission

The draft Wireless Ordinance, once adopted, would make the following updates to the City's Code:

1. Permit Requirements
 - a. A Conditional Use Permit (CUP) is now required for Type 4 facilities only. Type 4 facilities are new towers or any other facility that does not fall under the other types.
 - b. Zone Clearance is required for Types 1, 2, 3, and 5 facilities. These facilities are subject to Chapter 17.44 (Zone Clearance) and Section 17.27.040 (Wireless Communication Antennas and Facilities).
2. Subsection E of Section 17.27.040 includes new design, development and location standards addressing further direction by the Planning Commission. The subsection has also been updated to allow the Planning Commission to adopt supplemental design, location, and development standards by resolution from time to time.
3. The location standards express a preference for:
 1. new facilities to utilize existing or replacement poles;
 2. structures or street signs to avoid proliferation wherever possible;
 3. new wireless facilities cannot obstruct views as defined in Section 17.26.020 (View Preservation) of a primary residential building; and
 4. new facilities to be located on shared property lines between parcels to the extent feasible.
4. A limited waiver process has been added for all design, development, and location standards.
5. Standard conditions of approval have been added to Section 17.27.040 to apply in the event of an application deemed approved by the operation of law.

6. Other conforming and minor updates to address changes **in state and federal law** .

The revised Ordinance is included as Exhibit "A" to Resolution No. 2023-10. A redline version is also included to identify recent changes.

Existing Facilities

In March 2023, the Rolling Hills Community Association (RHCA) provided a list of existing Sprint and T-Mobile facilities in Rolling Hills. There are 20 facilities that Infinigy manages. The City and RHCA were able to approve upgrades to 15 of the facilities, all of which are located on existing utility poles.

At the September 12th Planning Commission meeting, the Planning Commission asked to see the locations in Rolling Hills managed by Crown Castle. Crown Castle was able to provide a map, which is attached, showing the location of its facilities. There are about 30 Crown Castle facilities in the City with several others just outside the City's borders.

ENVIRONMENTAL

The proposed ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct a preliminary review of the application in accordance with CEQA. Alternatively, even if the ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the ordinance is exempt from CEQA on multiple grounds. First, the ordinance is exempt from CEQA because the City Council's adoption of the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. The City would conduct a preliminary review under CEQA at that time. Moreover, in the event that the ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Open the public hearing, receive public testimony, close the public hearing, and make the following actions:
 1. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303

(new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and

2. Introduce for first reading (by title only) and waive further reading of Ordinance No. 384, entitled "AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT" (Attachment 2).

ATTACHMENTS:

[ATTACHMENT1_2023-10_PCRResolution_WCF_Ordinance_112123_D2.pdf](#)
[ATTACHMENT2_384_WirelessOrdinance_Updated PC DRAFT 11-14-2023 REDLINE-c1.pdf](#)
[ATTACHMENT3_PL_WCF_OrdAmend2023_231002_Email_CrownCastle.pdf](#)
[ATTACHMENT4_PL_WCF_OrdAmend2023_231010_CrownCastlePresentation_2SlidesPerPage.pdf](#)
[ATTACHMENT5_CL_AGN_230912_PC_Item9B_RHCA_PublicComment.pdf](#)
[ATTACHMENT6_CL_AGN_230912_PC_Item9B_RHCA_CellAntennaMockUp.pdf](#)
[ATTACHMENT7_CL_AGN_230912_PC_Item9B_RHCA_CellSurveyResults2023.pdf](#)
[ATTACHMENT8_PL_WCF_OrdAmend2023_230815_PCStaffReportONLY.pdf](#)
[ATTACHMENT9_PL_WCF_OrdAmend2023_230912_PCStaffReportONLY.pdf](#)
[ATTACHMENT10_PL_WCF_OrdAmend2023_231017_PCStaffReportONLY.pdf](#)
[ATTACHMENT11_PL_ADR_231017_WCF_Presentation_BBK_Givens_Rolling Hills PC Mtg Wireless Ordinance Presentation 10-17-23-c1_2pages.pdf](#)
[CL_AGN_231121_PC_Item9A_PublicComment01.pdf](#)
[PL_WCF_OrdAmend2023_WirelessApplicationDraft_11-27-23-c1.pdf](#)

RESOLUTION NO. 2023-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE REGARDING WIRELESS COMMUNICATION FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Rolling Hills, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, the City’s zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code (“RHMC”). Among other things, Title 17 includes regulations governing wireless communication facilities (“WCF”); and

WHEREAS, the City last updated the RHMC’s WCF regulations in 2004. Since then, changes in federal and state law have placed significant procedural and substantive limits on the City’s exercise of local control over matters involving WCFs; and

WHEREAS, the ordinance (“Ordinance”) attached as Exhibit “A” will amend the RHMC’s RCF regulations to comply with changes in state and federal law governing the same; and

WHEREAS, on August 15, 2023 September 12, 2023, and October 17, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Thereafter, the Planning Commission: (i) provided direction to staff regarding amendments to the Ordinance; and (ii) continued the public hearing to its November 21, 2023 meeting. Staff subsequently revised the Ordinance in accordance with the Planning Commission’s instructions. The Planning Commission held a continued public hearing at its November 21, 2023 meeting.

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills does hereby resolve, determine, find, and order as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

Section 2. CEQA. The Planning Commission finds that this Ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project”

within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council's adoption of the Ordinance would be covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

Section 3. General Plan. This Ordinance's amendments to RHMC Title 17 are consistent with, and in further of, the City's adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan*; and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses*. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

Section 4. Recommendation. Based on the foregoing, the Planning Commission hereby recommends that the City Council approve and adopt the Ordinance attached as Exhibit "A" and incorporated herein by reference.

Section 5. Certification. The Planning Commission Chair shall sign and the Secretary shall attest to the adoption of this Resolution.

Section 6. Effective Date. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF NOVEMBER 2023.

BRAD CHELF, CHAIRPERSON

ATTEST:

CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2023-10 entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF ROLLING HILLS RECOMMENDING THAT THE CITY
COUNCIL APPROVE AN ORDINANCE AMENDING VARIOUS
SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE
REGARDING WIRELESS COMMUNICATION FACILITIES AND
FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

was approved and adopted at a regular meeting of the Planning Commission on
November 21, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

EXHIBIT “A”

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code, section 65800 *et seq.*, authorizes the City of Rolling Hills (“City”) to adopt and administer zoning laws, ordinances, rules and regulations as a means of implementing the General Plan; and

WHEREAS, the City’s zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code (“RHMC”). Among other things, Title 17 includes regulations governing wireless communication facilities (“WCF”); and

WHEREAS, Title 17’s WCF regulations were most recently amended in 2004. Since then, changes in federal and state law—including various court decisions and Federal Communications Commission (FCC) orders and regulations—have placed significant procedural and substantive limits on the City’s exercise of local control over matters involving WCFs. This ordinance (“Ordinance”) amends Title 17 to comply with these changes in the law; and

WHEREAS, California Government Code sections 65854 and 65856(a) require the Planning Commission and the City Council, respectively, to conduct public hearings on proposed amendments to Title 17 (i.e., zoning code amendments). The Planning Commission’s action serves as a recommendation to the City Council; and

WHEREAS, on August 4, 2023, the City gave public notice of a Planning Commission public hearing to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on August 15, 2023 and September 12, 2023 and October 17, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Thereafter, the Planning Commission: (i) provided direction to staff regarding the amendments to the Ordinance; and (ii) continued the public hearing to its November 21, 2023. Staff subsequently revised the Ordinance in accordance with the Planning Commission’s direction. The Planning Commission held a continued public hearing at its November 21, 2023 meeting and thereafter, recommended that the City Council adopt the Ordinance; and

WHEREAS, on [DATE], the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on [DATE], the City Council considered the staff report, recommendations by staff, and public testimony regarding this Ordinance.

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

SECTION 2. California Environmental Quality Act. The City Council finds that this Ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council’s adoption of the Ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 3. General Plan. The City Council hereby finds that this Ordinance’s amendments to RHMC Title 17 are consistent with, and in further of, the City’s adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan*; and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land*

uses. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

SECTION 4. Code Amendment. Section 17.27.040 of the Rolling Hills Municipal Code is amended to read in its entirety as follows:

“17.27.040 Wireless communication antennas and facilities.

A. **General.** This Section establishes standards and procedures for the development and operation of wireless communications facilities, including, but not limited to, personal wireless services facilities, non-exempt satellite antennas, and single pole/tower amateur radio antennas. The requirements of this Section apply to all wireless communication facilities on public and private property and within the right of way that transmit and/or receive electromagnetic signals, including, but not limited to, personal wireless services, satellite, and radio and television broadcast facilities.

1. **Application Types.**

a. *Type 1 – Collocation of a small wireless facility on an existing structure.* Type 1 applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type 1 application.

b. *Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request.* Type 2 applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request.

c. *Type 3 – New small wireless facility on a new or replacement structure.* Type 3 applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

d. *Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5, or 6 application.* Type 4 applications shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type 1, 2, 3, 5, or 6 applications.

e. *Type 5 – Eligible facilities requests.* Type 5 applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

f. *Type 6 – Temporary facilities.* Type 6 applications shall include any applications for a temporary facility to provide wireless services on a temporary or emergency basis.

2. Permit Requirements. No wireless communication facility shall be constructed, erected, placed, or modified anywhere within the City without first obtaining a permit pursuant to the requirements of this Section and without obtaining all permits required under any other applicable state, federal, or local laws or regulations.

a. *Conditional Use Permit Required.* A conditional use permit shall be required for Type 4 applications, which shall be reviewed and processed in accordance with Chapter 17.42 of this Code and the requirements of this Section 17.27.040.

b. *Zone Clearance Required.* A zone clearance shall be required for Type 1, 2, 3, and 5 applications, which shall be reviewed and processed in accordance with Chapter 17.44 of this Code and the requirements of this Section 17.27.040.

c. *Temporary Use Permit Required.* A temporary use permit shall be required for Type 6 applications, which shall be reviewed and processed in accordance with Chapter 17.48 of this Code and the requirements of this Section 17.27.040.

3. Exempt Wireless Communication Facilities. The following wireless communication facilities are exempt from the requirements of this Section:

a. Wireless facilities operated by the City for public purposes.

b. Hand-held mobile, marine, and portable radio transmitters and/or receivers which are not affixed to land or a structure.

c. Traditional terrestrial radio and television mobile broadcast facilities.

d. A single ground-mounted or building-mounted antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions: (1) *Satellite Dish 39.37 inches (one meter) or Less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole

use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot, provided it does not exceed the height of the ridgeline of the primary structure on the same parcel. (2) *Non-Satellite Dish 39.37 inches (one meter) or Less*. A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

e. Amateur radio antennas meeting the following requirements: (1) That are completely enclosed within a permitted building; or (2) That consist of a single wire not exceeding one-fourth of an inch in diameter, and such wire antennas may be located in setback areas, provided the antenna does not extend above the maximum building height in the district; or (3) That consist of a single ground-mounted vertical pole or whip antenna not exceeding 50 feet in height, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.

B. **Definitions.** For the purpose of this chapter, certain words and terms are hereby defined. Words used in the singular shall be deemed to include the plural and the plural the singular; unless more specifically defined in this chapter, the word “building” is interchangeable with the word “structure,” and the word “shall” is mandatory and not discretionary. All equipment not specifically described herein shall be regulated in conformity with that equipment described herein which is most substantially similar, from a functionality standpoint. Reference to “facility” is interchangeable with “wireless communications facility,” unless otherwise noted.

1. “Antenna” shall mean any system of wires, poles, rods, reflecting discs, or similar devices used in wireless communications for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

2. “Applicant” or “provider” shall mean the person or entity applying for a permit to install wireless communications facilities.

3. “Base Station” shall have the same meaning as defined by 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

4. “Colocation,” “Co-location,” and “Collocation” shall mean the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (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. For eligible facilities requests (Type 5), “Colocation,” “Co-location,” and “Collocation” shall mean the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the 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.

5. “Eligible Facilities Request” shall mean any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.

6. “Monopole” shall mean a free-standing pole, like a slim line, flagpole, or similar structure.

7. “Personal Wireless Services” shall mean those services as defined in 47 U.S.C. section 332(c)(7)(C)(i), or any successor provision, current examples of which include, but are not limited to, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

8. “Roof-mounted” shall mean any type of facility in which antennas are mounted on the roof, parapet, or similar feature of a structure.

9. “Small Wireless Facility” shall mean the same as defined by the FCC in 47 C.F.R. section 1.6002(l), or any successor provision.

10. “Support structure” shall mean any structure capable of supporting a base station, as defined in 47 C.F.R. section 1.6002(m), or any successor provision.

11. “Temporary facility” shall mean any wireless communication facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency, as defined in Government Code section 8558, requiring additional service capabilities.

12. “Tower” shall mean the same as defined in 47 C.F.R. section 1.6100(b)(9), or any successor provision. This definition does not include Utility Poles.

13. “Utility pole” shall mean any structure designed to support electric, telephone, and similar utility lines. A Tower is not a utility pole.

14. “Wireless communications facilities” and “facilities” shall mean any transmitters, antenna structures, equipment cabinets, concealment, meters, switches, cabling, and other types of facilities used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

C. **Application Requirements.** An applicant seeking to install, construct, modify, replace, or place a wireless communications facility shall complete and submit an

application to the Planning and Community Services Department for review and processing, upon the form published by the Director of the Planning and Community Services Department, which may be updated from time to time. In addition to any requirements specified by the application form, all applications shall, at minimum, require submission of the following:

1. Name of applicant, contact information, location of proposed site, description of the application type sought, and the name and contact information of the user/ provider that will use the facility.
2. A brief narrative accompanied by written documentation and a site plan or map together with photo simulations that explain the project.
3. A narrative and scaled map(s) that precisely disclose the geographic area(s) within the City proposed to be serviced by the proposed facility.
4. A radiofrequency (RF) environmental evaluation report certifying that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations.

D. Findings for Approval.

1. *Findings for Approval of a Conditional Use Permit required by this section (Type 4).* Approval of any Conditional Use Permit required by this section is subject to the following findings:

- a. All findings for approval required for Conditional Use Permits as specified in Section 17.42.050; and
- b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and
- c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and
- d. The project has received approval from the Rolling Hills Community Association.

2. *Findings for Approval of a Non-Eligible Facility Request Zone Clearance required by this section (Types 1, 2, and 3).* Approval of any Non-Eligible Facility Request Zone Clearance required by this section is subject to the following findings:

- a. The proposed facility is consistent with the provisions of Title 17; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception therefrom; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

3. *Findings for Approval of a Zone Clearance for an Eligible Facilities Request required by this section (Type 5).* No zone clearance shall be approved for an eligible facilities request unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

a. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. sections 1.6100(b)(3)–(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The reviewing City authority shall make an express finding for each criterion; and

b. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. sections 1.6100(b)(7)(i)–(iv), or any successor provisions; and

c. The proposed facility will comply with all generally applicable laws.

4. *Findings for Approval of a Temporary Use Permit required by this section (Type 6).* Approval of any Temporary Use Permit required by this Section is subject to the following findings:

a. The proposed temporary use is allowed within the applicable zoning district with the approval of a temporary use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and

b. The proposed temporary use would not unduly impair the integrity and character of the zoning district in which it is located; and

c. Appropriate measures have been taken to protect the public health, safety, and general welfare to minimize detrimental effects on adjacent properties; and

d. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application

requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

e. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

f. The project has received approval from the Rolling Hills Community Association.

E. Design, Location, and Development Standards.

1. In addition to the design, location, and development standards outlined in this subsection 17.27.040(E), the Planning Commission is authorized to develop and adopt from time to time supplemental design, location, and development standards for all wireless communications facilities subject to this Section 17.27.040 by resolution.

2. This subsection E(2) establishes generally applicable design and development standards for all wireless facilities, except Type 5 eligible facilities requests.

a. The facility shall be erected, located, operated, and maintained at all times in compliance with this section and all applicable laws, regulations, and requirements of the California Building Code, as modified by the City, and every other code and regulation imposed or enforced by the City, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.

b. State-of-the-art stealth design technology shall be utilized as appropriate to the site and type of facility so that the proposed wireless facility will look like something other than a wireless facility. Wireless communications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, painted, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure and compatible with the appearance and character of the surrounding neighborhood. New standalone or replacement facilities shall use designs that are compatible and blend in with the surrounding area. For example, faux trees should be of the same type and size as nearby real trees. All finishes shall be non-reflective.

c. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other legally required seals or signage.

d. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables and wires, shall be screened, located within an enclosure or underground vault in a manner that, if aboveground, is visually compatible with the surrounding area and either

(1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings and (3) shall not interfere with equestrian activities or easements.

e. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors. All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, non-reflective hues that match the underlying structure or otherwise blend in with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing City authority's prior approval.

f. All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this code. The reviewing City authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

g. Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

h. To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing City authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences, or any similar security measures are prohibited. Alarm systems shall not include any audible sirens or other sounds.

i. All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities should be proactively monitored and maintained to continue and, if possible, improve the safety design.

3. This subsection E(3) establishes additional design and development standards for all wireless facilities, except Type 5 eligible facilities requests, proposed to be located upon a rooftop or attached to an existing building.

a. Any screening used in connection with a wall-mounted and/or roof-mounted facility, shall be compatible with the architecture, color, texture, and

materials of the building or other structure to which it is mounted.

b. The facility shall be placed to the centermost location of the rooftop to screen it from view from the street and adjacent properties, or incorporate façades to create a stealth facility that is designed to look like something other than a wireless facility.

c. Wireless communication antennas and facilities shall not be located on roofs or walls of any structures on private residential property, but may be located on commercial buildings and properties, and on publicly owned properties or buildings.

4. Temporary facilities shall be subject only to the following design and development standards in this Section 17.27.040(E)(4). Temporary facilities include, without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred to as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities:

a. That will be in place for no more than six months, or such other longer time as the City may allow in light of the event or emergency;

b. For which required notice is provided to the FAA;

c. That do not require marking or lighting under FAA regulations;

d. That will not exceed fifty (50) feet in height; and

e. That will either involve no excavation or involve excavation only as required to safely anchor the facility where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two (2) feet.

5. All wireless communications facilities, except Type 5 eligible facilities requests, shall not be located on private residential property outside of the right-of-way or outside a roadway easement, but may be located on existing utility poles.

6. This subsection E(6) establishes generally applicable location standards for all wireless communications facilities, except Type 5 eligible facilities requests, inside of the right-of-way or inside a roadway easement:

a. Wireless communications facilities shall utilize existing poles, structures, street signs or utilize the replacement of existing structures, poles, and street signs in the right-of-way or within a roadway easement to avoid the proliferation of new poles and structures in the right-of-way and roadway easements;

b. Wireless communications facilities shall not be located in the right-of-way or within a roadway easement in a manner which obstructs the view, as the term is defined in Section 17.26.020 of this Code, of any residential primary building;

c. To the maximum extent technically feasible, wireless communications facilities shall be located on shared property lines separating two residential parcels.

F. **Infrastructure Controlled by City.** The City, as a matter of policy, will negotiate agreements for the use of City-owned property. The placement of wireless facilities on those structures and property shall be subject to one or more negotiated agreements. The agreements shall specify the compensation to the City for use of the structures. The person seeking an agreement shall, in addition to any consideration paid, reimburse the City for all costs the City incurs in connection with its review of and action upon that person's request for an agreement.

G. **Standard Conditions of Approval.** In addition to all other conditions adopted by the applicable approval authority, all permits issued in accordance with this section, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (or the appellate authority on appeal) shall have discretion to modify, supplement, or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

1. ***Permit Term.*** For any non-eligible facilities request, this permit will automatically expire 10 years and one day from its date of issuance. Any other permits or approvals issued in connection with an application subject to this section, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

2. ***Strict Compliance with Approved Plans.*** Permittee must incorporate this permit, all conditions associated with this permit, and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless communication facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless communication facility, must be submitted in a written request subject to the Director of the Planning and Community Services Department's prior review and approval.

3. ***Permit Expiration.*** This permit will automatically expire if construction or installation activities authorized herein do not commence within one (1) year from the date of this permit's issuance.

4. ***Maintenance Obligations – Vandalism.*** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to

the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

5. *Property Maintenance.* The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved plans are maintained in a manner that is not detrimental or injurious to the public health, safety, or 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 this permit. The permittee further acknowledges that failure to maintain compliance with this condition may result in a code enforcement action.

6. *Compliance with Laws.* The permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility, or any use or activities in connection with the use authorized by this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt, or enforce compliance with any applicable provision in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation.

7. *Adverse Impacts on Other Properties.* The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the purposes of this condition. 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 hours as set forth in the Rolling Hills 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. The Director of Planning and Community Services, or the Director's designee, may issue a stop work order for any activities that violate this condition.

8. *Inspections – Emergencies.* The permittee expressly acknowledges and agrees that the City's officers, officials, staff, and other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support,

repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff, and other designees while any such inspection or emergency access occurs.

9. *Permittee's Contact Information.* The permittee shall furnish the Director of Planning and Community Services with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.

10. *Indemnification.* 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, employees, and volunteers from and against any and all (1) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, lawsuits, writs, and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees, or volunteers to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this permit; and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', invitees', volunteers', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any third-party claims concerning this permit, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

11. *Performance Bond.* Prior to the issuance of any construction permit in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which include, without limitation, all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the wireless facility, plus the cost to completely

restore any areas affected by the removal work to a standard compliant with applicable laws.

12. *Recall to Approval Authority – Permit Revocation.* The approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

13. *Record Retention.* The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which include, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies kept in the city's regular files will control over any conflicts between such hard copies and the permittee's electronic copies, and complete originals will control over all other copies in any form.

14. *Permit Renewal.* Any application to renew this permit must be tendered to the Director of Planning and Community Services within one (1) year prior to the expiration of this permit, and shall be accompanied by all required application materials, fees and deposits for a new application as then in effect. The approval authority shall review an application for permit renewal in accordance with the standards for new facilities as then in-effect. The Director of the Planning and Community Services Department may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.

15. *Eligible facilities requests conditions of approval.* In addition to compliance with the requirements of this Section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the decision-making authority:

a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

b. No permit term extension. The City's grant or deemed 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 Town's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the

subject tower or base station.

H. **Limited Exceptions for Personal Wireless Service Facilities.**

1. The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to this section if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

- a. Prohibit, or effectively prohibit, the provision of personal wireless services, within the meaning of federal law; or
- b. Otherwise violate applicable laws or regulations; or
- c. Require a technically infeasible location, design, or installation of a wireless facility.

2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design, or installation.”

SECTION 5. Code Amendment. Section 17.44.020 of the Rolling Hills Municipal Code is hereby amended to add a new subsection (G), which shall read in its entirety as follows:

“17.44.020 Applicability.

...

G. The installation, construction, modification, replacement, or placement certain wireless communications facilities requiring a zone clearance, as specified by Section 17.27.040.”

SECTION 6. Code Amendment. Section 17.48.040 the of Rolling Hills Municipal Code is hereby amended to add a new subsection (B)(4), which shall read in its entirety as follows:

“17.48.040 Allowed Temporary Uses.

...

B. Temporary Structures for Non-Active Construction Sites and Time Periods.

...

4. Temporary Wireless Facilities. The installation, construction, modification, replacement, or placement certain temporary wireless communications

facilities requiring a temporary use permit, as specified by Section 17.27.040.”

SECTION 7. Code Amendment. Subsections “C” and “F” of Section 17.16.200 of the Rolling Hills Municipal Code are hereby amended in their entirety to both state the following: “Reserved”.

SECTION 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Rolling Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

SECTION 9. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 10. Certification. The City Clerk is hereby directed to certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this [REDACTED] day of [REDACTED], 2023.

Patrick Wilson, Mayor

ATTEST:

Christian Horvath, City Clerk

APPROVED AS TO FORM:

Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. _____ was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT “A”

ORDINANCE NO. 384

REDLINE VERSION SHOWING
CHANGES MADE SINCE
OCTOBER 17, 2023 PLANNING
COMMISSION MEETING.

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code, section 65800 *et seq.*, authorizes the City of Rolling Hills (“City”) to adopt and administer zoning laws, ordinances, rules and regulations as a means of implementing the General Plan; and

WHEREAS, the City’s zoning regulations are contained in Title 17 of the Rolling Hills Municipal Code (“RHMC”). Among other things, Title 17 includes regulations governing wireless communication facilities (“WCF”); and

WHEREAS, Title 17’s WCF regulations were most recently amended in 2004. Since then, changes in federal and state law—including various court decisions and Federal Communications Commission (FCC) orders and regulations—have placed significant procedural and substantive limits on the City’s exercise of local control over matters involving WCFs. This ordinance (“Ordinance”) amends Title 17 to comply with these changes in the law; and

WHEREAS, California Government Code sections 65854 and 65856(a) require the Planning Commission and the City Council, respectively, to conduct public hearings on proposed amendments to Title 17 (i.e., zoning code amendments). The Planning Commission’s action serves as a recommendation to the City Council; and

WHEREAS, on August 4, 2023, the City gave public notice of a Planning Commission public hearing to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on August 15, 2023 and September 12, 2023 and October 17, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this Ordinance. Following the public hearing Thereafter, the Planning Commission: (i) provided direction to staff regarding the amendments to the Ordinance; and (ii) continued the public hearing to its November 21, 2023. Staff subsequently revised the Ordinance in accordance with the Planning Commission’s direction. The Planning Commission held a continued public hearing at its November 21, 2023 meeting and thereafter, recommended that the City Council adopt the Ordinance; and

WHEREAS, on [DATE], the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on [DATE], the City Council considered the staff report, recommendations by staff, and public testimony regarding this Ordinance.

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

SECTION 2. California Environmental Quality Act. The City Council finds that this Ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council’s adoption of the Ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 3. General Plan. The City Council hereby finds that this Ordinance’s amendments to RHMC Title 17 are consistent with, and in further of, the City’s adopted General Plan. Specifically, General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan*; and Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage*; and Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster*; and Land Use Goal 2: *Accommodate development which is compatible with and complements existing land*

uses. This Ordinance furthers these goals, policies, and actions by updating the City's regulations to achieve consistency with federal and state law and making certain refinements to ensure that Title 17 is consistent and clear and provides for streamlined approval processes for wireless communication facilities. Therefore, the Ordinance is consistent with the General Plan.

SECTION 4. Code Amendment. Section 17.27.040 of the Rolling Hills Municipal Code is amended to read in its entirety as follows:

“17.27.040 Wireless communication antennas and facilities.

A. **General.** This Section establishes standards and procedures for the development and operation of wireless communications facilities, including, but not limited to, personal wireless services facilities, non-exempt satellite antennas, and single pole/tower amateur radio antennas. The requirements of this Section apply to all wireless communication facilities on public and private property and within the right of way that transmit and/or receive electromagnetic signals, including, but not limited to, personal wireless services, satellite, and radio and television broadcast facilities.

1. **Application Types.**

a. *Type 1 – Collocation of a small wireless facility on an existing structure.* Type 1 applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type 1 application.

b. *Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request.* Type 2 applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for Eligible facilities request purposes) or (ii) the structure is an existing tower or base station (as defined for Eligible facilities request purposes) but the proposed facility does not qualify as an Eligible facilities request.

c. *Type 3 – New small wireless facility on a new or replacement structure.* Type 3 applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

d. *Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5, or 6 application.* Type 4 applications shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type 1, 2, 3, 5, or 6 applications.

e. *Type 5 – Eligible facilities requests.* Type 5 applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

f. *Type 6 – Temporary facilities.* Type 6 applications shall include any applications for a temporary facility to provide wireless services on a temporary or emergency basis.

2. Permit Requirements. No wireless communication facility shall be constructed, erected, placed, or modified anywhere within the City without first obtaining a permit pursuant to the requirements of this Section and without obtaining all permits required under any other applicable state, federal, or local laws or regulations.

a. *Conditional Use Permit Required.* A conditional use permit shall be required for Type 2, 3 and 4 applications, which shall be reviewed and processed in accordance with Chapter 17.42 of this Code and the requirements of this Section 17.27.040.

b. *Zone Clearance Required.* A zone clearance shall be required for Type 1, 2, 3, 2, 3, and 5 applications, which shall be reviewed and processed in accordance with Chapter 17.44 of this Code and the requirements of this Section 17.27.040.

c. *Temporary Use Permit Required.* A temporary use permit shall be required for Type 6 applications, which shall be reviewed and processed in accordance with Chapter 17.48 of this Code and the requirements of this Section 17.27.040.

3. Exempt Wireless Communication Facilities. The following wireless communication facilities are exempt from the requirements of this Section:

a. Wireless facilities operated by the City for public purposes.

b. Hand-held mobile, marine, and portable radio transmitters and/or receivers which are not affixed to land or a structure.

c. Traditional terrestrial radio and television mobile broadcast facilities.

d. A single ground-mounted or building-mounted antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions: (1) *Satellite Dish 39.37 inches (one meter) or Less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole

use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot, provided it does not exceed the height of the ridgeline of the primary structure on the same parcel. (2) *Non-Satellite Dish 39.37 inches (one meter) or Less*. A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

e. Amateur radio antennas meeting the following requirements: (1) That are completely enclosed within a permitted building; or (2) That consist of a single wire not exceeding one-fourth of an inch in diameter, and such wire antennas may be located in setback areas, provided the antenna does not extend above the maximum building height in the district; or (3) That consist of a single ground-mounted vertical pole or whip antenna not exceeding 50 feet in height, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.

B. **Definitions.** For the purpose of this chapter, certain words and terms are hereby defined. Words used in the singular shall be deemed to include the plural and the plural the singular; unless more specifically defined in this chapter, the word “building” is interchangeable with the word “structure,” and the word “shall” is mandatory and not discretionary. All equipment not specifically described herein shall be regulated in conformity with that equipment described herein which is most substantially similar, from a functionality standpoint. Reference to “facility” is interchangeable with “wireless communications facility,” unless otherwise noted.

1. “Antenna” shall mean any system of wires, poles, rods, reflecting discs, or similar devices used in wireless communications for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

2. “Applicant” or “provider” shall mean the person or entity applying for a permit to install wireless communications facilities.

3. “Base Station” shall have the same meaning as defined by 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

4. “Colocation,” “Co-location,” and “Collocation” shall mean the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (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. For eligible facilities requests (Type 5), “Colocation,” “Co-location,” and “Collocation” shall mean the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the 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.

5. “Eligible Facilities Request” shall mean any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.

6. “Monopole” shall mean a free-standing pole, like a slim line, flagpole, or similar structure.

7. “Personal Wireless Services” shall mean those services as defined in 47 U.S.C. section 332(c)(7)(C)(i), or any successor provision, current examples of which include, but are not limited to, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

8. “Roof-mounted” shall mean any type of facility in which antennas are mounted on the roof, parapet, or similar feature of a structure.

9. “Small Wireless Facility” shall mean the same as defined by the FCC in 47 C.F.R. section 1.6002(l), or any successor provision.

10. “Support structure” shall mean any structure capable of supporting a base station, as defined in 47 C.F.R. section 1.6002(m), or any successor provision.

11. “Temporary facility” shall mean any wireless communication facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency, as defined in Government Code section 8558, requiring additional service capabilities.

12. “Tower” shall mean the same as defined in 47 C.F.R. section 1.6100(b)(9), or any successor provision. This definition does not include Utility Poles.

13. “Utility pole” shall mean any structure designed to support electric, telephone, and similar utility lines. A Tower is not a utility pole.

14. “Wireless communications facilities” and “facilities” shall mean any transmitters, antenna structures, equipment cabinets, concealment, meters, switches, cabling, and other types of facilities used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

C. **Application Requirements.** An applicant seeking to install, construct, modify, replace, or place a wireless communications facility shall complete and submit an

application to the Planning and Community Services Department for review and processing, upon the form published by the Director of the Planning and Community Services Department, which may be updated from time to time. In addition to any requirements specified by the application form, all applications shall, at minimum, require submission of the following:

1. Name of applicant, contact information, location of proposed site, description of the application type sought, and the name and contact information of the user/ provider that will use the facility.
2. A brief narrative accompanied by written documentation and a site plan or map together with photo simulations that explain the project.
3. A narrative and scaled map(s) that precisely disclose the geographic area(s) within the City proposed to be serviced by the proposed facility.
4. A radiofrequency (RF) environmental evaluation report certifying that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations.

D. Findings for Approval.

1. *Findings for Approval of a Conditional Use Permit required by this section (Types 2, 3 and 4).* Approval of any Conditional Use Permit required by this section is subject to the following findings:

- a. All findings for approval required for Conditional Use Permits as specified in Section 17.42.050; and
- b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and
- c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and
- d. The project has received approval from the Rolling Hills Community Association.

2. *Findings for Approval of a Non-Eligible Facility Request Zone Clearance required by this section (Types 1, 2, and 3, 2, and 3).* Approval of any Non-Eligible Facility Request Zone Clearance required by this section is subject to the following findings:

- a. The proposed facility is consistent with the provisions of Title 17; and

b. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver exception therefrom; and

c. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

d. The project has received approval from the Rolling Hills Community Association.

3. *Findings for Approval of a Zone Clearance for an Eligible Facilities Request required by this section (Type 5).* No zone clearance shall be approved for an eligible facilities request unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

a. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. sections 1.6100(b)(3)–(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The reviewing City authority shall make an express finding for each criterion; and

b. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. sections 1.6100(b)(7)(i)–(iv), or any successor provisions; and

c. The proposed facility will comply with all generally applicable laws.

4. *Findings for Approval of a Temporary Use Permit required by this section (Type 6).* Approval of any Temporary Use Permit required by this Section is subject to the following findings:

a. The proposed temporary use is allowed within the applicable zoning district with the approval of a temporary use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; and

b. The proposed temporary use would not unduly impair the integrity and character of the zoning district in which it is located; and

c. Appropriate measures have been taken to protect the public health, safety, and general welfare to minimize detrimental effects on adjacent properties; and

d. The facility complies with all applicable requirements of Section 17.27.040, including all requirements for the requested permit; all application

requirements; and all applicable design, location, and development standards, or has a waiver exception thereof; and

e. The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission; and

f. The project has received approval from the Rolling Hills Community Association.

E. **Design, Location, and Development Standards.**

1. In addition to the design, location, and development standards outlined in this subsection 17.27.040(E), the Planning Commission is authorized to develop and adopt from time to time supplemental design, location, and development standards for all wireless communications facilities subject to this Section 17.27.040 by resolution.

~~4.2.~~ This subsection E(24) establishes generally applicable design and development standards for all wireless facilities, except Type 5 eligible facilities requests.

a. The facility shall be erected, located, operated, and maintained at all times in compliance with this section and all applicable laws, regulations, and requirements of the California Building Code, as modified by the City, and every other code and regulation imposed or enforced by the City, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.

b. State-of-the-art stealth design technology shall be utilized as appropriate to the site and type of facility so that the proposed wireless facility will look like something other than a wireless facility. Wireless communications facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, painted, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure and compatible with the appearance and character of the surrounding neighborhood. New standalone or replacement facilities shall use designs that are compatible and blend in with the surrounding area. For example, faux trees should be of the same type and size as nearby real trees. All finishes shall be non-reflective.

c. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other legally required seals or signage.

d. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables and wires, shall be screened, located within an enclosure or underground vault in a manner that, if aboveground, is visually compatible with the surrounding area and either

(1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings and (3) shall not interfere with equestrian activities or easements.

e. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors. All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, non-reflective hues that match the underlying structure or otherwise blend in with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing City authority's prior approval.

f. All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this code. The reviewing City authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

g. Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

h. To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing City authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences, or any similar security measures are prohibited. Alarm systems shall not include any audible sirens or other sounds.

i. All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities should be proactively monitored and maintained to continue and, if possible, improve the safety design.

2.3. This subsection E(32) establishes additional design and development standards for all wireless facilities, except Type 5 eligible facilities requests, proposed to be located upon a rooftop or attached to an existing building.

a. Any screening used in connection with a wall-mounted and/or roof-mounted facility, shall be compatible with the architecture, color, texture, and

materials of the building or other structure to which it is mounted.

b. The facility shall be placed to the centermost location of the rooftop to screen it from view from the street and adjacent properties, or incorporate façades to create a stealth facility that is designed to look like something other than a wireless facility.

c. Wireless communication antennas and facilities shall not be located on roofs or walls of any structures on private residential property, but may be located on commercial buildings and properties, and on publicly owned properties or buildings.

3.4. Temporary facilities shall be subject only to the following design and development standards in this Section 17.27.040(E)(~~43~~). Temporary facilities include, without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred to as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities:

a. That will be in place for no more than six months, or such other longer time as the City may allow in light of the event or emergency;

b. For which required notice is provided to the FAA;

c. That do not require marking or lighting under FAA regulations;

d. That will not exceed fifty (50) feet in height; and

e. That will either involve no excavation or involve excavation only as required to safely anchor the facility where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two (2) feet.

5. All wireless communications facilities, except Type 5 eligible facilities requests, shall not be located on private residential property outside of the right-of-way or outside a roadway easement, but may be located on existing utility poles.

6. This subsection E(65) establishes generally applicable location standards for all wireless communications facilities, except Type 5 eligible facilities requests, inside of the right-of-way or inside a roadway easement:

a. Wireless communications facilities shall utilize existing poles, structures, street signs or utilize the replacement of existing structures, poles, and street signs in the right-of-way or within a roadway easement to avoid the proliferation of new poles and structures in the right-of-way and roadway easements;

b. Wireless communications facilities shall not be located in the right-of-way or within a roadway easement in a manner which obstructs the view, as the term is defined in Section 17.26.020 of this Code, the front façade of any residential

primary building;

c. To the maximum extent technically feasible, ~~W~~wireless communications facilities shall not be located within ten (10) feet of any on shared property lines separating two residential parcels in the right-of-way or within a roadway easement.

F. **Infrastructure Controlled by City.** The City, as a matter of policy, will negotiate agreements for the use of City-owned property. The placement of wireless facilities on those structures and property shall be subject to one or more negotiated agreements. The agreements shall specify the compensation to the City for use of the structures. The person seeking an agreement shall, in addition to any consideration paid, reimburse the City for all costs the City incurs in connection with its review of and action upon that person's request for an agreement.

G. **Standard Conditions of Approval.** In addition to all other conditions adopted by the applicable approval authority, all permits issued in accordance with this section, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The approval authority (or the appellate authority on appeal) shall have discretion to modify, supplement, or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

1. ***Permit Term.*** For any non-eligible facilities request, this permit will automatically expire 10 years and one day from its date of issuance. Any other permits or approvals issued in connection with an application subject to this section, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

2. ***Strict Compliance with Approved Plans.*** Permittee must incorporate this permit, all conditions associated with this permit, and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless communication facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless communication facility, must be submitted in a written request subject to the Director of the Planning and Community Services Department's prior review and approval.

3. ***Permit Expiration.*** This permit will automatically expire if construction or installation activities authorized herein do not commence within one (1) year from the date of this permit's issuance.

4. ***Maintenance Obligations – Vandalism.*** The permittee shall keep the

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

5. *Property Maintenance.* The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved plans are maintained in a manner that is not detrimental or injurious to the public health, safety, or 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 this permit. The permittee further acknowledges that failure to maintain compliance with this condition may result in a code enforcement action.

6. *Compliance with Laws.* The permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility, or any use or activities in connection with the use authorized by this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt, or enforce compliance with any applicable provision in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Rolling Hills Municipal Code, any permit, any permit condition, or any applicable law or regulation.

7. *Adverse Impacts on Other Properties.* The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the purposes of this condition. 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 hours as set forth in the Rolling Hills 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. The Director of Planning and Community Services, or the Director's designee, may issue a stop work order for any activities that violate this condition.

8. *Inspections – Emergencies.* The permittee expressly acknowledges

and agrees that the City's officers, officials, staff, and other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff, and other designees while any such inspection or emergency access occurs.

9. *Permittee's Contact Information.* The permittee shall furnish the Director of Planning and Community Services with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.

10. *Indemnification.* 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, employees, and volunteers from and against any and all (1) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, lawsuits, writs, and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees, or volunteers to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this permit; and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', invitees', volunteers', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any third-party claims concerning this permit, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

11. *Performance Bond.* Prior to the issuance of any construction permit in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements,

which include, without limitation, all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws.

12. *Recall to Approval Authority – Permit Revocation.* The approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

13. *Record Retention.* The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which include, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies kept in the city's regular files will control over any conflicts between such hard copies and the permittee's electronic copies, and complete originals will control over all other copies in any form.

14. *Permit Renewal.* Any application to renew this permit must be tendered to the Director of Planning and Community Services within one (1) year prior to the expiration of this permit, and shall be accompanied by all required application materials, fees and deposits for a new application as then in effect. The approval authority shall review an application for permit renewal in accordance with the standards for new facilities as then in-effect. The Director of the Planning and Community Services Department may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.

15. *Eligible facilities requests conditions of approval.* In addition to compliance with the requirements of this Section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the decision-making authority:

a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

b. No permit term extension. The City's grant or deemed 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 Town's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

H. **Limited Exceptions for Personal Wireless Service Facilities.**

1. The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to this section if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

- a. Prohibit, or effectively prohibit, the provision of personal wireless services, within the meaning of federal law; or
- b. Otherwise violate applicable laws or regulations; or
- c. Require a technically infeasible location, design, or installation of a wireless facility.

2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design, or installation."

SECTION 5. Code Amendment. Section 17.44.020 of the Rolling Hills Municipal Code is hereby amended to add a new subsection (G), which shall read in its entirety as follows:

"17.44.020 Applicability.

...

G. The installation, construction, modification, replacement, or placement certain wireless communications facilities requiring a zone clearance, as specified by Section 17.27.040."

SECTION 6. Code Amendment. Section 17.48.040 the of Rolling Hills Municipal Code is hereby amended to add a new subsection (B)(4), which shall read in its entirety as follows:

"17.48.040 Allowed Temporary Uses.

...

B. Temporary Structures for Non-Active Construction Sites and Time Periods.

. . .

4. Temporary Wireless Facilities. The installation, construction, modification, replacement, or placement certain temporary wireless communications facilities requiring a temporary use permit, as specified by Section 17.27.040.”

SECTION 7. Code Amendment. Subsections “C” and “F” of Section 17.16.200 of the Rolling Hills Municipal Code are hereby amended in their entirety to both state the following: “Reserved”.

SECTION 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Rolling Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

SECTION 9. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 10. Certification. The City Clerk is hereby directed to certify to the passage of this Ordinance and cause the same, or a summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this [REDACTED] day of [REDACTED], 2023.

Patrick Wilson, Mayor

ATTEST:

Christian Horvath, City Clerk

APPROVED AS TO FORM:

Patrick Donegan, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. _____ was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Signo

From: Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Sent: Monday, October 2, 2023 8:19 AM
To: John Signo
Cc: Garcia, Stephen
Subject: RE: Planning Commission Agendas for Tuesday, March 21, 2023



External (stephen.garcia@crowncastle.com)



[Report This Email](#) [FAQ](#) [Protection by INKY](#)

Hi John, Re: Planning Commission – October 17th

I have corporate all hands meeting on the 17th in Austin, TX, so, I am asking if you can postpone the hearing for the wireless matter until the 31st or the 1st hearing in November. I will have a slides to share with you prior to the hearing and for your staff report, but let me know if you can reschedule it.

Thank you,

Stephen

Stephen Garcia

External Affairs Manager – Los Angeles County
949 676-4766 tel

CROWN CASTLE

www.CrownCastle.com

From: John Signo <jsigno@cityofrh.net>
Sent: Friday, September 8, 2023 1:47 PM
To: Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: RE: Planning Commission Agendas for Tuesday, March 21, 2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have an old ordinance that is in need of updating. This will be updating that ordinance.

John F. Signo, AICP

Director of Planning and Community Services

City of Rolling Hills

2 Portuguese Bend Road, Rolling Hills CA 90274
310.377.1521
jsigno@cityofrh.net

From: Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Sent: Friday, September 8, 2023 12:12 PM
To: John Signo <jsigno@cityofrh.net>
Cc: Garcia, Stephen <Stephen.Garcia@crowncastle.com>
Subject: RE: Planning Commission Agendas for Tuesday, March 21, 2023

Hi John,

I have a few questions, but my first question is simple. Is this the old Ordinance that the City intends to amend or is it a new ordinance?

Stephen

Stephen Garcia
External Affairs Manager
Southern California
T: (562) 665-9421

CROWN CASTLE
200 Spectrum Center Drive, Suite 1700, Irvine, CA 92618
www.CrownCastle.com

From: John Signo <jsigno@cityofrh.net>
Sent: Thursday, September 7, 2023 4:36 PM
Subject: Planning Commission Agendas for Tuesday, March 21, 2023

You don't often get email from jsigno@cityofrh.net. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings! I am including you in this message since you have been involved in the City's Wireless Ordinance Update. Attached is the Planning Commission agenda for **Tuesday, September 12, 2023.**

The complete packet is on the City's website: <https://www.rolling-hills.org/government/agenda/index.php>

The evening meeting will be in-person at City Hall and starts at 6:30 p.m.

Let me know if you have any questions.

Regards,

John F. Signo, AICP
Director of Planning and Community Services



CITY OF ROLLING HILLS – CITY HALL
2 Portuguese Bend Road, Rolling Hills CA 90274
O: 310.377.1521

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This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

Crown Castle

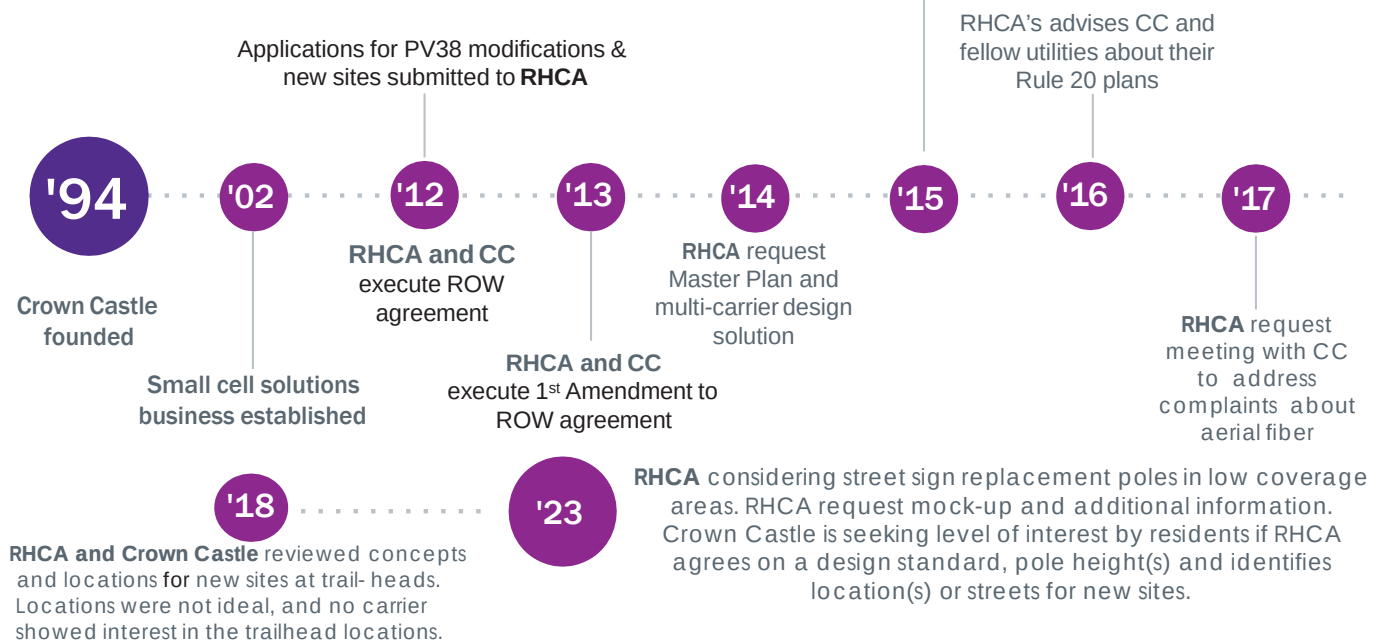
Rolling Hills

October 10, 2023

The pathway to possible.

CC & RHCA - History

RHCA approved 1 new site (ASP09) and modifications, but rejects new PV80 sites, aerial fiber, meters and JPA sites due to proximity of sites to homes. Residents question demand.



Who is Crown Castle?

Technology is changing the way we live, work and interact with the world around us. We don't go online anymore. We exist there. Our smartphones and tablets are connected, of course, but soon things like traffic lights, machines, appliances and autonomous cars will all be online.

These connections are all made possible by our unique network of communications infrastructure—towers, small cells and fiber. They all work together to set the stage for new innovation—to bring the world's biggest ideas and possibilities to people and businesses who need them.

New advancements like **5G**, **edge computing**, **CBRS** and more are on the horizon—and in some cases, already here. As businesses and communities move into the future, we're a reliable partner they can count on to help them stay connected and take advantage of this digital transformation.

25+

years of experience owning and operating network assets

4000+

employees

\$91.9B

enterprise value as of Q1 2022

40K+

towers

~85K

route miles of fiber

~120K

small cells on air or under contract



PROPRIETARY & CONFIDENTIAL
NOVEMBER, 2021 | PAGE

Why Crown Castle?

We know you have choices when it comes to your network planning. When you work with us, you get a partner who is dedicated to understanding your needs and delivering a custom solution for your precise requirements. Our fiber networks are designed and built to help you run your organization today, while setting the stage for opportunities ahead—5G, IoT, CBRS and edge solutions.

And with our unique portfolio of towers, small cells and fiber we're not like other providers—here's what else makes us different.

We're a reliable partner.

- Offer 99.999%+ network availability
- The nation's largest provider of shared communications infrastructure
- Customer portal for network monitoring and account information

We have a national network, backed by the strength of local resources.

- Act as in-house engineering support team
- Dedicated client service manager for each account
- Four geographically diverse Network Operations Centers (NOCs)
- 90% of issues resolved within NOC (no further escalation needed)

We're in it for the long haul.

- More than 25 years of expertise designing fiber solutions for >10,000 customers
- We're an S&P 500 company and the last owner of our networks, with \$71.5B enterprise value
- ~\$13B invested in fiber
- More than 4,000 employees spread across approximately 50 US offices

Our industry expertise

- Financial Services
- Professional Services
- Healthcare
- Media & Entertainment
- School Districts, Libraries & Higher Education
- Government
- Energy & Utilities
- Content Distribution
- Wholesale

Our solutions

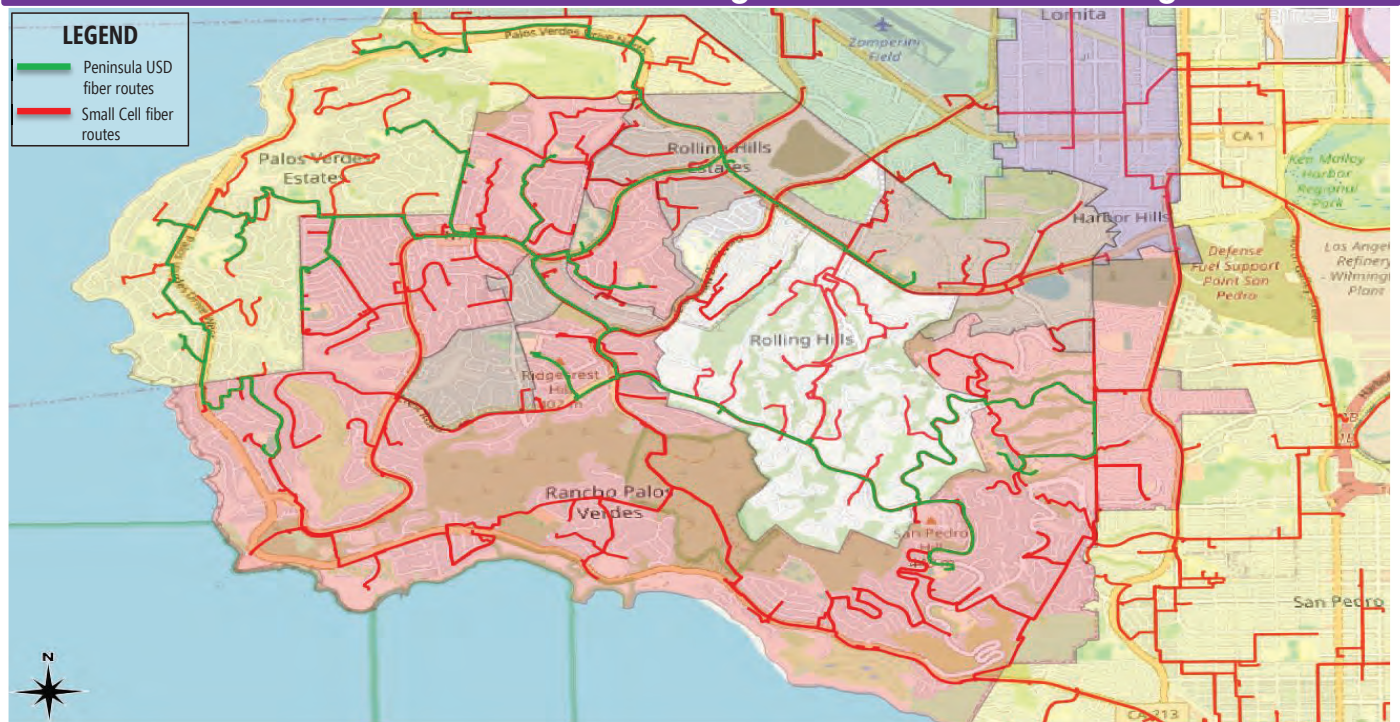
- Towers
- Small cells
- Dark Fiber
- Ethernet
- Wavelength
- Managed SD-WAN
- Internet Access
- Private Networks
- Colocation
- Cloud Connect
- Optical Encryption
- DDoS Defense
- Bandwidth on Demand
- Fixed Wireless
- Ultra-Low Latency
- Video Transport



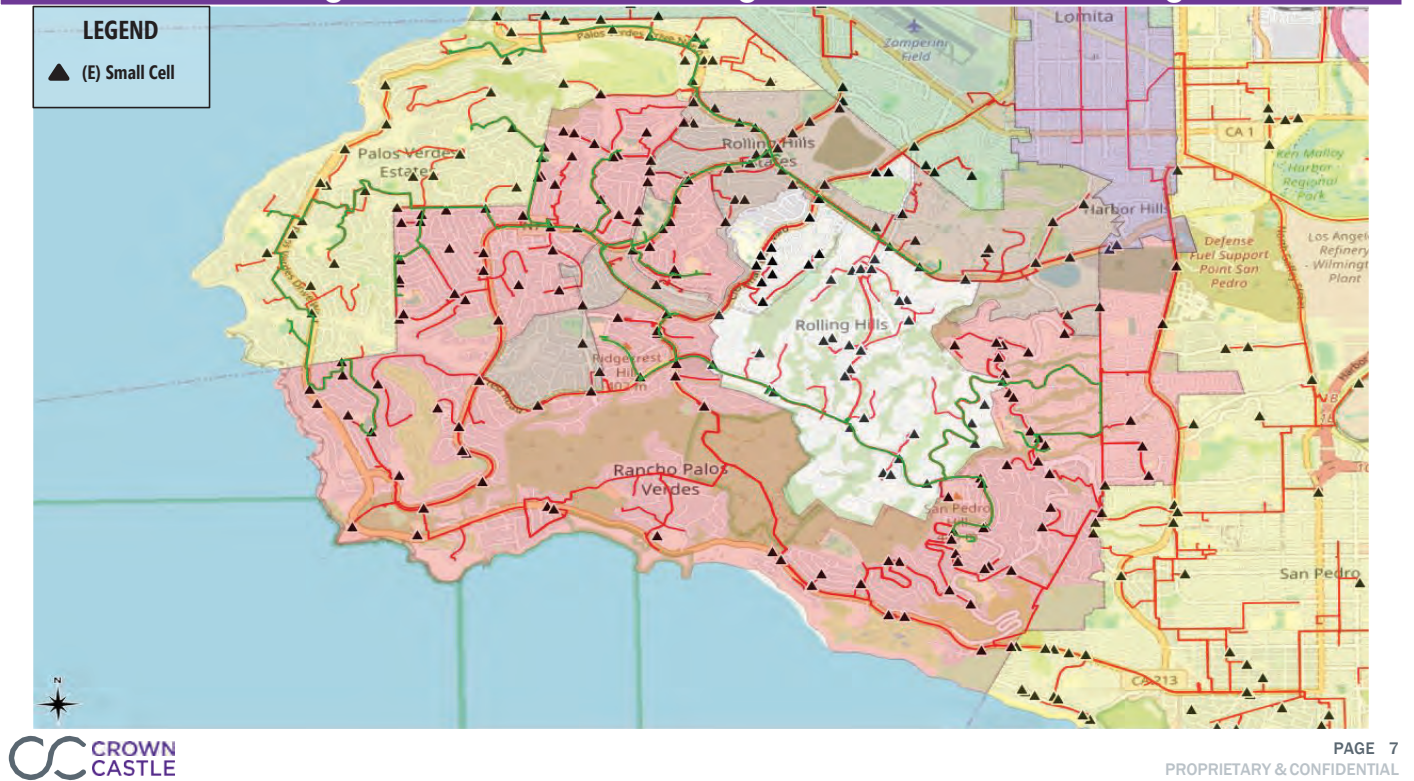
PROPRIETARY & CONFIDENTIAL
NOVEMBER, 2021 | PAGE

Network Overview

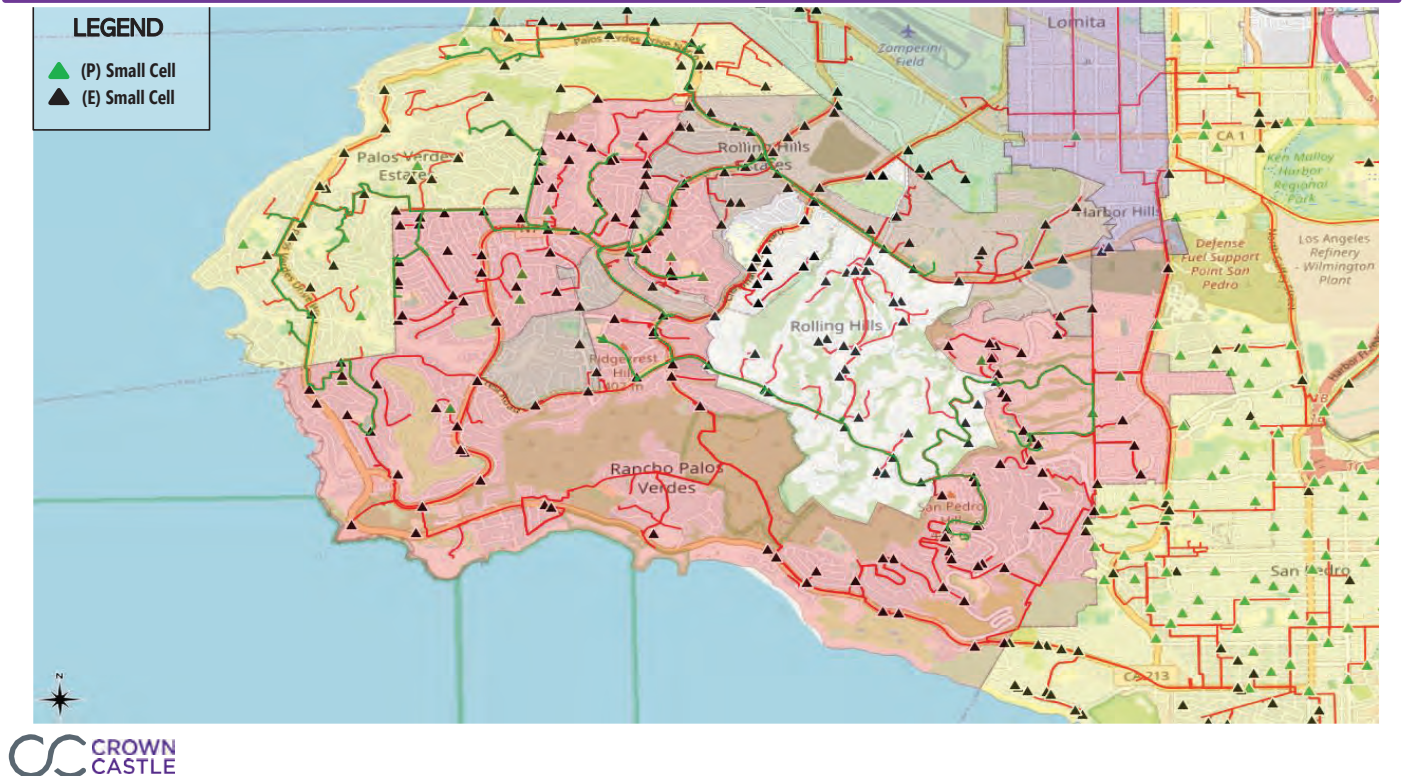
Crown Castle fiber in Rolling Hills and surroundings



Existing small cells in Rolling Hills and surroundings



Existing/proposed small cells in Rolling Hills and surroundings



Network Service Levels

Carrier 1

Existing Service Levels - 95dbm or worse in polygons

Legend: RSRP

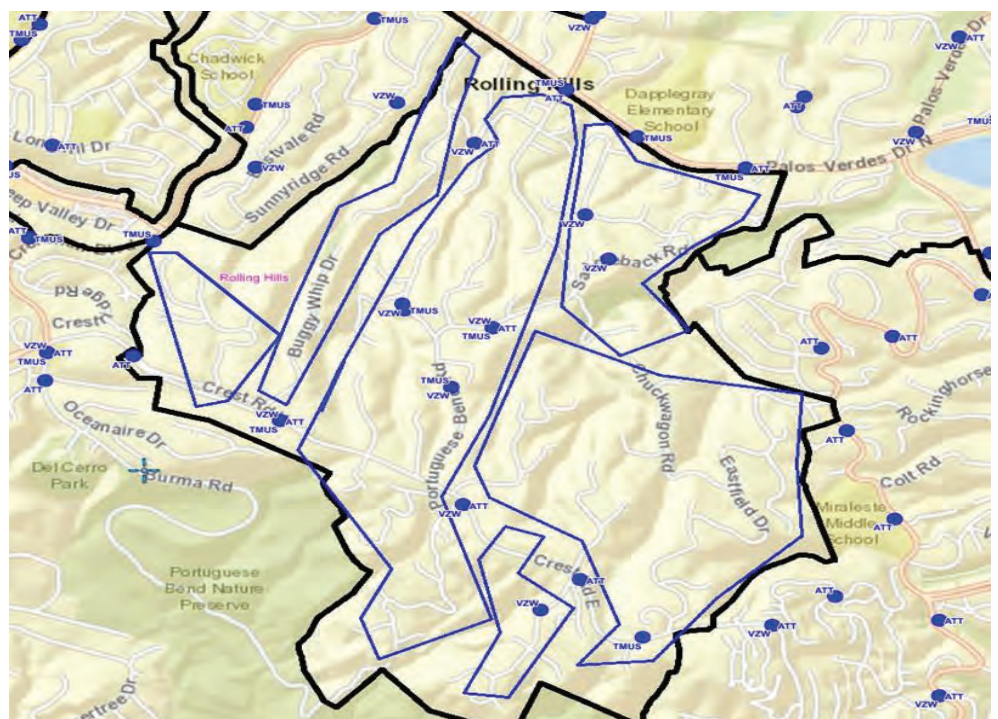
RSRP Level

- RSRP Level (DL) (dBm) ≥ -75
- RSRP Level (DL) (dBm) ≥ -85
- RSRP Level (DL) (dBm) ≥ -95
- RSRP Level (DL) (dBm) ≥ -100
- RSRP Level (DL) (dBm) ≥ -120

Legend: data throughput speeds

Application Throughput

- Application Throughput per User (DL) (kbps) $\geq 30,000$
- Application Throughput per User (DL) (kbps) $\geq 20,000$
- Application Throughput per User (DL) (kbps) $\geq 15,000$
- Application Throughput per User (DL) (kbps) $\geq 10,000$
- Application Throughput per User (DL) (kbps) $\geq 5,000$
- Application Throughput per User (DL) (kbps) ≥ 0



Carrier 2

Existing Service Level

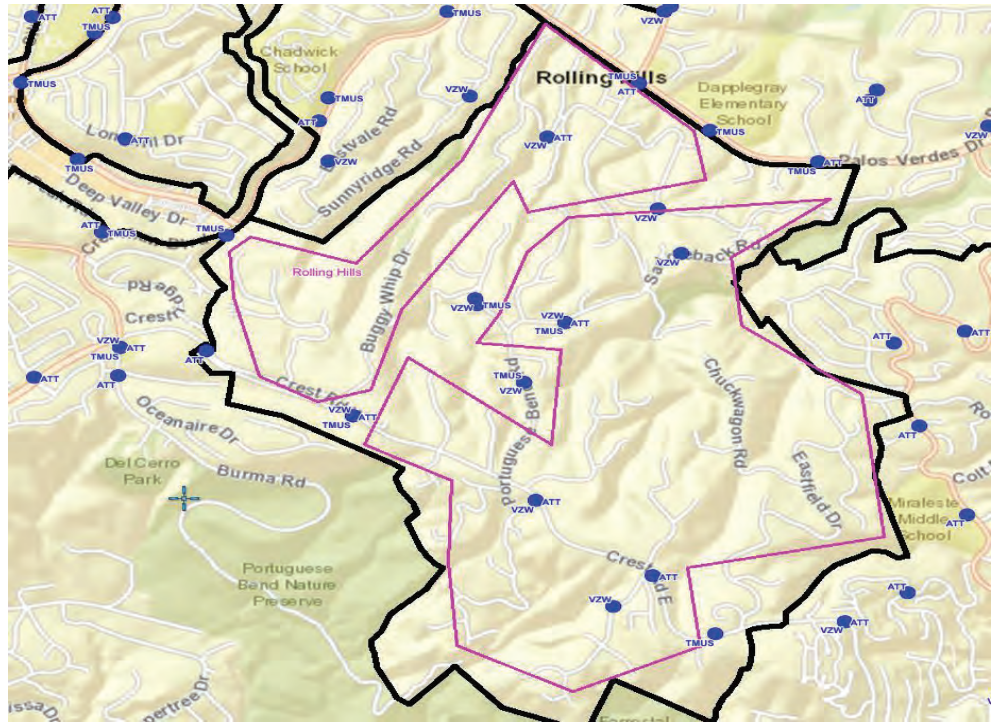
- 95dbm or worse in polygons

Legend: RSRP

RSRP Level	
■	RSRP Level (DL) (dBm) >= -75
■	RSRP Level (DL) (dBm) >= -85
■	RSRP Level (DL) (dBm) >= -95
■	RSRP Level (DL) (dBm) >= -100
■	RSRP Level (DL) (dBm) >= -120

Legend: Throughput

Application Throughput	
■	Application Throughput per User (DL) (kbps) >= 30,000
■	Application Throughput per User (DL) (kbps) >= 20,000
■	Application Throughput per User (DL) (kbps) >= 15,000
■	Application Throughput per User (DL) (kbps) >= 10,000
■	Application Throughput per User (DL) (kbps) >= 5,000
■	Application Throughput per User (DL) (kbps) >= 0



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Carrier 3

Existing Service Levels

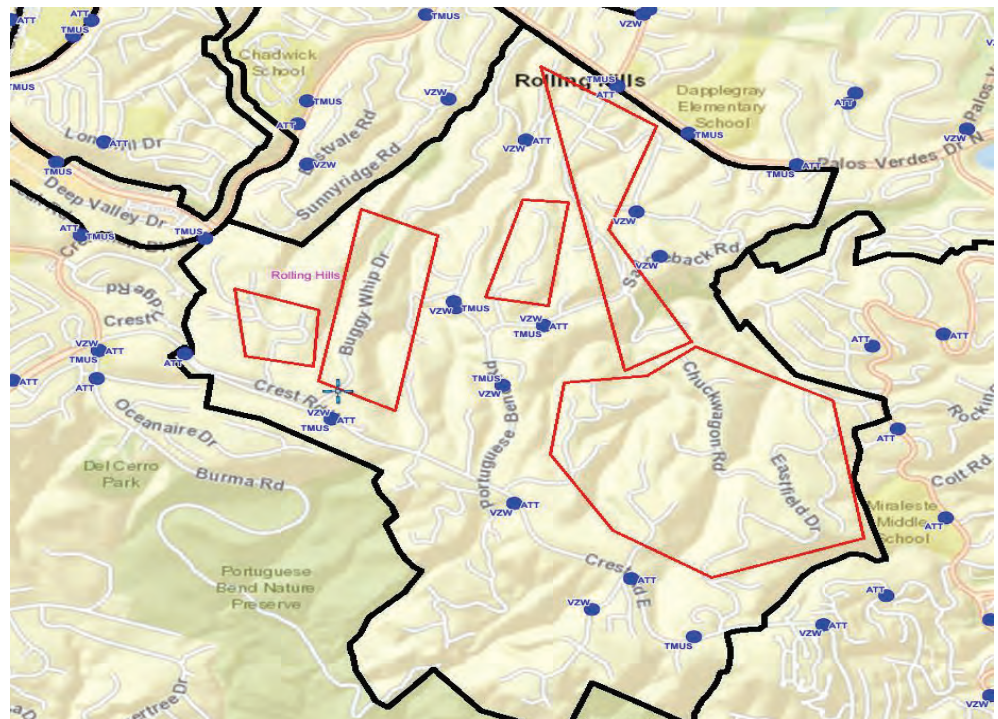
- 95dbm or worse in polygons

Legend: RSRP

RSRP Level	
■	RSRP Level (DL) (dBm) >= -75
■	RSRP Level (DL) (dBm) >= -85
■	RSRP Level (DL) (dBm) >= -95
■	RSRP Level (DL) (dBm) >= -100
■	RSRP Level (DL) (dBm) >= -120

Legend: data throughput speeds

Application Throughput	
■	Application Throughput per User (DL) (kbps) >= 30,000
■	Application Throughput per User (DL) (kbps) >= 20,000
■	Application Throughput per User (DL) (kbps) >= 15,000
■	Application Throughput per User (DL) (kbps) >= 10,000
■	Application Throughput per User (DL) (kbps) >= 5,000
■	Application Throughput per User (DL) (kbps) >= 0



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All carriers

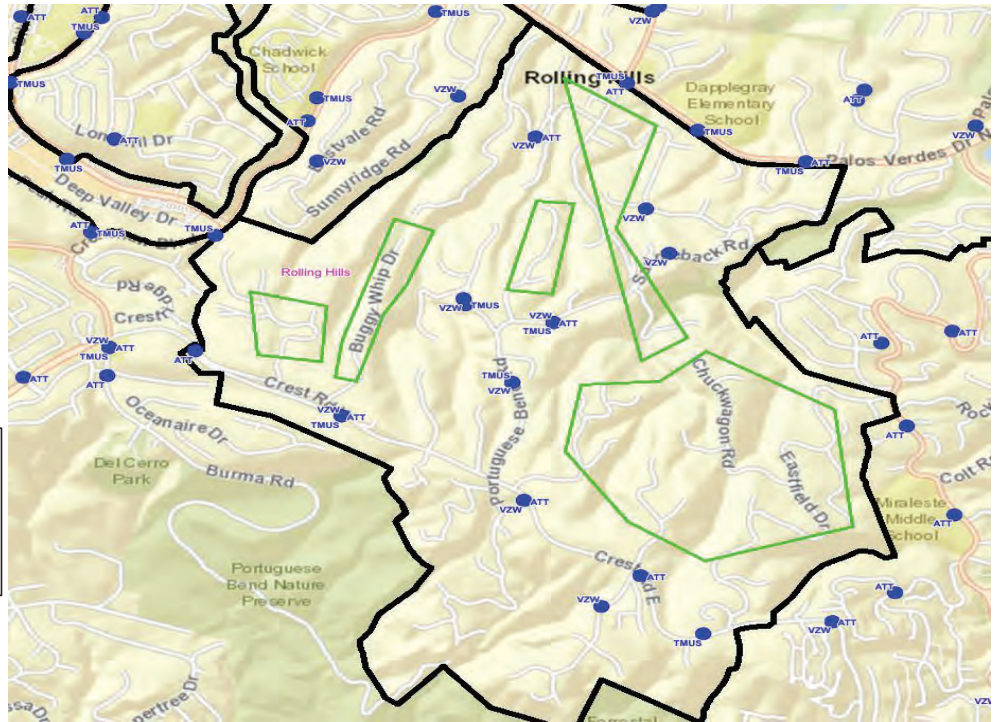
Existing Service Level - 95dbm or worse in polygons

Legend: RSRP

RSRP Level	
Dark Green	RSRP Level (DL) (dBm) ≥ -75
Light Green	RSRP Level (DL) (dBm) ≥ -85
Yellow	RSRP Level (DL) (dBm) ≥ -95
Red	RSRP Level (DL) (dBm) ≥ -100
Blue	RSRP Level (DL) (dBm) ≥ -120

Legend: data throughput speeds

Application Throughput	
Dark Green	Application Throughput per User (DL) (kbps) $\geq 30,000$
Light Green	Application Throughput per User (DL) (kbps) $\geq 20,000$
Yellow	Application Throughput per User (DL) (kbps) $\geq 15,000$
Red	Application Throughput per User (DL) (kbps) $\geq 10,000$
Blue	Application Throughput per User (DL) (kbps) $\geq 5,000$
Dark Blue	Application Throughput per User (DL) (kbps) ≥ 0



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Small Cell Design Examples

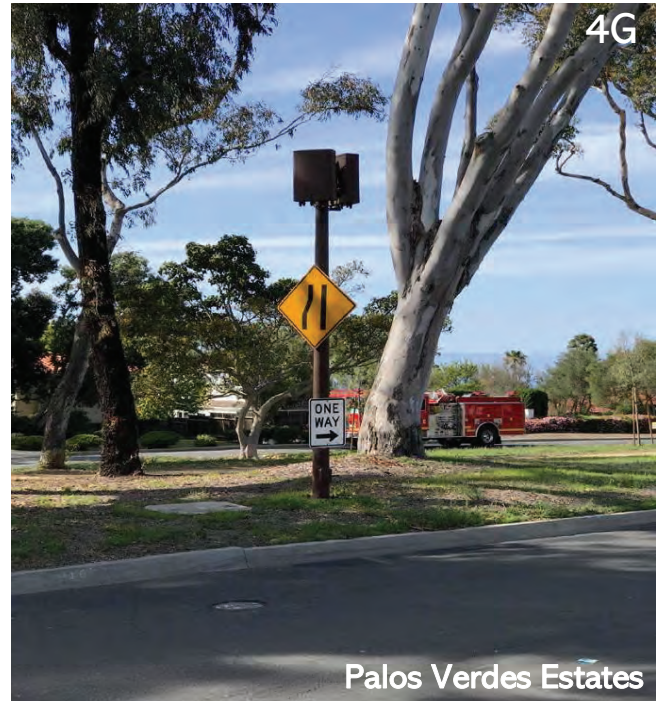
Street signs

Streetlights and traffic signals for urban settings

Pedestrian light pole



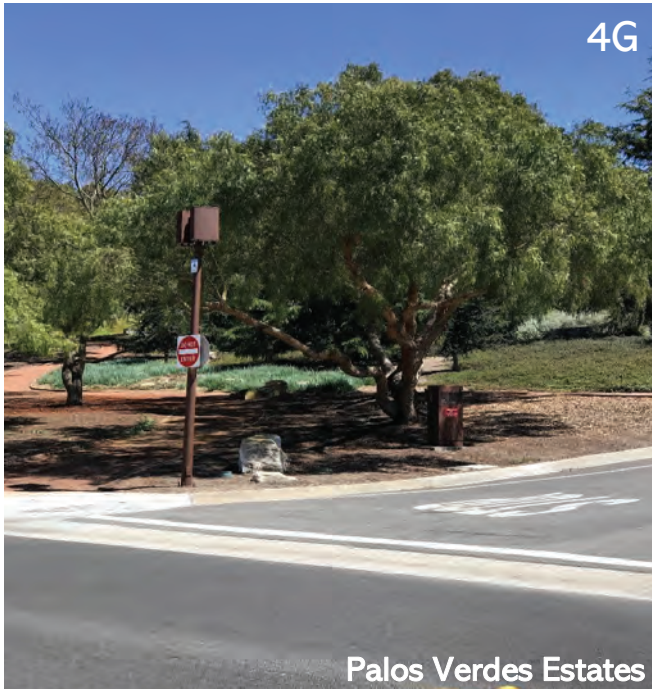
Small cells on replacement street signs



Small cells on wood utility pole

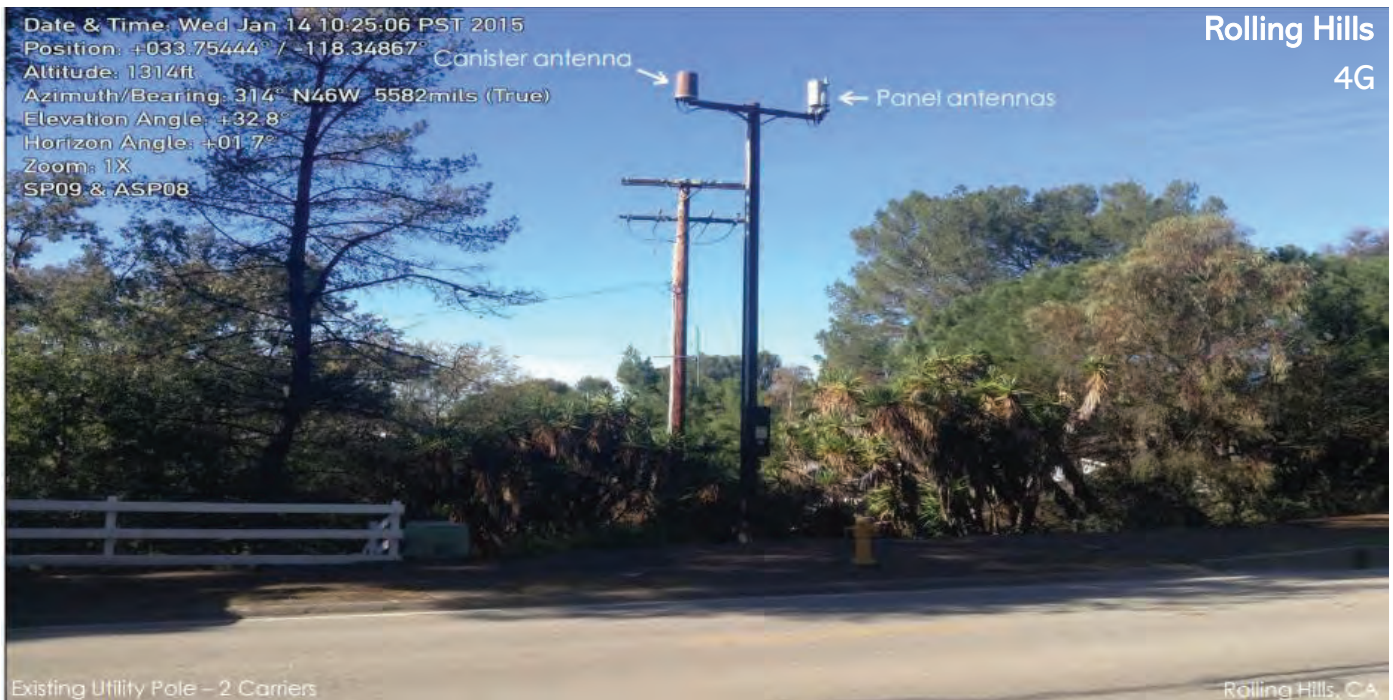


Small cells on replacement street sign



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Small cells on wood utility pole



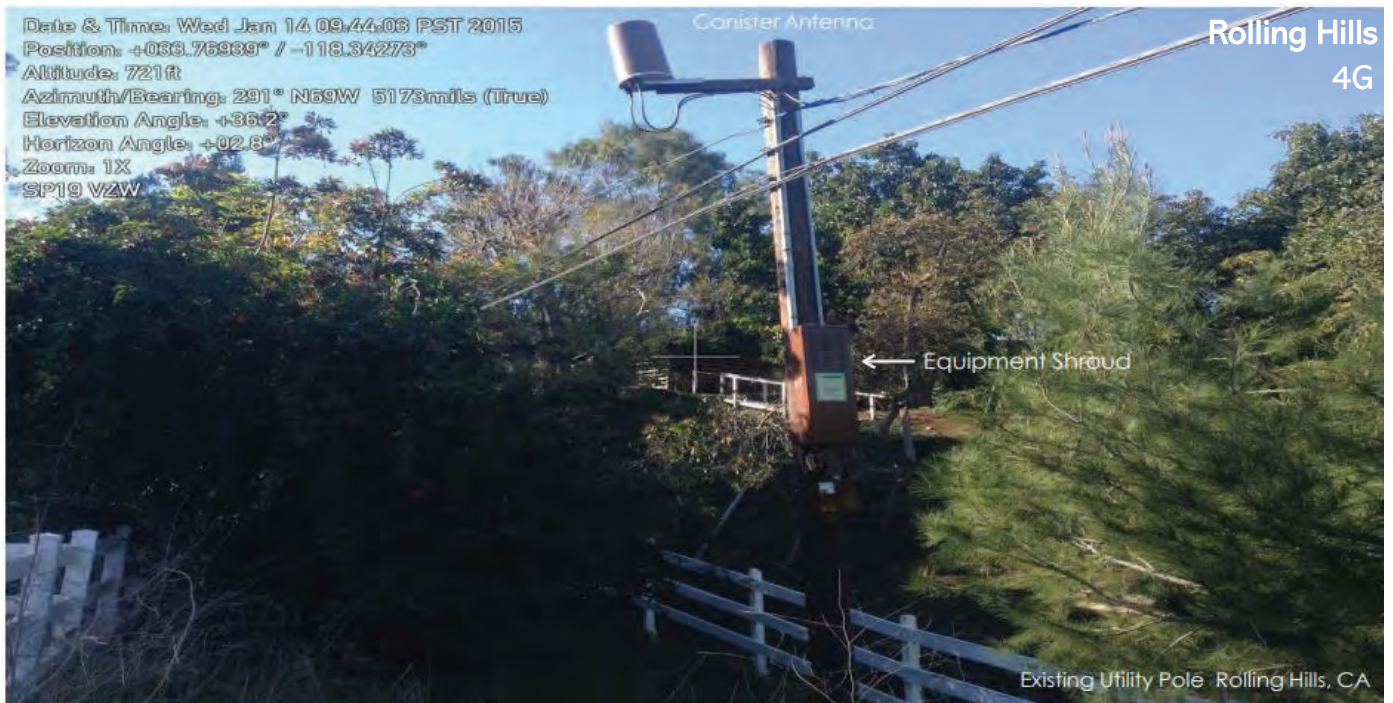
Small cells on wood utility pole



Small cells on wood utility pole



Small cells on wood utility pole



Small cells on replacement light pole



Small cells on replacement streetlights

5G



Long Beach



5G

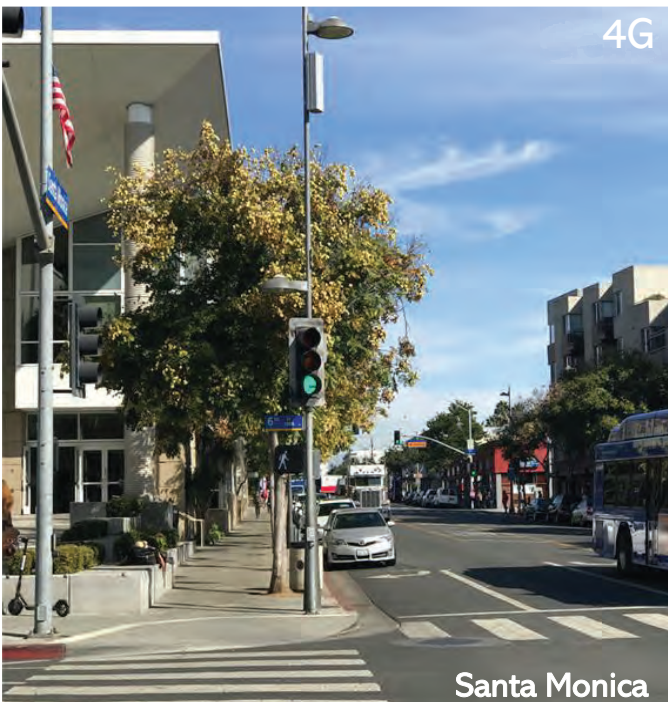


Los Angeles

23

Small cells on existing traffic signals

4G



Santa Monica



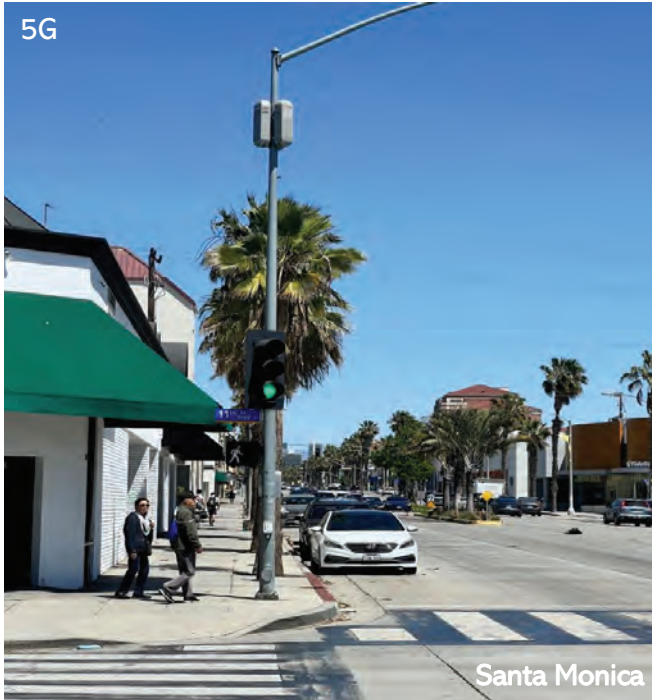
5G



Santa Monica

24

Small cells on existing traffic signals



25

*Small cell on new pedestrian light

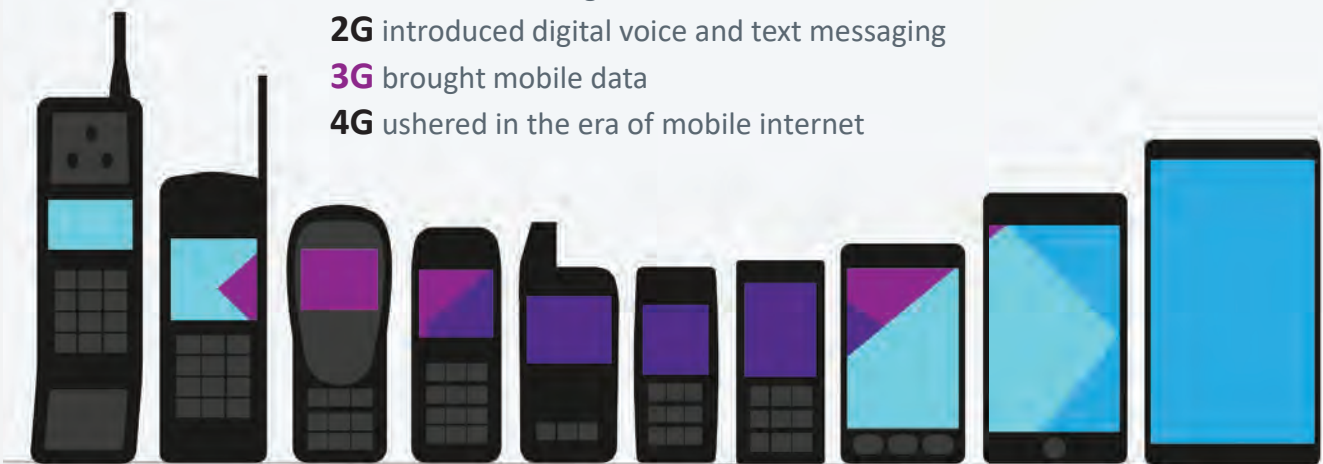


* Design inspiration for Rolling Hills

4G/5G Technology

The evolution to 5G

- 1G** delivered analog voice
- 2G** introduced digital voice and text messaging
- 3G** brought mobile data
- 4G** ushered in the era of mobile internet



5G versus 4G: speed, latency, connections.

100X
1gb/sec

Speeds that are as much as 100x faster than 4G, delivering data rates as high as 1 gigabit per second.

10,000X
capacity/efficiency

Speeds support a 10,000x increase in traffic capacity and network efficiency.

10X
decrease

10x decrease in end-to-end latency—as low as 1 millisecond—delivering more instantaneous and real-time access.



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More spectrum and small cells will create significantly more network capacity

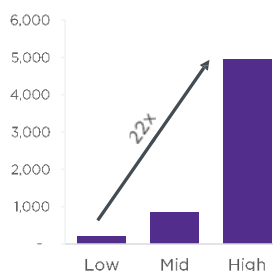
Key Takeaways

More spectrum is needed to supply ~30% growth in mobile data demand

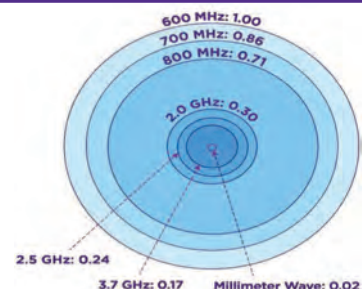
Mid- and high-band frequencies provide significantly more spectrum capacity, but travel over shorter distances

Therefore, the combination of more mid- and high-band spectrum deployed across more cell sites will add significant network capacity

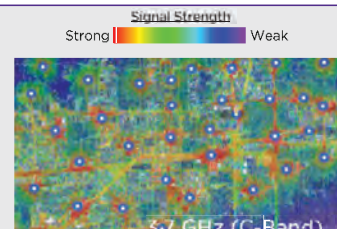
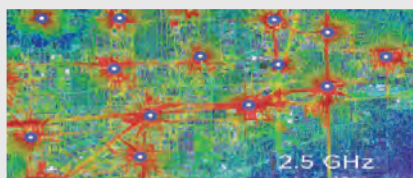
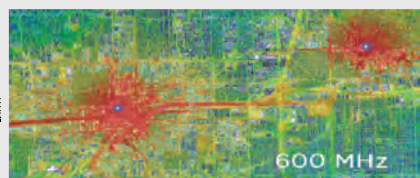
Available Licensed Spectrum (MHz)⁽¹⁾



Relative Propagation Distance in Free Space for Common Bands



Coverage Studies Across Frequency Bands⁽²⁾



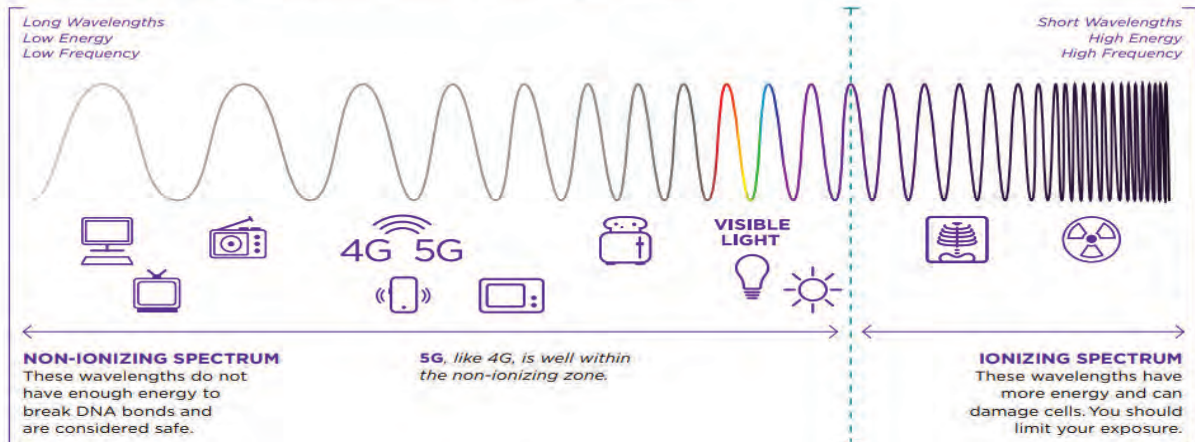
1. Only includes commercially allocated and licensed spectrum. Low-band defined as 600 to 800 MHz, mid-band defined as 1,700 to 3,700 MHz, and high-band defined as 24 to 47 GHz. Source: FCC public disclosures.
2. Assumes constant scale and geography across scenarios. For illustrative purpose only.

Fourth Quarter 2020 Earnings Conference Call

Understanding the safety of 5G.

You've probably heard a lot about new 5G networks, and it's only natural to wonder about their safety. Much like the signals for your TV, radio or wi-fi router, 5G travels to your device using electromagnetic energy—one of the most ubiquitous and well-studied phenomena in the universe.

Where 5G fits on the electromagnetic spectrum.



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Rancho Palos Verdes, CA

5G builds on 4G.

5G is the next generation of wireless technology, but it works pretty much the same as current 4G networks. To expand 5G throughout the country, carriers are working hard to expand small cells and fiber. The good news is that over **154,000 small cells are already deployed**¹ throughout the US—powering many of the 4G and LTE networks in use today.



Small cells are low-powered, fiber-connected nodes that are usually located on existing structures like streetlights and utility poles.

[Read More →](#)

Low power minimizes exposure.

We're constantly surrounded by electromagnetic energy. Whether you're talking about 5G, 4G or your Bluetooth headset, the physics are the same, and the body's response is essentially identical. You can see in this chart how emission levels from small cells compare to other common radio frequencies (RF)—all many times below what the FCC considers safe.



Source: © 2018 Andrew H. Thatcher, Board Certified Health Physicist.

We encourage you to take a deeper dive if you'd like to know more.

The 5G Health Hazard That Isn't.

The *New York Times* shows how misinformation about wireless technologies has spread. [Read More →](#)

Research on Cell Signals and Cancer.

The *American Cancer Society* provides a good summary of the available research and findings. [Read More →](#)

Key takeaways.

- 1 Studies show that cellular signals—including 5G—are safe.
- 2 5G is the next generation of cellular networks and builds on 4G.
- 3 5G emissions are similar to those from everyday technologies like TV, radio, wi-fi—even your toaster.

"The light produced by a light bulb is a form of electromagnetic radiation with energy and frequency that is approximately 17,000 greater than that of the highest frequencies used by 5G."

Dr. Jerrold Bushberg,
Vice Chair of COMAR and Clinical Professor,
Radiology & Radiation Oncology, University
of California, Davis School of Medicine

<https://www.cca.org/cfbastructurechannel>

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Thank You

For further information please contact:

Stephen Garcia

Stephen.Garcia@CrownCastle.com

949-676-4766 tel

CROWN CASTLE

200 Spectrum Center Dr, Suite 1700, Irvine, CA 92618

CrownCastle.com



Rolling Hills Community Association
of Rancho Palos Verdes
NO. 1 PORTUGUESE BEND RD. • ROLLING HILLS, CALIF. 90274

(310) 544-6222

ROLLING HILLS



CALIFORNIA

(310) 544-6766 FAX

September 12, 2023

Rolling Hills Planning Commission
2 Portuguese Bend Road
Rolling Hills, CA 90274

Re: September 12, 2023 Planning Commission meeting item 9.B. An Ordinance Amending Various Sections of Rolling Hills Municipal Code Relating to Wireless Facilities

Dear Members of the Planning Commission:

The Board of Directors of the Rolling Hills Community Association thanks you for your work on updating the wireless portion of the Municipal Code. This is a much needed and appreciated effort on your part.

As you know, your constituents who are also our Association members have been subjected to increasingly inadequate wireless service available for years. Earlier this year, the Association conducted a community-wide survey of interest in having small cells deployed throughout the community to bring much needed public safety and modern communication to the City. A copy of our January 2023 survey is attached as Exhibit 1 and shows tremendous support for the deployment of small cells.

Based on the January community needs survey, the Association worked closely with Crown Castle to propose and prototype a standardized small cell pole that might be deployed in various locations inside the Association gates. That non-working prototype was installed south of the Main Gate on Portuguese Bend Road. For a period of weeks after the temporary installation, we sought and received very vocal input from the community regarding the proposed small wireless facility design. That proposed design was overwhelmingly supported by the respondents to our second community survey, which was just completed about a week ago (attached here as Exhibit 2).

The Association Board has reviewed the proposed Code Amendment regarding wireless facilities to be heard by the Planning Commission this evening. To help more rapidly bring the entire Rolling Hills community into an era of modern wireless communications while balancing community aesthetics, and consistent with the wide community support for the proposed small wireless facility prototype design, the Board requests and recommends the following changes to the Ordinance draft before you this evening:

1. Creation of a new "Type 3A" Small Wireless Facility;

A Type 3A Small Wireless Facility would be one of a standardized design pre-approved and location approved by the RHCA Board of Directors, including the prototype design shown in Exhibit 2.

2. Exemption of Type 3A Small Wireless Facility permits from a CUP Requirement;

For Type 3A designs, where the RHCA Board has considered and approved a standardized pole design at a proposed location, those permits would be subject to over-the-counter approval by the City. The RHCA specifically requests the Planning Commission recommend to the City Council the following changes to the proposed Code Amendment:

1. In proposed Section 17.27.040(A)(1), insert between (c) and (d) a new subsection (d) that reads:

d. "Type 3A– New small wireless facility on a new or replacement Structure of a Pre-Approved Design. Type 3A applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure of a standardized design and at a location approved by Rolling Hills Community Association."

2. Renumber current subsection (d) to (e) and amend it to read:

"e. Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5, or 6 application. Type 4 applications shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type 1, 2, 3, 3A, 5, or 6 applications."

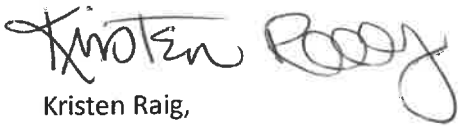
3. Renumber the remaining subsections (e) and (f) to (f) and (g) respectively.

4. In proposed Section 17.27.040(A)(2)(b), change it to read:

"b. Zone Clearance Required. A zone clearance shall be required for Type 1, 2, 3A, and 5 applications, which shall be reviewed and processed in accordance with Chapter 17.44 of this Code and the requirements of this Section 17.27.040."

With the straightforward and minor changes proposed above, the Planning Commission and the City will have an important guiding hand in helping our community enter the era of modern wireless communications, and more importantly to help improve community-wide safety by better access to much-needed E911 services.

On behalf of the Board of Directors of the Rolling Hills Community Association,



Kristen Raig,
RHCA Manager

Attachments: RHCA Community Surveys (January, August 2023)

Date: September 1, 2023
To: RHCA Board of Directors
From: Kristen Raig
Re: Community Survey Results - Survey About Small Cell Design

The RHCA Board directed Telecom Law Firm to prepare an online survey on an opt-in basis of RHCA residents to solicit and understand community perceptions regarding the proposed design for future small cell deployments in the community.

The web-accessible survey link using the Survey Monkey tool was posted on the RHCA DwellingLive website and was open for responses August 8, 2023 through September 1, 2023.

During that period, a total of 191 responses were received.

1. Summary

Nearly 90% (n=171) of the survey respondents had actually visited small cell mockup in advance of responding to the survey questions. None of the respondents skipped over this question, identified as Q1 in the survey.

Of the 191 survey respondents, all of them had an opinion regarding the proposed design of the mockup small cell pole. The breakdown of responses is as follows:

<i>Choice offered In the Survey tool</i>	<i>Percentage of total responses and Number of responses (n)</i>
I SUPPORT the proposed design if it will improve cell service inside RHCA. (5 points.)	72.77% n=139
I think the proposed design is ACCEPTABLE if it will improve cell service inside RHCA. (4 points.)	17.28% n=33
I have NO OPINION pro or con about the proposed design. (3 points.)	1.57% n=3
I DO NOT LIKE this design, even if it is needed to improve cell service inside RHCA. (2 points.)	4.71% n=9
I really STRONGLY OPPOSE this design, even if it is needed to improve cell service inside RHCA. (1 point.)	3.66% n=7
Other (please specify)	0.00% n=0

None of the respondents skipped providing an opinion regarding the design of the mockup small cell pole.

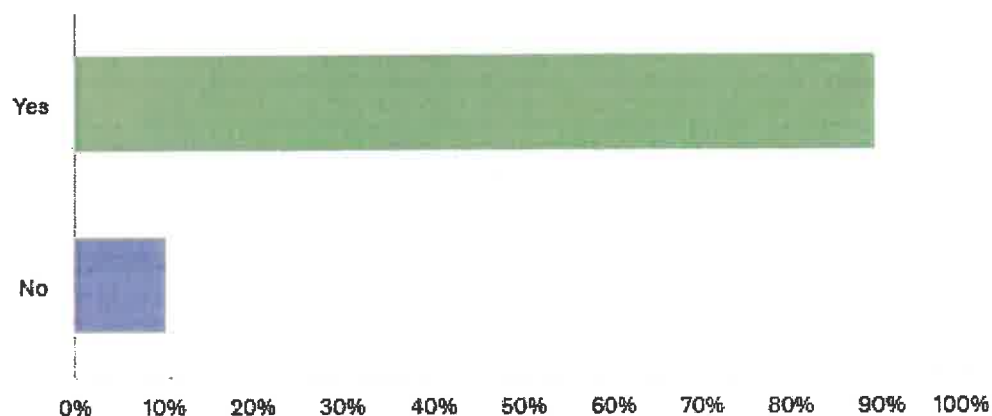
Respondents were also offered the opportunity to provide narrative input to the Board of Directors. Of the total of 191 responses to the survey, 45.5% of the survey respondents (n=87) provided comments. The individual de-identified but otherwise verbatim comments, along with a response Word Cloud are provided below in Section 3 of this letter.

1. Charted Responses to Questions 1 and 2

Question 1:

Have you already personally visited the mock up?

Answered: 191 Skipped: 0



ANSWER CHOICES

▼ Yes

▼ No

TOTAL

▼ RESPONSES

89.53%

10.47%



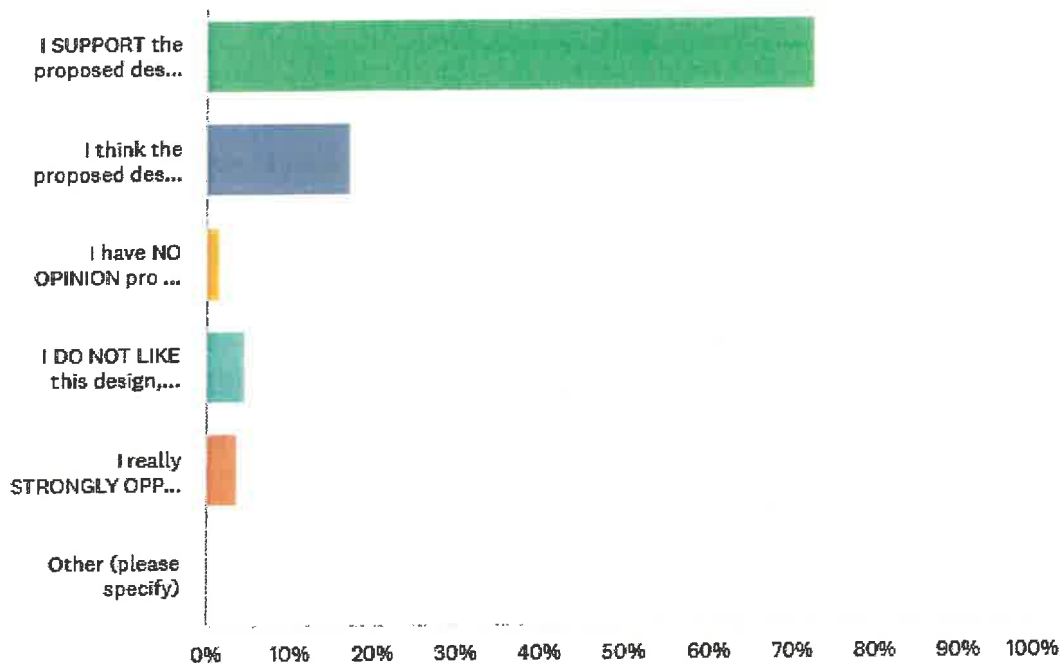
171

20

191

Question 2:
What is your opinion regarding the design mock-up shown in the photo?

Answered: 191 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ I SUPPORT the proposed design if it will improve cell service inside RHCA. (5 points.)	72.77% 139
▼ I think the proposed design is ACCEPTABLE if it will improve cell service inside RHCA. (4 points.)	17.28% 33
▼ I have NO OPINION pro or con about the proposed design. (3 points.)	1.57% 3
▼ I DO NOT LIKE this design, even if it is needed to improve cell service inside RHCA. (2 points.)	4.71% 9
▼ I really STRONGLY OPPOSE this design, even if it is needed to improve cell service inside RHCA. (1 point.)	3.66% 7
▼ Other (please specify)	Responses 0.00% 0
TOTAL	191

2. Comments to the Board of Directors (Survey Question 3)

Q3 asked, "If you would like to share any comments with the Board regarding the proposed design of the small cells, please do so here...". Of the 191 respondents, 45.5% (n=87) provided input, while 54.5% (n=104) did not provide a response. The comments are de-identified by otherwise unedited.

#	RESPONSES
1	Please let's do this
2	The current pole is placed immediately adjacent to the road --- why not place in closer to the edge of the easment or on places where they wont stand out so badly.
3	I strongly oppose any 5G cell towers near or around my property at 0poppy Trail.
4	I would not have even noticed the mock-up if I hadn't been specifically looking for it. The coloring is great and it blends right in.
5	I strongly object to the cell phone antenna design based on: (1) aesthetics; and (2) potential health risks. With two telephone poles, a fire hydrant and overhead power lines already in front of my house, I do not want an antenna anywhere near my property. Based on this position, I can't logically ask any of my Rollings Hills neighbors to tolerate antennas near their homes, so I object to this effort. If certain residents and their neighbors are willing to volunteer to have these antennas on or near their properties, then perhaps this design could be workable. My comments are based on the assumption that dozens of these antennas will need to be built throughout our city to provide cell coverage. Thanks to the Board for all of their work and dedication to RH! -
6	I think it looks great and hardly noticeable once you are used to it!
7	The pole should be somehow disguised in a shape of a palm, etc. I have seen disguised poles that were much more acceptable. My cell service did not improve in any event.
8	Having poor cell reception in Rolling Hills is a safety problem. We need to improve the cell reception so I'm in favor of it.
9	It is important for homeowners to have safe connectivity.
10	too close to road -- also, no signs on poles (draws attention to poles)
11	I support any structure that will improve/provide a cellular signal in

RH. It is 2023 and it's time.

- 12 We need cell service. This tower is fine - this is a life or death issue and we cannot afford to spend another second debating what the tower looks like.
- 13 I live on the Rolling Hills on and hope this will provide better Cell service. I am fully supportive if it improves our cell service. If not, then I would want to see if it is possible to add a tower on the Eastfield side
- 14 I don't even notice it anymore. In fact I forgot about it until you sent me this email.
- 15 Some of the artificial tree cell tower designs are also ok
- 16 Could there be an additional cell tower closer to . Service on is absolutely nonexistent!
- 17 We really hope that the community will come together and support the proposed cell service.
- 18 I am just concerned about 5G and related health issues.
- 19 The current design and placement is terrific - it blends in nicely - I didn't even notice it til it was pointed out to me. Thank you to the Board and Staff for all their efforts to improve our service!
- 20 argh, it activated the chip in my vaccine! (just kidding.) I stand in strong support of towers like this if it means I have better cell service. I depend completely on wifi to make calls and receive messages--my home regularly only has the "SOS" level of service, which can't make calls at all. I don't know if it would even receive emergency alerts. PLEASE help us get better service!
- 21 have the towers that look like trees been researched?
- 22 In our opinion- cell service is important in our community as it relates to safety. The ability to conduct calls if needed while on trails in the case of an emergency is lacking in our beautiful community.
- 23 Pole is really UGLY! Downgrades the City!
- 24 I would like to see the design blend in more with our environment. Possibly have it look like a tree or placed in a more hidden location so it's not visible. Also, where will the cell towers be placed? If they are in an easement or on home owners property, then the home owner should be reimbursed possibly with reduced/eliminated home association dues.

- 25 Can't wait for better cell service inside RHCA! Thank you for making this happen.
- 26 I think this is a very suitable solution for our coverage issues. However we will need an additional tower on _____ o provide coverage for those of us who live down below (ocean side). If only one tower is available then please place it at the top of the hill.
- 27 If they can be hidden and not so obvious it would be much better.
- 28 I'm thinking this is for the whole RH community not just RHCA? Rolling hills community association?
- 29 I do think that the green color could be improved a bit to complement the warmer, yellower undertones of the surrounding trees and greenery. The proposed green is a bit cool with blue undertones. That being said, the current paint color is good enough if we will finally get reliable cell service on our properties and my comments in this regard are supportive and in no way aimed at derailing the proposal.
- 30 RH desperately needs better cell phone reception coverage. Not having coverage is a safety risk!
- 31 No problem, if they work.
- 32 I support this design, but I don't think it should be visible on the street!!
- 33 We absolutely need better cell service - for emergencies as well as every day living!!!
- 34 I'm wondering if this is the smallest potential design we can utilize.
- 35 This is excellent and much needed!!
- 36 The design is fine, The question is where will it be placed. I don't like where it is located. Can it be placed permanently in a less obvious location?
- 37 We probably need more cell towers throughout the city. I'd like the pole to be designed more like a tree with small branches to give it a better look. I like the height because it's not very tall. These towers are no longer a matter of preference but a matter of necessity and security.
- 38 We desperately need improved cell service. My phone drops call all the time and I am worried if I had an emergency I would not be able to reach someone for help.
- 39 It would be more pleasing if the tower could be camouflaged within trees. Thanks!

- 40 The design is fine. I am more interested in where you are going to put them. For example, where the prototype is does us no good. We need them at the corner of and at the corner of and maybe one halfway up . And possible a 4th one on . Very curious as to why this has taken so long. Hope you start placing them next week.
- 41 We need improved cell phone coverage to support day-to-day and emergencies. This design is much better than what has been used in the past.
- 42 Looks great, with the pole being used for signage, it's not noticeable at all. Great idea!
- 43 How many of these will there be? I wouldn't want this on my street and wouldn't want to see a lot of these.
- 44 Better service as soon as possible
- 45 Looks fine. We need better cell service in RH, if only for safety reasons. More and more people do not have land lines, and we are one of them. Having bad service is very scary from a safety perspective.
- 46 Location of poles must be carefully considered- must be unobtrusive and shrouded by trees. Recommend make poles useful by attaching signs of "slow for horses" on both sides.
- 47 We are in favor of the cell design.
- 48 Anything is better than what we have now. As there isn't a comparison this one will be fine.
- 49 I'm for ANYTHING that will improve our Cell service... it's probably the single most important safety device we could install.
- 50 will the polls go close to the road like the mock-up one?
- 51 Rains, power outages, fires, etc make it increasingly difficult to live without cell service for residents of RH
- 52 Are we able to look at different options? Maybe one that looks less industrial and more I keeping with our community aesthetic
- 53 This is desperately need in RH. Please getit goign ASAP
- 54 This is fantastic. The design is great and it's absolutely needed, thank you for doing this. Based on this design, we would be open to having one of these on our property at 17 Bowie if it helps cell coverage for the community.

- 55 I would like to understand the strength and reach of this cell, and
would be in favor of more or stronger cell coverage.
- 56 Being able to have cell service is of utmost importance. I also have
no problem with this design. It's no different from existing street
signs. Thanks to the team for their work on this!
- 57 This is way past due and should be implemented throughout the
city, for convenience and public safety.
- 58 I think if you want white fences and a limited set of colors for
everything else it would seem you would have these be less
conspicuous - try again.
- 59 The design is fine but the placement of the cell towers must be in
more discrete locations. They should not be the first thing people
see when entering Rolling Hills from any of the gates. Nor should
they impact anyone's view.
- 60 This is so important to complete ASAP. We do not have a landline
because when power or COX internet goes down, the landline
didn't work. Neither of our cell phones work well at home and if we
have an emergency - we have no way to call for help. I can't
believe we live in an area without reliable phone service. Please
make this project a priority. Thank you.
- 61 Please inform the community as to where the cell tower proposed
locations are
- 62 Please don't install these things in places visible from roads. I
moved here because I (mostly) see anything but trees and three
tail fencing when I drive home. This looks too urban.
- 63 The existing cell signal is very weak, therefore any improvement is
much needed.
- 64 We desperately need better cell service in RH
- 65 Please do anything to improve service in RHCA.
- 66 PLEASE move forward with the small cells. They look nice. More
importantly, we need improved cell service, not only for our
convenience but for our safety living in Rolling Hills. Sincerely,
- 67 A "tree" structure would be more aesthetically appealing, i have seen
"tree" looking poles/what i assumed was an antennae.
- 68 It's fine! Get it up!!

- 70 It should be moved by tennis courts or other location where it isn't so unsightly for everyone to see.
- 71 This design is ugly and does not go with rolling hills. It needs to blend in and be hidden. Moved behind the fire station.
- 72 The current design is acceptable but if there are other designs, we would like to consider it. Thank you.
- 73 this tower design is and fancy. good match to our community. anyway this tower support my cell reception very well. Now my cell has 4 bars instead of 0-1 bar.
- 74 How many small cell sites would need to be installed to improve overall service in community? Am concerned about the design depending on quantity installed and locations.
- 75 Built and install as many as possible. It's 2023. Thank you for doing this!
- 76 The mock-up seems too close to the edge of the road. It would be less dangerous and obtrusive 1-2 feet back from its current placement
- 77 Love the board, you guys are doing a great job. Great first concept but not ideal. Would like to see disguised versions instead of the green pole. Check out Cell Tower Flag Pole in College Station, Texas for a good example of a pole installation if you want to stick to a pole concept. Most of the tree disguised versions are not great and seem more like visual pollution than the green pole you guys put up. Best versions I see are disguised on the exterior of tall building structures like a windmill or church steeple. Also, unclear - Is there only one green cell phone tower under consideration or many? Are they all going to be installed 2 feet off the road or in less obvious areas? Thanks,
- 78 Will this location improve cell service in all areas of RH? Will all nooks and crannies of RH be tested before & after for improvement?
- 79 These are so beautiful. I have never seen anything that would enhance our community like these poles. Stellar. Let's get them on every block today, if not sooner.
- 80 It is an eyesore and very distracting every time I drive by the tower. Is it possible to hide it behind a tree or make it look more "natural"?
- 81 It is so important that we improve our cell phone reception especially for seniors thank you for putting this up.

- 82 What cell carriers will this support and will it cover the entire city from that proposed location.
- 83 We just want to make sure this helps the whole city, even at the top of the hill. What carrier is using this?
- 84 I think the City drastically needs better cell service. I am very much opposed to the current location of the cell tower. If possible this should be placed out of sight, perhaps near City Hall in a place where people won't notice it.
- 85 Seems like it could be better hidden. We need better cell service, but that is ugly and sticks out.
- 86 This is great! We really are in need of better cell service back here. We had another incident last week where our WiFi went out and we couldn't make any phone calls for work etc. In an emergency, this would be so terrible
- 87 We think it blends in as much as it can. As designed to be part of signs, it doesn't appear to be a stand alone structure.



Rolling Hills Community Association- Public Participation Survey About Cellular Services

Conducted at the direction of the
Board of Directors
of the
Rolling Hills Community Association

Survey Period:
January 4, 2023 – January 16, 2023

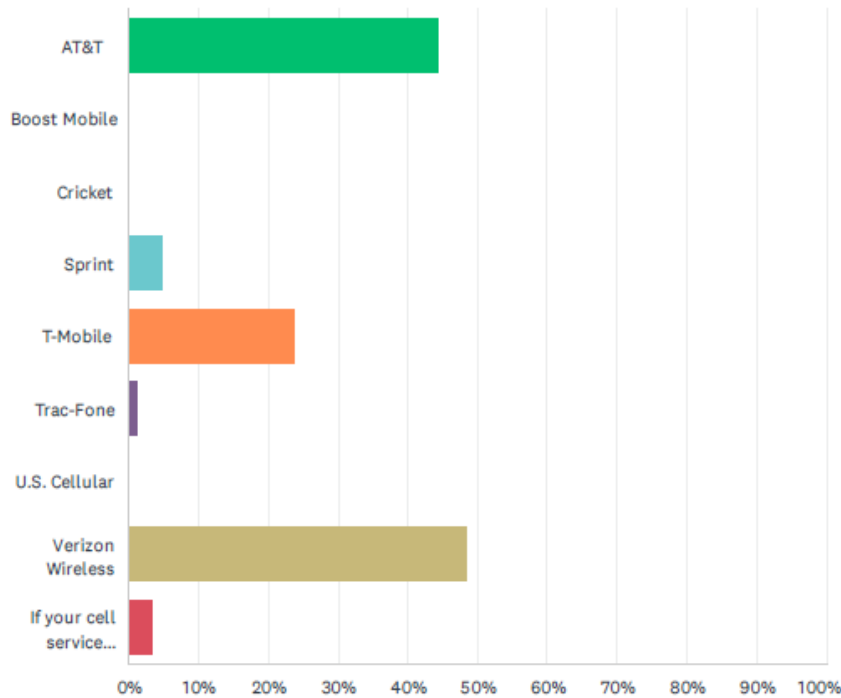
Responses:
292 total responses
266 unique responses
(26 responses from same Internet Protocol address)

Questions 1 and 2 not displayed; those two questions focused on respondent locational issues by street name and closest cross street.

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Q3 Which of the following mobile or cell phone service providers are used in your household? (Please CHECK ALL THAT APPLY.)

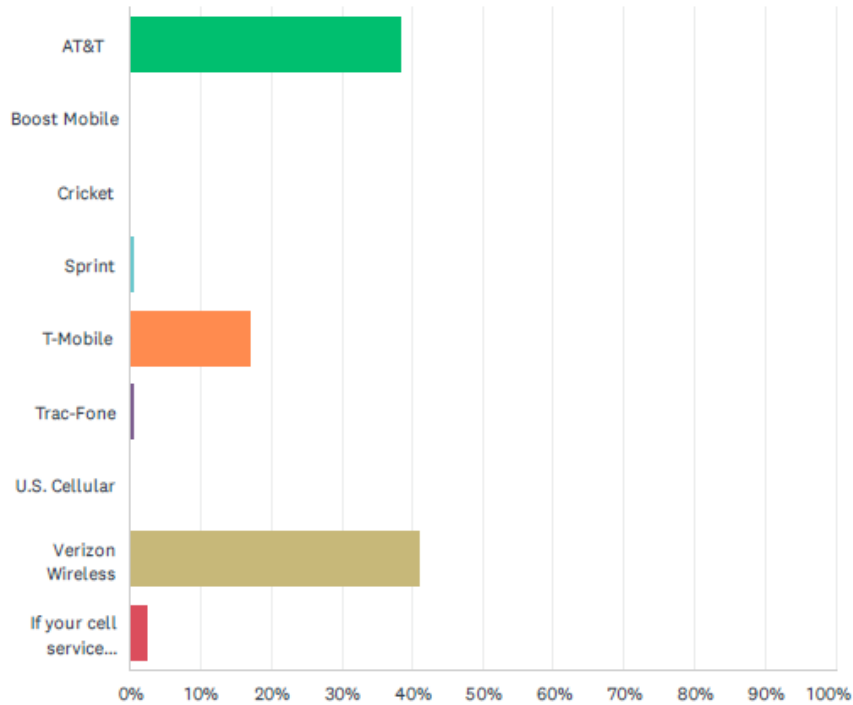
Answered: 289 Skipped: 3



ANSWER CHOICES	RESPONSES	
AT&T	44.29%	128
Boost Mobile	0.00%	0
Cricket	0.00%	0
Sprint	4.84%	14
T-Mobile	23.88%	69
Trac-Fone	1.38%	4
U.S. Cellular	0.00%	0
Verizon Wireless	48.44%	140
If your cell service provider is not listed above, please enter it here. (Please specify.)	3.46%	10
Total Respondents: 289		

Q4 Which of the following mobile or cell phone service providers is YOUR PRIMARY provider? (Please ONLY CHECK ONE.)

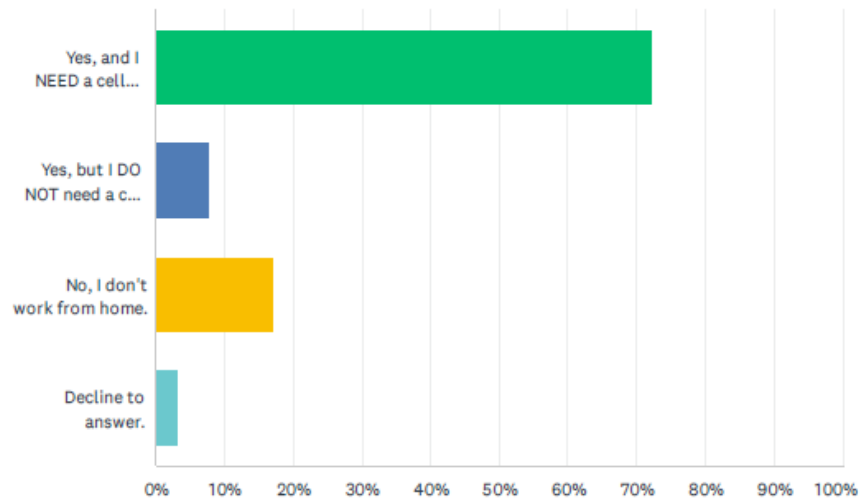
Answered: 289 Skipped: 3



ANSWER CHOICES	RESPONSES	
AT&T	38.41%	111
Boost Mobile	0.00%	0
Cricket	0.00%	0
Sprint	0.69%	2
T-Mobile	16.96%	49
Trac-Fone	0.35%	1
U.S. Cellular	0.00%	0
Verizon Wireless	41.18%	119
If your cell service provider is not listed above, please enter it here. (Please specify.)	2.42%	7
Total Respondents: 289		

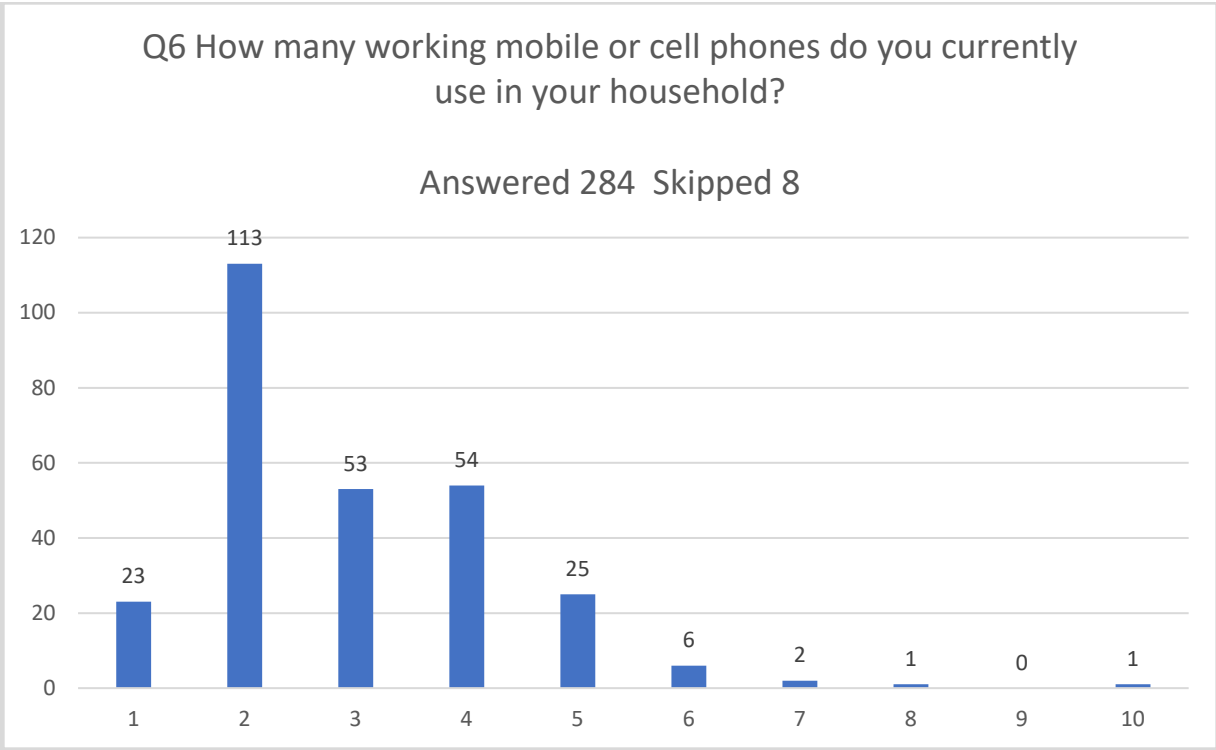
Q5 Do you work from home?

Answered: 288 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes, and I NEED a cell phone to conduct my work from home.	72.22%	208
Yes, but I DO NOT need a cell phone to conduct my work from home.	7.64%	22
No, I don't work from home.	17.01%	49
Decline to answer.	3.13%	9
TOTAL		288

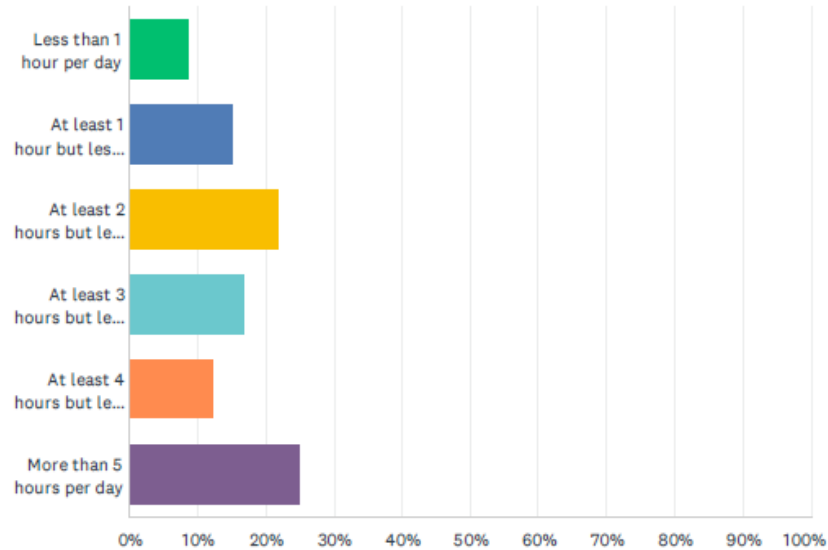
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Q7 How many hours per day on average do you use your cell phone? (PULL DOWN TO SELECT)

Answered: 284 Skipped: 8

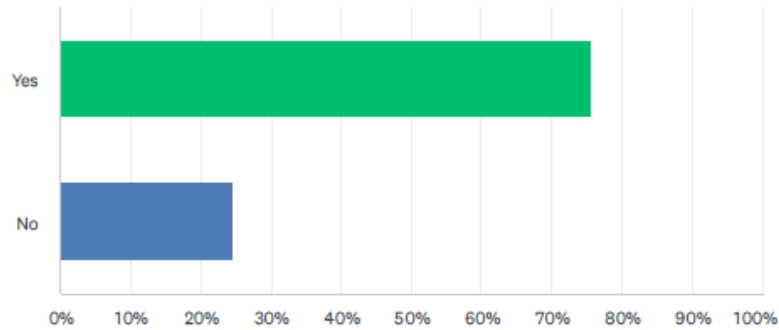


QUIZ STATISTICS			
Percent Correct 24%	Average Score 3.8/6.0 (64%)	Standard Deviation 1.65	Difficulty 1/1
ANSWER CHOICES	SCORE	RESPONSES	
Less than 1 hour per day	1/6	8.80%	25
At least 1 hour but less than 2 hours per day	2/6	15.14%	43
At least 2 hours but less than 3 hours per day	3/6	21.83%	62
At least 3 hours but less than 4 hours per day	4/6	16.90%	48
At least 4 hours but less than 5 hours per day	5/6	12.32%	35
✓ More than 5 hours per day	6/6	25.00%	71
TOTAL			284

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Q8 If cell service is improved inside the gates, would you use your cell phone longer each day?

Answered: 278 Skipped: 14

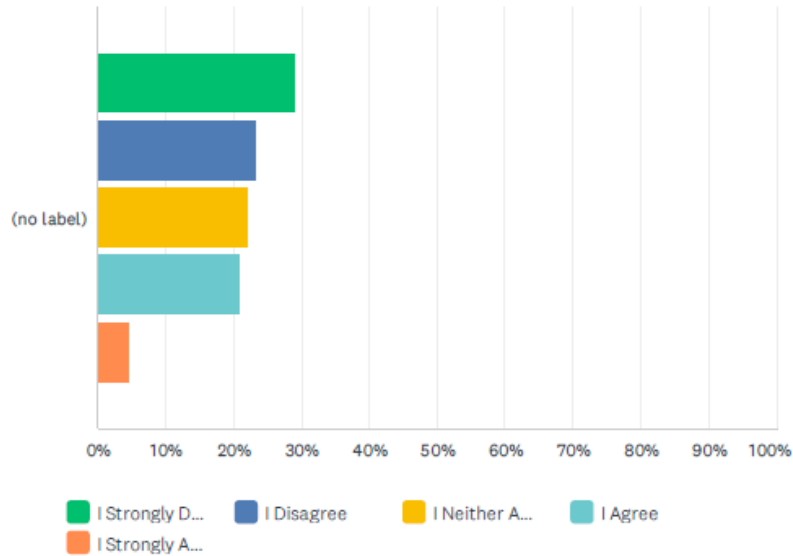


ANSWER CHOICES	RESPONSES	
Yes	75.54%	210
No	24.46%	68
Total Respondents: 278		

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Q9 Please indicate your level of Agreement or Disagreement with the following statement: I have adequate access to E911 (Emergency) service AT MY HOME using my cell phone.

Answered: 283 Skipped: 9

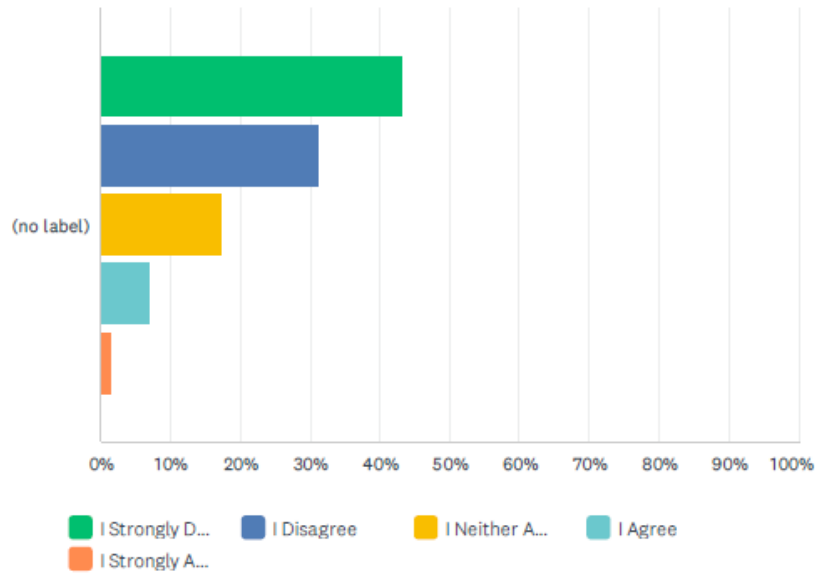


	I STRONGLY DISAGREE	I DISAGREE	I NEITHER AGREE NOR DISAGREE	I AGREE	I STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	28.98% 82	23.32% 66	22.26% 63	20.85% 59	4.59% 13	283	2.49

(Balance of page intentionally left blank)

Q10 Please indicate your level of Agreement or Disagreement with the following statement: I have adequate access to E911 (Emergency) service ALONG RHCA ROADWAYS using my cell phone.

Answered: 283 Skipped: 9

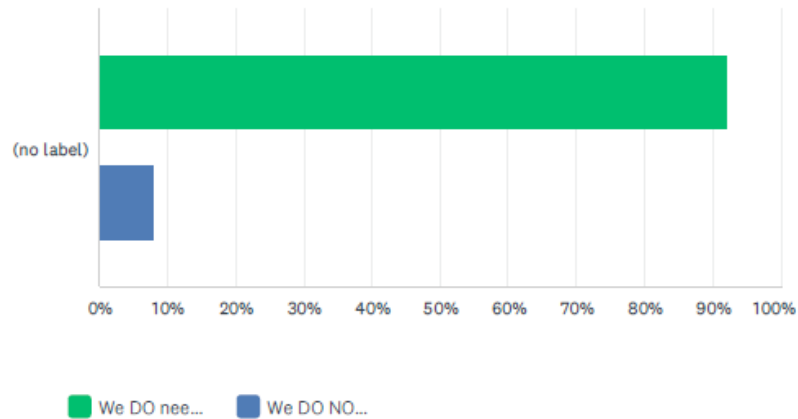


	I STRONGLY DISAGREE	I DISAGREE	I NEITHER AGREE NOR DISAGREE	I AGREE	I STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	43.11% 122	31.10% 88	17.31% 49	7.07% 20	1.41% 4	283	1.93

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Q11 As a homeowner, do you feel there is a need to improve Cell Services within the Rolling Hills Community Association?

Answered: 282 Skipped: 10

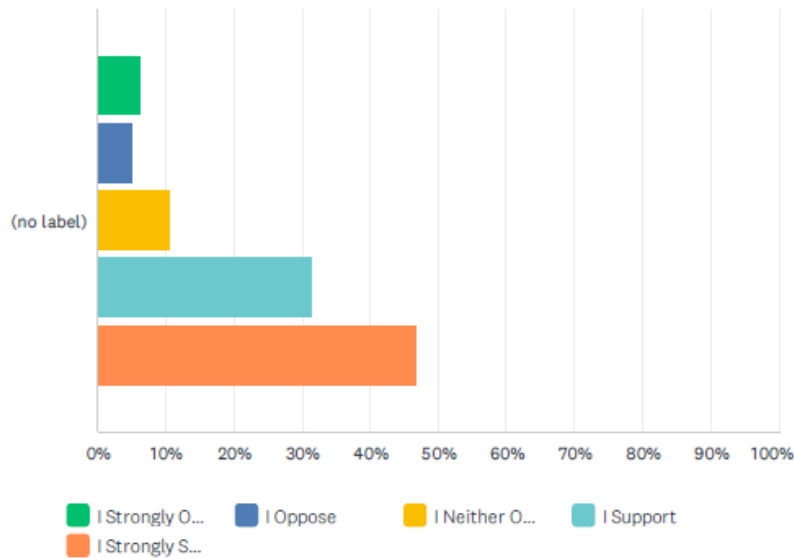


	WE DO NEED TO IMPROVE CELL SERVICE IN RHCA	WE DO NOT NEED TO IMPROVE CELL SERVICE IN RHCA	TOTAL	WEIGHTED AVERAGE
(no label)	92.20% 260	7.80% 22	282	1.92

(Balance of page intentionally left blank)

Q12 Please indicate your level of Agreement or Disagreement with the following statement: If necessary to improve cell service AT MY HOME, how willing are you to support adding more small cell sites along the RHCA roads?

Answered: 279 Skipped: 13

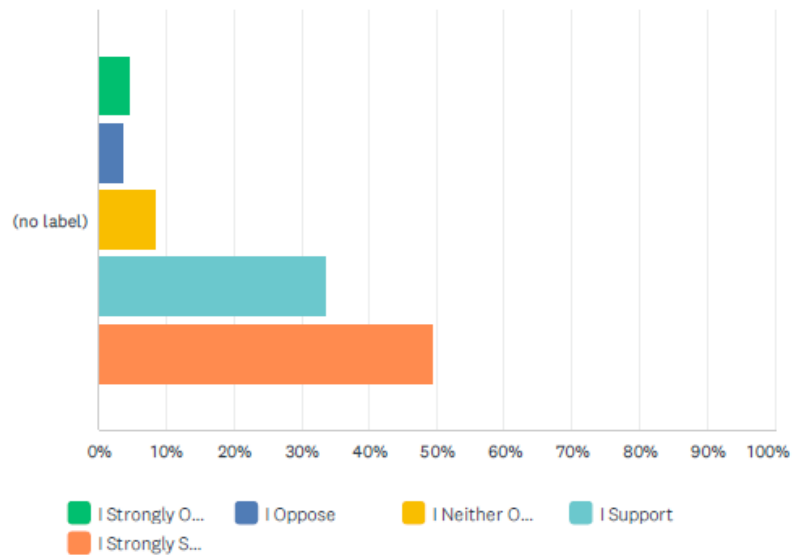


	I STRONGLY OPPOSE	I OPPOSE	I NEITHER OPPOSE NOR SUPPORT	I SUPPORT	I STRONGLY STRONGLY	TOTAL	WEIGHTED AVERAGE
(no label)	6.09%	5.02%	10.75%	31.54%	46.59%	279	4.08
	17	14	30	88	130		

(Balance of page intentionally left blank)

Q13 Please indicate your level of Agreement or Disagreement with the following statement: If necessary to improve cell service ALONG RHCA ROADWAYS, how willing are you to support adding more small cell sites along the RHCA roads?

Answered: 279 Skipped: 13



	I STRONGLY OPPOSE	I OPPOSE	I NEITHER OPPOSE NOR SUPPORT	I SUPPORT	I STRONGLY STRONGLY	TOTAL	WEIGHTED AVERAGE
(no label)	4.66% 13	3.58% 10	8.60% 24	33.69% 94	49.46% 138	279	4.20

(Balance of page intentionally left blank)

WORD CLOUD OF RESPONSES TO QUESTION 14:

Answered: 136 Skipped: 156

Q14 If you would like to provide your Board of Directors with any comments on this topic, please type them here. (Optional.)

also using wifi calling reception landline also dropped phones work gate home using signal
also safety need better cell available Rolling Hills improvement driving trails residents
matter make issues safety rely time within better cell service considering house
Verizon cell towers booster good Cell emergency additional cell sites
improve cell service Cox internet coverage Wi-Fi
cell phone around need keep home us
cell service will call provide service Wifi work
safety issue towers small Thank poor phone go much RH internet city
cell phones property improved feel Please one help terrible internet service
location Community cellular use Crest Road land line service will roads poor home access
safety concern support small cell sites know AT T able area

(Balance of page intentionally left blank)

DE-IDENTIFIED, VERBATIM FULL RESPONSES TO QUESTION 14:

Answered: 136 Skipped: 156
Verbatim; de-identification indicated by brackets []

Q14 If you would like to provide your Board of Directors with any comments on this topic, please type them here. (Optional.)

Should small cells be installed they should be camouflaged and the residents should never be charged for these cells.

Our public utility services in our community is unacceptable. Our landlines were out for 5 days this week! Power outages have been unacceptably frequent, although they have improved lately. It's time to get to work with the "authorities."

I have poor quality cell phone service inside my home because I only get Moble service through cox internet boosters. If my internet gos off, I get NO cell NO house phone line and NO way of contacting anyone.

With a 5G phone and T-Mobile I now get cell phone coverage at my home and on Crest Road but not on Eastfield. Verizon told me they had coverage in RH but I never could get more than 1 or 2 bars thus no reception.

How about internet service?

Thanks for considering improving the service

We really desperately need better cell service.

Please improve cell service in our city. We don't get good signals within our property.

It's incredibly frustrating to not have adequate cell phone access. Is that the price we pay for living in these amazing hills? Then maybe that's ok!? (Yet, it would be wonderful to be able to rely on our cells phones!!!)

Given how much work we are doing remotely I feel it is absolutely imperative to improve cell service in Rolling Hills. It is also a safety issue

Why you are not trying to have one company in the entire gate. May be AT&T. It's so ridiculous that from one street to other the carriers are changing

thank you for taking consideration in this much needed matter

Don't ruin this beautiful city. It feels calm here. Don't add static by introducing more towers.

Please improve cell service. It's dangerous to not have good coverage in many areas. The question re do you "support vs oppose" is so vague as to be unanswerable. What does that mean, or entail?

It is a safety issue. If there is an emergency, one needs the ability of having a working cell phone.

We would like to have cell service throughout the city. There are too many dead zones. You are asking us if we oppose or support with no pro/con information. Is the only pro better service, or is there another? Is the only con the appearance of towers, or is there cost involved? Educate us a bit on the issues briefly in the blue newsletter, please.

We need better cell service in Rolling Hills. I need to stay with Verizon Wireless for work reasons.

It is dangerous not to be able to have any means to contact outside in case of emergency when power down or loss of internet

We have figured out how to navigate through the terrible cell coverage in RH. However guests, family members, contractors and workers have tremendous issues with coverage and safety is an issue for these people behind the gates

This is one of the most important issues in the city. From both a quality of life and a safety issue on the trails while hiking and riding. Cell service is critical!!!!

Please help us. We have been suffering unnecessarily for years without proper cell phone capability-ridiculous!

I have both T mobile and ATT. Got rid of Verizon. All three are near useless. Regarding 911, would be safer to call with a smoke signal!

All cities in LA County have better daily cell coverage than RH. Poor coverage affects us DAILY. The City's Emergency Notification is Alert Southbay. Everyone in the community is at risk in the event of an emergency. We keep a landline, which is outdated and an additional cost, to communicate daily and in the event of an emergency. But many folks do not. We have tried all sorts of signal booster products with minimal success. We DRIVE somewhere when we have to count on a call not dropping.

This is a top priority for us. We have given up our landline and our cell service is very unreliable. I do not feel safe knowing my phone might not work when we have an emergency. Please proceed with any means to improve service.

I get virtually no cell service at my location. This is dangerous when there is an emergency and makes completing necessary tasks very difficult. I would support cell towers in any location that would help.

The cell coverage is beyond terrible throughout our City and certainly near our home on Johns Canyon Rd. It's not just a question of convenience or business need but also safety, security, visitors having a connection for GPS or communication, etc. Let's please get this addressed

The members of my household are strongly opposed to additional cell sites and the implementation of 5G in Rolling Hills. Thank you.

I strongly oppose additional cell sites and the implementation of 5G in Rolling Hills. Thanks
We need cell service improved particularly along main roads like Portuguese Bend Road from Crest down to the gate.

It's ridiculous that everyone has to pull over at Acacia because any further is a dead zone.
Same thing on Crest, there is only service by the fire station.

No cell towers please

No cell towers.

Thank you for your efforts to improve our cell service - hopefully the community will support some additional, camouflaged sites to allow for improvements

We can barely have a conversation on our wireless home phones. The cell phone service stinks and I need it for work!

Both TMobile and Verizon are offering 5G internet service for around \$50 a month. Currently my address is not covered but I assume that good 5G service will be needed to provide this internet service. I am tired of having to pay over \$300 a month to COX for internet service (and cable).

At home we have cell service, but mostly use Wi-Fi if using cell phone at home. Plus, we also have Land Lines at home.

At home we actually mostly use WIFI not the cellular connection which is a bit weak on our property and in most of the house - except when during our rather frequent power outages - need rely on the cellular network. TMOBILE has no coverage holes here and there inside the gates - particularly the middle of Crest and most of PB. It would be nice to have solid 5G coverage - then we'd have something other than Cox for internet connections.

It's long overdue. Cell service is essentially to daily life. We can't function for 5 minutes without a cell phone. We need to get cell service upgraded to first world country. Some remote villages in Asia have better cell service when I'm there to call home than using cell phone in Rolling Hills to call Asia. IT'S TIME. NO FURTHER DEBATE ON THIS MATTER. IT'S THE NUMBER ONE COMPLAINT IN ROLLING HILLS.

One of the most important issue that needs to be improved in our city!

Need to enter 21st century and have cell phones service available at all times and places in Rolling Hills

We keep loosing calls made with our cell phones.

Cell service is very spotty on different parts of my property. Using either T Mobile or ATT there is no coverage in many areas. My children cannot get a hold of me on their cellular device in case of emergency. This is a big problem.

Cell service at home is VERY POOR and when at home we use cell phone wi-fi calling (Cox internet). Cell service is unreliable when out of wi-fi range.

The RHCA, should consider providing wi-fi throughout the city to avoid blind spots and also accommodate the residents.

Wi-Fi access is more critical than more cell phone antennas.

My assumption is that most of the residents in RH are working professionals. At least half the people I interact with outside of RH solely use their mobile devices for primary source of communication. Here we are in 2023 and I cannot make or receive a phone call via my mobile device as if it were 1980. God forbid I find myself in a situation where a 911 call is necessary while I am on my own property away from my desktop phone. I have been in the middle of Montana in the middle of nowhere and had unrestricted cellular service. Lack of cellular service in my neighborhood has become comical.

Although I'd love better service in RH, I'd be curious of any possible physical health dangers of having multiple small cell sites along our roads, particularly anywhere near my home. I have no idea if these devices emit harmful waves or if there's a negative, synergistic effect if there are multiple units around a small area.

As strongly as we feel about improving cell service, we feel far stronger about improving access to competitively priced high-speed internet in the neighborhood. This would include bringing in FIOS as an option as well as competitors to Cox.

We need better cell service for the safety of our children and families.

I am highly sensitive to the EMF. It has caused me alot of Medical problems and have spent alot of money trying to reduce the EMF in and around my home I dont. want anything near my residence []

making use of stop sign posts or other existing elements seems attractive; I don't like the idea of introducing new towers that will impact the rural and natural atmosphere of our community; I don't see why we would need to address cell service in my home when we have existing choices with telephone and cable service

Cell service for Verizon is not available on large portions of Portuguese Bend Road and Crest Road

Cell service coverage in our community parallels that which one might see in a Third World country. I strongly support the efforts of the board to improve our cell service coverage. I further encouraged the improvement of cell coverage using currently available aesthetically pleasing options.

Cell phone service is generally fine in most places in the community. Each provider has different coverage holes. The trails are particularly uncovered because of the steep hills, so cell phones are often useless without moving to high ground in emergencies but not sure there is a cost effective solution to cover all the trails. Recommend priority be to get widespread 5G coverage enabling high speed wireless Internet acres for as much of the community as possible. This will eliminate the Cox cable monopoly and should lead to competition and better service for all.

This is a MUST for safety of our Residents, for the attractiveness of our community and the livelihood of our residents. An absolute MUST!

Must not adversely impact aesthetics

When power/internet lines are down, we're isolated as it stands. Cell service would make us feel safer and better prepared for emergencies.

I like the fact i cant be reached while i am out walking so in that case its nice but if i ever needed help on some of the trails id have an issue. At home my coverage is fine but when i visit friends in the neighborhood its spotty. So im sort of ambivalent on this whole topic. I'm not sure what you are referring to when you say small cell sites so I can't make a decision on that matter.

I believe I am with every other resident to say that I would like improved cell service but refuse to have a cell tower near my house. I had adequate coverage and if the choice is between current service or having a cell tower on my property, I would choice current service. I will never support having a cell tower on or near my property.

I have had to maintain a land line since cell service is poor at my home. Also lower Eastfield has poor cell service so calls cannot be made or are dropped

Thank you this is critical to us

We have good service in our home but the service is not good on the roads, specially on Crest road. Please do not consider adding the cell sites in Rolling Hills as there are health issues associated with such towers, specially 5G. Thank you.
Aesthetics must be considered. I would not appreciate tall unsightly structures on our major streets.

My cell phone stops working at least once in about one call out of

three. I have too redial. Sometimes redialing doesn't work.

I sometimes get the message No Service.Often get only one small bar.

I can only make calls and hear caller in two rooms of my home.
At home both ATT and T mobile are USELESS! NO signal.

Once I drive out of the gates, signal.

Our family would feel much safer with cell service.

This is much needed and we have been waiting for it for a long time. Happy to see this is prioritized at the beginning of the year!

With further reliance on cell phones only over land lines, it is extremely important to have access to service. Wifi can only cover so much around the home. We also have potentially hazardous roads and in the event of a crash, cell service is a necessity.

Our cell phones only work at our home if they are connected to wifi. Our phones don't work when the wifi is down or power is out. It is a huge safety concern for us and our neighbors.

Really depends on what the cell sites look like and how they match the surroundings before I can express a real opinion on this matter. Please show us what the new ones would look like in our area.

Why was this not done 10-15 years ago?

would be really wonderful to have better cell reception. thanks for working on this. small boosters should suffice. Should be agnostic like Crown Castle rather than just a single provider

When our internet service provider junction box went down, we bought a booster for cell service. The booster was of no use because we have zero to minimal cell service in our home and only if we stand outside towards the canyon. "Landline" also does not work if there is no internet (Frontier).

I believe access to reliable cell service is an expectation for safety and to accommodate necessary work to be done effectively. The addition of small cell sites can also be done in a very aesthetically pleasing manner.

Service at the Crest road entrance - near St. John Fisher is terrible. Any improvement in that area would be much appreciated

Not only do our cell phones not work dependably in Rolling Hills but our land line also drops frequently.

I canNOT continue a phone call while driving from my home to main gate, or while driving from the main gate to my house without significant interruption and/or complete dropout. We have ZERO cell service at our home with ATT and Verizon.

It is untenable, dangerous, and thoroughly baffling why this is the case.

Thank you for putting this survey together.

Cell phone service in RH is worse than any community I've visited or lived in even with WIFIAstist. .

Thank you for addressing this!!

Both my wife and I work from home using our cell phones exclusively, and outside of using wifi calling inside the home, we get almost no cell phone reception with either AT&T or Sprint. We support improving cell service inside the gates.

We need good cell phone service within our city for everyday convenience and for all emergency services - 911 and catastrophe notifications. It's time to provide residents with the available technology that will help keep us safe.

Time to come to grips with the need to make tradeoffs if we want high tech lifestyle. But we do not really need to go all the way to 5G if that requires much more and much taller poles. Just better coverage throughout the city is what we want.

We would appreciate having uninterrupted cell service from the gates to our home. It is difficult for medical professionals like doctors to be answering or returning calls that come in during driving. Likewise, cell service is non-existent at our home on Maverick Lane other than wifi which can sometimes have issues.

We need better cell service inside gate and at our home.

Please address this quickly. Thank you.

we have kept a land line simply because we do not use the cell phones for an important call. While wifi calling works well, when our internet goes down, we are truly on an island. Zero cell service.

We are relying on our wifi for our mobile phone to work. Recent years, the landline also becomes inoperable during power failure.

For medical emergency during an outage, we have no way to connect to outside for help. We get service at our house but walking on Crest or driving through Rolling Hills we lose service.

When I'm at home, I use wifi (for calling, texting, internet) so cell service doesn't matter. It's only on the roads that it's an issue. But seriously... I can be outside the gate within excellent cell range within 5 minutes. To say we all need immediate/constant cell service is a bit dramatic. I see this as a non-issue. Perhaps boosting self importance with the idea we need to be constantly connected or available. I'm likely in the minority but cell service is a luxury... not a necessity.

Cell service is more important than ever as land lines disappear. Also, Cell towers are a source of income for the RHOA. The cell providers should be willing to pay monthly rents for providing the cell towers. This could be a significant source of income opportunity. The right to provide RH with towers should not be given for free. Towers, like the sirens, can be hidden, and may be able to be placed on the SAME towers.

The current lack of cell service requires that we have multiple work-arounds that are less secure and less robust to disruption (e.g., connecting calls from cell phones to routers and internet service providers). More importantly, it is a significant safety concern every day - whenever we leave the range of our routers, like when we are on roads or trails with no reliable coverage.

We need better cell service!

Reliable & consistent cell phone service is an absolute necessity in our community for our safety & sanity.

Cell service is non-existent at our home. We had to purchase an AT&T Cell booster that works with Wifi, and it is spotty. All improvements in Cell Service would be welcome with one caveat - I would not want a new Cell tower too close to my house. I would hope that it would be placed in a location that provides enough cell service without dealing with the health consequences that a cell tower in close proximity would create. Just make the cell towers look like trees so no one fusses

There is certain roadways that you know cell service will disappear. Choosing locations could cause a tower to not be appreciated if in their view of a homeowner.

We also need better internet. Fiber optic is what we need for more robust internet.
taking too long to get this done

Compared to the eyesores of numerous large electrical posts, a few more phone towers is trivial.

Very frustrating when calls kept on being dropped

The cell service at my home is completely unreliable and I need to keep a landline active to support my business and life. People call on the cell and I tell them I will call you back on the land line when we get disconnected

I recently did an extensive renovation of an old home, everything is new. Cell reception at the home was terrible, my contractor installed a "cell phone booster", it works great, I paid extra to make sure it would be barely visible. If the decision is made to install a booster type system, pay the extra money so it is not an eye sore. I don't mind contributing.

Cell service is essentially non-existent driving around, and at our house. If wifi goes out, our phones do not work, and we won't be able to emergency call 911. Also, we have to reset our phones constantly to reconnect to a signal. It's terrible. Please fix.

Enough is enough, the BOARD should make the decision, this has been an issue for too long! Good Cell Communications is more important than spending funds on Emergency Alert System

When our power goes out we have no Wi-Fi which means no cell at all. Cannot call 911 if power goes out! We have a land line because cell service is non-existent in RH. When power is out landline is also out. We have ATT and Verizon and neither works!

Recently had a real world example of limited access to emergency service. [] we had trouble calling 911 until someone in the group that stopped to help her was able to get a call through. Service is terrible. Often completely unavailable. Zero bars or SOS status much of the time. Calls initiated drop frequently.

It seems to have gotten worse since the start of summer.

I don't know about access to 911 as I haven't called 911 from my cell phone

We desperately need better cell service - not just for work from home, but also for safety, risk, and security. We cannot even alert the city from our homes if incidental need to do so might occur. This is a great attention and I thank you as a [] year resident for any improvement to our ability to enjoy this community with safety and confidence. Thank you, so much.
Improve home and road cell service please

I use WiFi calling and get excellent reception. If you have internet service, there is no need for more towers. Tower service will soon be obsolete and all that will be left is expense and

ugliness. If residences learned how to use the tools that are available to all, this debate would be over

At my house I use a landline or enable Wifi calling to use my cellphone. When hiking or when riding horses, or when my children are riding horses, we do not have cell services and it safety concern of ours.

Thank you for helping cell coverage— we need it for safety

I have Verizon cell service and from [] Johns Canyon, I have no service until I reach PV Dr. North and Portuguese Bend or until I reach Deep Valley Drive to the west. (With the exception of about 300 feet by the fire station on Crest.)

I can be sitting right next to my phone, and get a message for a missed call. My calls drop all the time, and some days it is impossible to make calls from my cell phone. WE absolutely

need something to be done immediately.

reception at my house is spotty at best, and once I leave my driveway, I'm in a roughly 8 minute void before I have reception again. It's unacceptable from a safety standpoint.

I am so happy you are working on improving the cell service in RH. It is worse than the cell service in a 3rd world country we recently visited. It's embarrassing to be on important work calls and always lose cell service or an important dr call and lose touch and have to wait days to hear back again, or to be on hold with an airline for an hour and then have cell service dropped and need to start all over again, or need to leave for an appointment but have to disconnect because you know you'll lose the connection driving, or not be able to get through to 911 in an emergency, etc. For all of our safety and well being, much better cell service is needed.

I feel like I live in a 3rd world country

I use Cox Communications for a land line, internet and TV. When that service goes out, I then have no ability to use a mobile phone from my house in the case of an emergency because can't get a good signal. It's scary to think about.

We need more towers.

I think that the need for improved cell service is the most important issue before the RHCA and City. I witnessed a near accident caused by a truck without a flag person. I could not report this dangerous and continuing danger because I had no cell service.

Cell phone service always drops after entering any gate in the RH. There are know areas where residents or guests can pull over to finish a cell phone call. These areas are typically near residents front yards which is surely frustrating for those property owners. In addition delivery drivers and shuttle services would have better gps routing to residents homes.

Safety should be a concern and having improved cell service would be prudent!

We have very little if any cell service at our home. If we need it we have to go down to the office.

My main issue is the circumstance where internet goes down eliminating voice over IP calls. In that event mobile is all I would have and the signal is very poor at my home. Let's get into the nineties!

Forget the fifties solution, air raid sirens.

By adding additional cell sites on roadways, does this have any effect to residents health ? Please provide residents with pros and cons of the side effects of adding additional cell sites along roadways! How does it affect us and our families personally based on proximity?

There are serious personal harms associated with 5G in particular. We would be better served with fiber optic underground cabling.

If you're going to add cell sites they need to be very hard to find/see. The large fake tree cell sites are hideous.

oOo



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 10.A
Mtg. Date: 08/15/2023

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: DAVID H. READY. ESQ., PH.D

SUBJECT: AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: August 15, 2023

BACKGROUND:

The City Council last updated the RHMC's wireless communication facility ("WCF") regulations in 2004. Numerous federal and state laws and regulations have since taken effect, which (among other things) significantly restricted local control over the permitting and placement of wireless communication facilities ("WCF"). Noteworthy features of these regulations include the following:

1. Ban on Moratoria

On August 2, 2018, the Federal Communications Commission ("FCC") adopted a Third Report & Order and Declaratory Ruling, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) ("**Moratoria Order**"), that, among other things, contained a declaratory ruling prohibiting express and *de facto* moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis. The declaratory ruling in the Moratoria Order was made effective upon release. This means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

2. Shot Clocks and Enhanced Remedies

The FCC has adopted shot clocks (i.e., timelines) within which a local government must act on WCF applications. The most recent shot clocks have focused on applications for small WCFs and modifications to existing WCFs.

2009 Shot Clocks: In 2009, the FCC adopted a Declaratory Ruling, 24 FCC Rcd. 18994 (rel. Nov. 18, 2009), to clarify existing federal law requiring local governments to act on WCF applications within a reasonable period of time. In that Declaratory Ruling, the FCC established two shot clocks for local action on wireless facilities applications: (1) a 60-day shot clock for collocations; and (2) a 150-day shot clock for all other types of WCF applications.

The State of California later adopted AB 57 (Gov. Code 65964.1), which took effect on January 1, 2016, and created a “deemed granted” remedy (effective January 1, 2016 for collocations and “other” applications; effective January 1, 2022 for small cells) if the local government failed to act on an application during the time period allowed under the applicable FCC shot-clocks. This “deemed granted” remedy is available for any application under these shot clocks other than those proposed for placement on fire department facilities.

Eligible Facilities Requests: In 2012, Congress adopted a law (codified as 47 CFR Sec. 1455) requiring that certain applications to modify or add to existing WCFs must be approved at the local level. In 2014, the FCC adopted an implementing Order, including height and size criteria and a 60-day shot clock to process these “eligible facilities requests” (29 FCC Rcd. 12865). More recently, the FCC adopted clarifications and changes to its rules to further facilitate these types of deployments. A failure to act within this FCC shot clock period can result in the application being deemed approved under federal law.

Small Wireless Facilities Shot Clocks: On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088 (rel. Sep. 27, 2018) (“**Small Cell Order**”), which, among other things:

- Created new shorter (60-day and 90-day) shot clocks for small WCFs (as defined in the Small Cell Order);
- Interpreted existing shot clock regulations to require local public agencies to issue all relevant permits and authorizations within this period;
- Established a national standard for an effective prohibition related to small WCFs that replaced the existing “significant gap” test adopted by the United States Court of Appeals for the Ninth Circuit; and
- Provided that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

The Small Cell Order took effect in part on January 14, 2019, and in part on April 15, 2019. On August 12, 2020, a three-judge panel of the Ninth Circuit Court of Appeals upheld the Moratoria Order and significant portions of the Small Cell Order, including the shorter shot clocks and remedies for failing to meet a shot clock. (*City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020) (“*City of Portland*”). On October 22, 2020, the Ninth Circuit Court of Appeals denied a petition for en banc review of the above-referenced panel’s decision.

In 2021, the California legislature enacted AB 537 (Gov. Code 65964.1), which further expanded the reach of AB 57’s deemed granted remedy to apply to all WCF applications subject to FCC shot clocks. Following AB 537, a deemed approved remedy is available for each and every WCF application type—which is triggered when the local government fails to render a final decision on a WCF application and issue all necessary approvals by the applicable FCC shot clock deadline.

3. Limits on Design Standards

In addition to the foregoing, the Small Cell Order placed limits on aesthetic regulations for small WCFs, including undergrounding. Under the Small Cell Order, local aesthetic regulations are permissible so long as they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, objective, and published in advance (so that applicants know the applicable WCF aesthetic requirements).

In *City of Portland* discussed above, the Court invalidated certain portions of the FCC's Small Cell Order that imposed new rules for aesthetic standards for small wireless facilities. Now, a city's aesthetic regulations for small wireless facilities will not be preempted if they are (1) reasonable (technically feasible); and (2) published in advance.

4. Limits on Fees

The Small Cell Order declared that all WCF-related fees (including permit fees and rental fees for use of government-owned infrastructure, such as streetlights) must be based on a reasonable approximation of the local government's costs, such that only objectively reasonable costs are factored into those fees, and fees are no higher than the fees charged to similarly situated competitors in similar situations. The FCC established presumptively reasonable fee levels (called "safe harbors") that include: non-recurring fees equal to \$500 for a single application for up to five collocations, plus \$100 for each additional collocation, and \$1,000 for each new pole. Recurring fees for attachment to a local government's poles are presumed reasonable if equal to \$270 per facility/per year, including the fee for attachment to the infrastructure and use of the public right-of-way.

DISCUSSION:

Staff and the City Attorney's Office reviewed the RHMC's processes and regulations governing WCFs. From this review, it was determined that various amendments to the RHMC are warranted in order to comply with the changes in federal and state law profiled above. The attached ordinance so amends the RHMC.

- A. *Repealing and replacing Section 17.27.040, "Wireless communication antennas and facilities":*
 - a. Clarifies which facilities are exempt from the location, permit requirements, and other provisions of Section 17.27.040;
 - b. Specifies that either a temporary use permit, zone clearance approval, or a conditional use permit is required all wireless communications facilities subject to Section 17.27.040 and establishes which types of facilities are subject to which type of approval and the procedures for such review;
 - c. Establishes general standards for wireless communications facilities, such as aesthetics, landscaping, setbacks and lighting;
 - d. Creates an application process with documentation requirements and a list of standard conditions of approval; and
 - e. Provides for instances where the requirements provided for in Section 17.27040 may be waived or modified.
- B. *Amending Section 17.44.020, "Applicability," to add a new subsection (G), requiring zone clearance for the installation, construction, modification, replacement, or placement of certain wireless communications facilities.*
- C. *Amending Section 17.48.040, "Allowed Temporary Uses," to add a new subsection (B)*

(4) related to temporary wireless facilities via a temporary use permit.

Findings:

Section 9-2.1601 of the RHMC provides that the City's Zoning Chapter "may be amended to reclassify zones, to alter the boundaries of districts, to impose regulations not heretofore imposed, and to remove or modify any regulation heretofore imposed pursuant to provisions of Title 7 of the Government Code of the State." RHMC Section 9-2.1602 allows City staff to initiate a Zoning Code amendment. Finally, state law provides that city zoning ordinances must be consistent with the general plan of the city, pursuant to Government Code section 65860. Here, the proposed Zoning Code amendments are consistent with the City's General Plan as follows:

1. General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;*
2. General Plan Safety Element Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage;*
3. General Plan Safety Element Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster; and*
4. Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses.*

Wireless Application

A draft Wireless Application is included as Attachment 2. The Wireless Application includes a checklist of information needed to deem an application complete. It is meant to guide applicants and ensure proposals meets the City's wireless requirements. Section 17.27.040 (C) of the draft ordinance permits the Director of Planning and Community Services to generate and update the form from time to time as necessary. No action by the Planning Commission is required on the Wireless Application.

ENVIRONMENTAL

The proposed ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the ordinance is exempt from CEQA on multiple grounds. First, the ordinance is exempt CEQA because the City Council's adoption of the ordinance would covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding

the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Open and conduct a public hearing;
2. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and
3. Adopt Resolution No. 2023-10 (Attachment 1), which recommends that the City Council adopt the proposed Ordinance No. 384 (Exhibit "A" to Attachment 1).

ATTACHMENTS:

[ATTACHMENT1_2023-10_PCResolution_WCF_Ordinance_081523-c1_F.pdf](#)

[ATTACHMENT2_PL_WCF_OrdAmend2023_WirelessApplicationDraft_8-8-23-c1.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.B
Mtg. Date: 09/12/2023

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: DAVID H. READY

SUBJECT: AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: September 12, 2023

BACKGROUND:

This item was continued by the Planning Commission on August 15, 2023. At that meeting, the Planning Commission directed staff to require a conditional use permit (CUP) for Type 3 facilities, which are new small wireless communication facilities ("WCF") on a new or replacement structure. The proposed Ordinance has been amended to incorporate the Commission's direction.

The City Council last updated the RHMC's WCF regulations in 2004. Numerous federal and state laws and regulations have since taken effect, which (among other things) significantly restricted local control over the permitting and placement of wireless communication facilities ("WCF"). Noteworthy features of these regulations include the following:

1. Ban on Moratoria

On August 2, 2018, the Federal Communications Commission ("FCC") adopted a Third Report & Order and Declaratory Ruling, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) ("**Moratoria Order**"), that, among other things, contained a declaratory ruling prohibiting express and *de facto* moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis. The declaratory ruling in the Moratoria Order was made effective upon release. This means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

2. Shot Clocks and Enhanced Remedies

The FCC has adopted shot clocks (i.e., timelines) within which a local government must act on WCF applications. The most recent shot clocks have focused on applications for small WCFs and modifications to existing WCFs.

2009 Shot Clocks: In 2009, the FCC adopted a Declaratory Ruling, 24 FCC Rcd. 18994 (rel. Nov. 18, 2009), to clarify existing federal law requiring local governments to act on WCF applications within a reasonable period of time. In that Declaratory Ruling, the FCC established two shot clocks for local action on wireless facilities applications: (1) a 60-day shot clock for collocations; and (2) a 150-day shot clock for all other types of WCF applications.

The State of California later adopted AB 57 (Gov. Code 65964.1), which took effect on January 1, 2016, and created a “deemed granted” remedy (effective January 1, 2016 for collocations and “other” applications; effective January 1, 2022 for small cells) if the local government failed to act on an application during the time period allowed under the applicable FCC shot-clocks. This “deemed granted” remedy is available for any application under these shot clocks other than those proposed for placement on fire department facilities.

Eligible Facilities Requests: In 2012, Congress adopted a law (codified as 47 CFR Sec. 1455) requiring that certain applications to modify or add to existing WCFs must be approved at the local level. In 2014, the FCC adopted an implementing Order, including height and size criteria and a 60-day shot clock to process these “eligible facilities requests” (29 FCC Rcd. 12865). More recently, the FCC adopted clarifications and changes to its rules to further facilitate these types of deployments. A failure to act within this FCC shot clock period can result in the application being deemed approved under federal law.

Small Wireless Facilities Shot Clocks: On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088 (rel. Sep. 27, 2018) (“**Small Cell Order**”), which, among other things:

- Created new shorter (60-day and 90-day) shot clocks for small WCFs (as defined in the Small Cell Order);
- Interpreted existing shot clock regulations to require local public agencies to issue all relevant permits and authorizations within this period;
- Established a national standard for an effective prohibition related to small WCFs that replaced the existing “significant gap” test adopted by the United States Court of Appeals for the Ninth Circuit; and
- Provided that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

The Small Cell Order took effect in part on January 14, 2019, and in part on April 15, 2019. On August 12, 2020, a three-judge panel of the Ninth Circuit Court of Appeals upheld the Moratoria Order and significant portions of the Small Cell Order, including the shorter shot clocks and remedies for failing to meet a shot clock. (*City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020) (“*City of Portland*”). On October 22, 2020, the Ninth Circuit Court of Appeals denied a petition for en banc review of the above-referenced panel’s decision.

In 2021, the California legislature enacted AB 537 (Gov. Code 65964.1), which further expanded the reach of AB 57’s deemed granted remedy to apply to all WCF applications

subject to FCC shot clocks. Following AB 537, a deemed approved remedy is available for each and every WCF application type—which is triggered when the local government fails to render a final decision on a WCF application and issue all necessary approvals by the applicable FCC shot clock deadline.

3. Limits on Design Standards

In addition to the foregoing, the Small Cell Order placed limits on aesthetic regulations for small WCFs, including undergrounding. Under the Small Cell Order, local aesthetic regulations are permissible so long as they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, objective, and published in advance (so that applicants know the applicable WCF aesthetic requirements).

In *City of Portland* discussed above, the Court invalidated certain portions of the FCC’s Small Cell Order that imposed new rules for aesthetic standards for small wireless facilities. Now, a city’s aesthetic regulations for small wireless facilities will not be preempted if they are (1) reasonable (technically feasible); and (2) published in advance.

4. Limits on Fees

The Small Cell Order declared that all WCF-related fees (including permit fees and rental fees for use of government-owned infrastructure, such as streetlights) must be based on a reasonable approximation of the local government’s costs, such that only objectively reasonable costs are factored into those fees, and fees are no higher than the fees charged to similarly situated competitors in similar situations. The FCC established presumptively reasonable fee levels (called “safe harbors”) that include: non-recurring fees equal to \$500 for a single application for up to five collocations, plus \$100 for each additional collocation, and \$1,000 for each new pole. Recurring fees for attachment to a local government’s poles are presumed reasonable if equal to \$270 per facility/per year, including the fee for attachment to the infrastructure and use of the public right-of-way.

DISCUSSION:

At the direction of the Planning Commission at the August 15th meeting, the following changes were made to the Ordinance:

- Ordinance No. 384, Section 4:
 - Section 17.27.040
 - A.2 (Permit Requirements): Type 3 was added to subsection a and removed from subsection b.
 - D (Findings for Approval): Type 3 was added to subsection 1 and removed from subsection 2.

Additionally, a recital was amended in Resolution 2023-10 and Ordinance No. 384 to reflect the Commission’s action at the August 15th meeting. A redlined version of the Ordinance is included as Attachment 2.

Wireless Ordinance

Staff and the City Attorney’s Office reviewed the RHMC’s processes and regulations governing WCFs. From this review, it was determined that various amendments to the RHMC are warranted in order to comply with the changes in federal and state law profiled above. The attached ordinance so amends the RHMC.

- A. *Repealing and replacing Section 17.27.040, “Wireless communication antennas and facilities”:*
- a. Clarifies which facilities are exempt from the location, permit requirements, and other provisions of Section 17.27.040;
 - b. Specifies that either a temporary use permit, zone clearance approval, or a conditional use permit is required all wireless communications facilities subject to Section 17.27.040 and establishes which types of facilities are subject to which type of approval and the procedures for such review;
 - c. Establishes general standards for wireless communications facilities, such as aesthetics, landscaping, setbacks and lighting;
 - d. Creates an application process with documentation requirements and a list of standard conditions of approval; and
 - e. Provides for instances where the requirements provided for in Section 17.27040 may be waived or modified.
- B. *Amending Section 17.44.020, “Applicability,” to add a new subsection (G), requiring zone clearance for the installation, construction, modification, replacement, or placement of certain wireless communications facilities.*
- C. *Amending Section 17.48.040, “Allowed Temporary Uses,” to add a new subsection (B) (4) related to temporary wireless facilities via a temporary use permit.*

Findings

Section 9-2.1601 of the RHMC provides that the City’s Zoning Chapter “may be amended to reclassify zones, to alter the boundaries of districts, to impose regulations not heretofore imposed, and to remove or modify any regulation heretofore imposed pursuant to provisions of Title 7 of the Government Code of the State.” RHMC Section 9-2.1602 allows City staff to initiate a Zoning Code amendment. Finally, state law provides that city zoning ordinances must be consistent with the general plan of the city, pursuant to Government Code section 65860. Here, the proposed Zoning Code amendments are consistent with the City’s General Plan as follows:

1. General Plan Safety Element Policy 5.10: *Support the development and further implementation of a peninsula-wide disaster plan;*
2. General Plan Safety Element Policy 5.14: *Ensure the reliability of essential facilities such as communications towers, electrical substations, water services, and first-response buildings in the event of an emergency through promoting grid resilience and energy independence. Work to implement on-site power generation through solar photovoltaic systems and battery storage;*
3. General Plan Safety Element Policy 5.16: *Increase access to essential resources and facilitate effective communication in the community to accelerate recovery following such a disaster; and*
4. Land Use Goal 2: *Accommodate development which is compatible with and complements existing land uses.*

Wireless Application

A draft Wireless Application is included as Attachment 3 and has been updated since the August 15th meeting. No substantive changes were made; only formatting and spacing issues. The Wireless Application includes a checklist of information needed to deem an application complete. It is meant to guide applicants and ensure proposals meets the City's wireless

requirements. Section 17.27.040 (C) of the draft ordinance permits the Director of Planning and Community Services to generate and update the form from time to time as necessary. No action by the Planning Commission is required on the Wireless Application.

ENVIRONMENTAL

The proposed ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the ordinance is exempt from CEQA on multiple grounds. First, the ordinance is exempt CEQA because the City Council’s adoption of the ordinance would be covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Open and conduct a public hearing;
2. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and
3. Adopt Resolution No. 2023-10 (Attachment 1), which recommends that the City Council adopt the proposed Ordinance No. 384 (Exhibit "A" to Attachment 1).

ATTACHMENTS:

[ATTACHMENT1_2023-10_PCResolution_WCF_Ordinance_091223-c1_F2.pdf](#)

[ATTACHMENT2_384_WirelessOrdinance_D4_redline.pdf](#)

[ATTACHMENT3_PL_WCF_OrdAmend2023_WirelessApplicationDraft_8-29-23.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 9.B
Mtg. Date: 10/17/2023

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: DAVID H. READY

SUBJECT: AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO WIRELESS FACILITIES; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: October 17, 2023

BACKGROUND:

This item was continued by the Planning Commission on August 15, 2023 and September 12, 2023.

At the August 15th meeting, the Planning Commission directed staff to require a conditional use permit (CUP) for Type 3 facilities, which are new small wireless communication facilities ("WCF") on a new or replacement structure.

At the September 12th meeting, the Planning Commission had additional questions about wireless service, existing coverage, and potentially new wireless locations. Staff and the city attorney's office has discussed the issues and staff has reached out to Crown Castle and RHCA about existing coverage. The proposed Ordinance has been further amended.

DISCUSSION:

August 15th Planning Commission Meeting

At the direction of the Planning Commission at the August 15th meeting, the following changes were made to the Ordinance:

- Ordinance No. 384, Section 4:
 - Section 17.27.040
 - A.2 (Permit Requirements): Type 3 was added to subsection 'a' and removed from subsection 'b'.
 - D (Findings for Approval): Type 3 was added to subsection 1 and removed from subsection 2.

September 12th Planning Commission Meeting

At the September 12th Planning Commission meeting, Stephen Garcia representing Crown Castle, provided comments on the need for wireless communication facilities (WCFs). Crown Castle has a right-of-way (ROW) agreement with the Rolling Hills Community Association (RHCA) executed in 2012 and amended in 2013. Crown Castle is working with RHCA to find new locations within the City and has provided a “mock up” facility on Portuguese Bend Road just inside the guard gate to give the community an example of what these facilities could look like.

RHCA Manager Kristen Raig commented on the community’s desire to have better wireless coverage. Kristen provided a letter prior to the meeting requesting the Commission consider a “Type 3A” facility which would be pre-approved by RHCA and subject to the City’s administrative approval.

The Commission asked about its role in approving facilities. Staff explained the Ordinance has not been updated since 2004 and new laws warrant the need for an update. The item was continued to the October 17th meeting.

Revised Ordinance

Following the September 12th meeting, further revisions to the Ordinance were made:

1. Requires CUPs for Type 2, 3 and 4 applications (rather than just 3 & 4 as presented to the Planning Commission on August 15th). This gives the PC review authority over collocations onto existing structures (90 day shot clock), new small cells on new or replacement structures (90 day shot clock) and other facilities (150 day shot clock).
2. Zoning Clearance review by the Director for small cells on existing structures (60 day shot clock) and eligible facilities requests (60 day shot clock).
3. Slight modifications to clarify screening requirements in the design standards.
4. Addition of new location standards:
 - a. Outside the right-of-way (ROW) and roadway easements: No facilities on private residential properties, except for collocations onto existing utility poles.
 - b. Inside ROW and roadway easements:
 - i. Preference to utilize existing poles and structures or replacement of existing structures or poles.
 - ii. No facilities in the front façade of any residential primary building.
 - iii. No facilities within 10 feet of a driveway.
 - iv. Applicants must avoid new poles to the maximum extent technically feasible.

The revised Ordinance is included as Exhibit "A" to the proposed resolution. A redline version is also included to identify recent changes.

Existing Facilities

In March 2023, the Rolling Hills Community Association (RHCA) provided a list of existing Sprint and T-Mobile facilities in Rolling Hills. There are 20 facilities which are managed by Infinigy. The City and RHCA were able to approve upgrades to 15 of the facilities, all of which are located on existing utility poles.

At the September 12th Planning Commission meeting, the Planning Commission asked to see the locations in Rolling Hills managed by Crown Castle. Crown Castle was able to provide a map, which is attached, showing the location of its facilities. There are about 26 Crown Castle facilities in the City with several others just outside the City's borders.

Due to conflicting obligations, Crown Castle is not able to be at the October 17th Planning Commission meeting. As such, they are requesting this item be continued to the November 21st meeting.

ENVIRONMENTAL

The proposed ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ordinance is a "project" within the meaning of State CEQA Guidelines Section 15378, the ordinance is exempt from CEQA on multiple grounds. First, the ordinance is exempt CEQA because the City Council's adoption of the ordinance would be covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the City would have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City would conduct preliminary review under CEQA at that time. Moreover, in the event that the ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

FISCAL IMPACT:

None.

RECOMMENDATION:

1. Open and conduct a public hearing;
2. Find that proposed Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), State CEQA Guidelines Section 15304 (minor alterations to land), or, in the alternative, Sections 15378 and 15061(b)(3); and
3. Adopt Resolution No. 2023-10 (Attachment 1), which recommends that the City Council adopt the proposed Ordinance No. 384 (Exhibit "A" to Attachment 1).

ATTACHMENTS:

[ATTACHMENT1_2023-10_PCRResolution_WCF_Ordinance_101723_F.pdf](#)

[ATTACHMENT2_384_WirelessOrdinance_Updated PC DRAFT 10-17-23-c1_redline.pdf](#)

[ATTACHMENT3_PL_WCF_OrdAmend2023_231002_Email_CrownCastle.pdf](#)

[ATTACHMENT4_PL_WCF_OrdAmend2023_231010_CrownCastlePresentation_2SlidesPerPage.pdf](#)

[ATTACHMENT5_CL_AGN_230912_PC_Item9B_RHCA_PublicComment.pdf](#)
[ATTACHMENT6_CL_AGN_230912_PC_Item9B_RHCA_CellAntennaMockUp.pdf](#)
[ATTACHMENT7_CL_AGN_230912_PC_Item9B_RHCA_CellSurveyResults2023.pdf](#)
[ATTACHMENT8_PL_WCF_230912_PC_StaffReport.pdf](#)

WIRELESS ORDINANCE UPDATE

ROLLING HILLS PLANNING COMMISSION MEETING

Presenter: Bennett A. Givens

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October 19, 2023

Background



- The City can exercise its police power to regulate wireless siting, except to the extent that police power is preempted or limited by federal or state law.
- Currently, the City's main regulations applicable to wireless siting are in Zoning Code Title 17, Chapter 17.27, Section 17.27.040 (wireless communications facilities and antennas).
 - The Wireless Ordinance was last updated in 2004.
- Today's presentation is intended to:
 - (1) Provide context with an overview of applicable federal and state law; and
 - (2) Outline updates to the wireless ordinance since last meeting

BRIEF OVERVIEW

Federal and State Law

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National Policy On Wireless

- **National deployment policy** – no local decision or regulation can prohibit or have the effect of prohibiting the provision of personal wireless service
- **National RF emissions guidelines** – FCC sets the RF emissions safety standards; localities cannot regulate placement based on RF emissions except to ensure applicant has shown it will comply with FCC guidelines
- **Timely action required** – deadlines for action on applications (known as “shot clocks”) between 60 and 150 days and remedies for failure to timely act on applications
- **Written Denials** – must be in writing and based on substantial evidence in the record
- **Non-discrimination** – no unreasonable discrimination among providers of functionally equivalent services
- **Expedited appeals**
- **Some mandatory approvals** – modifications to existing wireless facilities that qualify as Eligible Facilities Requests (EFRs) must be approved and there is a deemed granted remedy for failing to timely act

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The Federal Legal Framework



Telecommunications Act (1996) - 47 U.S.C. § 332(c)(7)

- Applies to all applications for “personal wireless services facilities”
- Generally preserves local authority to control placement of person wireless facilities, subject to substantive and procedural limits

Telecommunications Act - 47 U.S.C. § 253

- Preempts local/state regulations that prohibit or have effect of prohibiting ability of any entity to provide telecom services
- Nondiscriminatory RoW management and compensation protected

Middle Class Tax Relief Act (2012) - 47 U.S.C. § 1455(a) (Sec. 6409)

- Applies to all “wireless” applications (broader)
- Requires approval of certain collocations/modifications to existing sites (“eligible facilities requests”)

FCC Regulations

- Orders, declaratory rulings and regulations interpret federal statutes
- Carry the force of law

2018 Moratoria Ban



August 3, 2018: FCC released *In the Matter of Accelerating Wireless Broadband Deployment By Removing Barriers to Infrastructure Investment*, FCC 18-111, Third Report and Order and Declaratory Ruling, WT Docket No. 17-79

- *De jure* moratoria and *de facto* moratoria on wireless and wireline deployment generally “prohibit or effectively prohibit” provision of telecom services in violation of federal law, and are not saved from preemption as a form of rights-of-way management

2018 Small Cell Order



Sept. 26, 2018: FCC Adopts *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, WT Docket No. 17-79

- Establishes special rules for small wireless facilities (SWFs)
 - Defines “small wireless facility” (SWF) for shot clock purposes
 - Redefines “effective prohibition” (materially inhibit)
 - Sets new 60-day and 90-day shot clocks for action
 - Limits fees and rents that can be charged for use of public right-of-way and municipal infrastructure for placement of small cells to reasonable, cost-based fees, and creates “safe harbors” (permits: \$500, \$1000, and \$270 annual charge for placement on government owned ROW poles)
 - Adopts new standards for limiting aesthetic regulations
- Also holds:
 - All permits/authorizations subject to FCC shot clocks
 - Collocation does not require existing wireless facilities, only an existing structure

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Aesthetics



- Local land use authorities aesthetic requirements (including undergrounding and spacing requirements) are not preempted if:
 - (1) Reasonable,
 - ~~(2) no more burdensome than those applied to other types of infrastructure deployments, and~~
 - ~~(3) objective~~*and published in advance

*Redlines reflect changes in light of Ninth Circuit ruling in Small Cell Order litigation. *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020). Pet. en banc review denied, October 2020.

- Moratoria Order was upheld by Ninth Circuit

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Summary of Wireless Shot Clocks & Deemed Granted Remedies



FCC Category	Applicable Shot Clock	Deemed Granted Remedy
Eligible Facilities Requests (EFR) Must involve modification to existing wireless facility (tower or base station) and meet size and other requirements to qualify as EFR	60 days	Federal
Small Wireless Facility (SWF) Must be personal wireless services facility that meets size and other requirements to qualify as SWF.	Placement on existing structure (need not be existing wireless facility)	60 days
	New	90 days
Collocations Must involve placement of personal wireless services facility (that does not qualify as EFR or SWF) on existing structure which need not have wireless facility already on it	90 days	California
Other Personal wireless services facility that does not fall in any other category	150 days	California
California Category	Applicable Shot Clock	Deemed Granted Remedy
Gov. Code 65850.75 State Generator Law (in effect only until 1/1/2024) Must involve qualifying emergency standby generator for macro cell tower site	60 days	California

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Summary of Notice of Incompleteness Deadlines



Category	NOI Deadlines
<u>Eligible Facilities Requests (EFR)</u>	Initial Submission: 30 days Resubmissions: 10 days
<u>Small Cells (Small Wireless Facility (SWF))</u>	Initial Submission: 10 days* Resubmissions: 10 days *First NOI resets shot clock
<u>Collocations</u>	Initial Submission: 30 days Resubmissions: 10 days
<u>Other</u>	Initial Submission: 30 days Resubmissions: 10 days
<u>CA Emergency Generator (AB 2421)</u>	Initial Submission: 10 days* Resubmissions: 10 days* *All NOIs reset shot clock

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Eligible Facilities Requests (6409)



- **2015 Implementation Order:** FCC order adopting rule is critical to understanding requirements: *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, 29 FCC Rcd. 12865 (Oct. 17, 2014), amended by 30 FCC Rcd. 31 (Jan. 5, 2015).
 - Upheld, *Montgomery County v. FCC* 811 F.3d 121 (4th Cir. 2015)
- **2020 Clarifications Order:** In response to industry petitions FCC adopted “clarifications” to Section 6409 rules. *In the Matter of Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, Declaratory Ruling and Notice of Proposed Rulemaking, Docket 19-205 (June 9, 2020).
- **2020 Expansions Order:** After the rulemaking process, FCC modified rules for towers outside of the public right-of-way. For such towers, a site expansion up to 30 feet in any direction does not constitute a substantial change. *In the Matter of Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, Report and Order, Docket 19-250 (Oct. 27, 2020).

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State Law Limitations (General)



- Deemed Approved Remedy for FCC’s shot clocks, except the EFR shot clock which has a federal deemed granted remedy
 - Note: this state remedy is not available for proposed placements on fire dept. facilities
- Wireless permit may not be less than 10 years (unless “public safety” or “land use” reasons)
- Cannot require escrow deposit for removal of a facility (bonds ok)
- Cannot require all facilities to be located on sites owned by particular parties
- State law recognizes federal authority over RF emissions regulation and prohibits localities from taking into account RF emissions in evaluating proposed wireless facilities, except to the extent authorized by federal law.
- AB 2421 temporarily imposes 60 day shot clock and mandatory approval of qualifying emergency generators at macro cell sites; does not apply to small cells, distributed antenna systems, or rooftop facilities. Sunsets on Jan. 1, 2024.

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State Law Limitations (Wireless in ROW)



Concerning ROW placements:

- **Cal. Pub. Util. Code § 7901** –Telephone corporations including wireless companies have a to construct facilities along and upon any public road or highway. . . in such manner and at such points as not to “incommode the public use of the road or highway”
 - *T-Mobile W., LLC v. City & Cnty. of. San Francisco (2019)* – Discretionary review considering aesthetics ok’d under state law by California Supreme Court
- **Cal. Pub. Util. Code § 7901.1** – Power to reasonably regulate “time, place, and manner” in which roads are accessed. Must be applied to all entities in an “equivalent” manner.
- **Cal Pub. Util. Code § 2902** – regulate use and repair of public streets, location of poles, wires, mains, or conduits of any public utility, on, under, or above any public streets (to the extent not preempted by CPUC regulation)
- **CPUC** regulates safety of electric and communications utility infrastructure in ROW, eg. General Order 95

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RF Emissions – FCC Authority



- Telecommunications Act of 1996, Pub. L. No. 104-104, § 704(b), 101 Stat. 56, 152 (directing FCC to “prescribe and make effective rules regarding the environmental effects of radio frequency emissions”)
- 47 USC §332(c)(7)(B)(iv):

“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

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RF Emissions and ADA/FHA



ADA and FHA Claims

Wolf v. City of Millbrae, 2021 WL 3727072 (N.D. Cal)

- Plaintiff claimed that RF emissions from a cell tower above his housing complex caused him to suffer from "electromagnetic hypersensitivity" (EHS), and requested that City order accommodations be made under the ADA and FHA by either turning the tower off or requiring the company to relocate the tower site
- Court held that Plaintiff's claims against the City for violation of the ADA and FHA were unreasonable because his requests would require the City to violate § 332(c)(7)(B)(iv).
 - Court found that "it would be improper under the ADA to subject a defendant to the threat of litigation for the purpose of accommodating a plaintiff under the ADA."
 - Court applied the same reasoning for Plaintiff's FHA claim—"granting Plaintiff's accommodation request would require the City to regulate RF emissions in violation of the TCA and its implementing regulations. This accommodation would require the City to face liability for violating federal law and is thus not reasonable."

Limitations on Fees under State Law



- Proposition 26 – Voter Approval Required for Tax (New Def of Tax)
- Mitigation Fee Act
 - Government Code section 66014 governs permitting fees ("fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged . . .")
- CA Telecommunications Infrastructure Act
 - Government Code Section 50030 - Cost Based Fees Only)
- Public Utilities Code section 7901:
 - No charge use of ROW by telephone and wireless companies

Wireless Ordinance

Updates

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Draft Ordinance

- Establishes three permit types for wireless facilities: (CUP, Zone Clearance and Temporary Use Permit)
 - Includes Exemption for Amateur Radio and Satellite Dishes (OTARDs)
- Flexible Application Form Requirements
- New Wireless-Specific Findings for Approval
- Imposes New Design, Location and Development Standards
- Creates Standard Conditions of Approval (For Deemed Approved)
- Creates Exception Process for Design, Location and Development Standards

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Permit Processes



- Current 2004 Code requires CUPs for all wireless facilities:
- First Draft of Wireless Ordinance Update:
 - CUP for Type 4 (150 day shot clock)
 - Zone Clearance for Types 1 (SWF Collocation – 60 day), 2 (Collocation on existing structure – 90 day), 3 (SWF on new or replacement structure – 90 day), and 5 (EFRs – 60 days)
- Revised Draft of Wireless Ordinance Update:
 - CUP for Type 2 (Collocation on existing structure – 90 day), 3 (SWF on new or replacement structure – 90 day), and 4 (150 day shot clock)
 - Zone Clearance for Type 1 (SWF Collocation – 60 day), and 5 (EFRs – 60 days)

New location standards



- Outside ROW: No facilities on private residential properties, except for collocations onto existing utility poles.
- Inside ROW:
 - Preference to utilize existing poles and structures or replacement of existing structures or poles
 - No facilities in the front façade of any residential primary building.
 - No facilities within 10 feet of a driveway.
 - Applicants must avoid new poles to the maximum extent technically feasible.

Thank you.

Questions?

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Rolling Hills Community Association
of Rancho Palos Verdes
NO. 1 PORTUGUESE BEND RD. • ROLLING HILLS, CALIF. 90274

(310) 544-6222

ROLLING HILLS



CALIFORNIA

(310) 544-6766 FAX

November 21, 2023

Rolling Hills Planning Commission
2 Portuguese Bend Road
Rolling Hills, CA 90274

RE: Ordinance Amending the Municipal Code Relating to Wireless Facilities in Rolling Hills

Honorable Commissioners:

The Board of the Rolling Hills Community Association would like the Planning Commission to consider the RHCA's previous request to amend the proposed changes to the municipal code to include in the modifications to section 17.27.040, Section A. 1. "Application Types".

The RHCA Board is requesting that the Commission add an additional sub-type to Type 3 – New small wireless facility on a new or replacement structure. This is suggested as "Type 3A" with the following definition:

A "Type 3A" Application Small Wireless Facility would be one of a standardized design pre-approved by the RHCA Board of Directors and location also approved by the RHCA Board of Directors, including the prototype design installed as a mock up in the community in May 2023.

RHCA is also asking that Type 3A application to be one of the types not subject to a Conditional Use Permit.

We understand that the Commissioners may have some reservations because they have not seen the RHCA's draft guidelines for approval of new cell facilities in RHCA easements, a copy of the RHCA's draft Guidelines are included with this letter. The Guidelines are currently in draft form and under review by the Board and will be discussed at an open board meeting in the next few weeks. The Board felt it was important to share this draft with the Planning Commission at this time.

Thank you for your consideration and your time on this important community matter.

Kristen Raig, Manager, on behalf of the RHCA Board of Directors

Enclosure



[DRAFT] POLICY REGARDING DESIGN AND PLACEMENT OF CELL SITES ON EASEMENTS

I. PURPOSE

A. **Policy Basis.** The Board of Directors of the Rolling Hills Community Association (RHCA) conducted a community-wide survey of its residents and determined by overwhelming consensus that wireless services in RHCA are materially deficient.¹ Over 74% of the respondents found that access to E-911 emergency services were inadequate along roadways in RHCA and more than 92% of the respondents agreed for the need to improve cell services. The Board received multiple reports of residents unable to reach E-911 in emergencies due to the lack of adequate wireless services in the community. The Board finds that the lack of adequate wireless services in the community requires action to protect residents and visitors.

B. **Policy Purpose.** The Purpose of this Policy is to create design and installation guidelines (Guidelines) for small cell wireless sites in the community. To that end, a full-sized mock-up was installed in the community and reviewed by residents. That mock-up was evaluated by nearly 200 residents with a design acceptance of approximately 90%.²

II. PROCEDURES

A. **Guidelines.** It is the intention of the RHCA Board to develop and adopt guidelines to inform the cell service providers, their agents and association members of the parameters and principles the Board will use as a basis for review and approval of proposed cell site design and locations and improvements to the existing network located in the Association's easements.

The Board values and seeks to preserve the overall rural aesthetic of the community and use of the community's easements while balancing the community's need for a reliable communication network.

The Board also recognizes individual owner's enjoyment and aesthetics of their properties and also takes this into consideration when considering an application for new cell facilities.

Prior to adoption of Guidelines for new cell sites, RHCA members shall be invited to provide comments in connection with the consideration and adoption of the Guidelines. The Guidelines shall provide for an application process to disclose the proposed location of cell sites and their design. An application fee paid by the cell provider shall cover the cost of each application.

B. **Procedures.** The Manager, upon determining that proposed facilities are consistent with designs approved by the Board, shall work with the cell provider as to the location of the

¹ "Rolling Hills Community Association- Public Participation Survey About Cellular Services" conducted from January 4-January 16, 2023.

² "Rolling Hills Community Association Public Participation Survey About Small Cell Design" conducted from August 8-September 1, 2023.

facility. The goal shall be to facilitate the placement of small cells on joint property lines and other locations and to reasonably avoid placement of cells adjacent to the front center of residences. Applicants shall demonstrate that their proposed facilities comply with Federal Communications Commission radio frequency guidelines.³

C. Member Comments. The Manager shall present proposed cell sites to the Board at a regularly scheduled and published meeting to allow RHCA members to provide comments to in connection with such reviews. The Board shall have the final authority over the placement of wireless facilities, balancing the needs of the community and individual members who might be impacted by their placement.

D. Annual Review. The Guidelines shall be further reviewed by the Board at least once every calendar year and each time changes to the Guidelines and/or fees are recommended by the Manager. RHCA members shall be given notice in advance of each such review and invited to provide comments to the Board.

Policy ____ adopted _____, 2023

³ 47 C.F.R. § 1.1307 et seq. guidelines for Uncontrolled/General Population.



THE CITY OF ROLLING HILLS WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Section 1 – General Project Information for All Applicants:

Applicant/Proposed Operator of Wireless Facility

Name: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____
E-mail: _____

Applicant's Authorized Representative:

Name: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____
E-mail: _____

Site Location and Description

Project Location/Address: _____
Project Name: _____
Zoning Description: _____
Current Use: _____

For Parcels:

Block: _____
Lot(s): _____
Assessor Parcel No(s): _____

For Rolling Hills Community Association Private Right-of-Way:

Pole Coordinates: _____
Pole Number (if applicable): _____

Type of Proposed Facility (Check One)

- ☐ Type 1 – Collocation of a small wireless facility on an existing structure
☐ Type 2 – Collocation on an existing structure which does not qualify as a Type 1 small wireless facility collocation or a Type 5 eligible facilities request
☐ Type 3 – New small wireless facility on a new or replacement structure
☐ Type 4 – New tower or any other wireless facility that is not a Type 1, 2, 3, 5 or 6 application
☐ Type 5 – Eligible facilities requests
☐ Type 6 – Temporary facilities
☐ Section 17.27.040(H) – Request for Limited Exceptions for Personal Wireless Service Facilities



THE CITY OF ROLLING HILLS WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

Primary Wireless Facility Provider that will use this wireless communication facility:

Company Name: _____
Name: _____
Email: _____
Phone No.: _____

Secondary Wireless Facility Provider that will use this wireless communication facility (if applicable):

Company Name: _____
Name: _____
Email: _____
Phone No.: _____

Proof of Payment of Required Fees. At the time of submittal of any wireless facility application, the Applicant must pay to the City any requires fees. If the applicant has questions regarding the applicable fees, please contact the City's Planning and Community Services Department.

Other Permits and Authorizations Required:

Below, please either sign the acknowledgment OR identify other permits and/or authorizations which will be needed for this proposed facility:

☐ By signing below, the applicant hereby agrees that, should this application be granted, or granted subject to conditions, the FCC shot clock applicable to this application does not apply to any other permits, regulatory authorizations or agreements needed from the City, and that no work may be undertaken on the applied-for personal wireless services facility until all such permits, regulatory authorizations and agreements required from the City have been applied for and obtained.

Agreed: _____

--OR--

☐ Identify any and all additional permits, regulatory authorizations and agreements you contend the City must issue (absent agreement) within the time period that the City must take action on this application under the applicable FCC shot clock. It is the applicant's responsibility to review the Rolling Hills Municipal Code and to identify all additional permits, regulatory authorizations and agreements that will be needed from the City. The applicant's failure to identify and list any permits, regulatory authorizations or agreements required from the City below will be deemed a waiver of any claim by the applicant that the City was required to act on any of those permits, regulatory authorizations or agreements not so identified within the FCC shot clock applicable to this application.

☐ For each of the permits, authorizations or agreements you identify below, if you have the required authorization, attach and mark a copy as "Attachment – Other Permits and Authorizations." If you do not have the required authorization, indicate whether you have applied for it or not, and either submit the application and all fees or submit proof of previous submittal and previous payment of all such fees, as applicable.



THE CITY OF ROLLING HILLS WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Section 2 – General Application Requirements for All Wireless Communication Facility Types:

All applications for a wireless communication facility or modification including Eligible Facilities Requests (EFRs) shall include the following, except where noted:

- ☐ **2.1 Cover Sheet.** A complete cover sheet must include at a minimum:
 - ☐ a detailed project description that specifies the proposed installation and/or modifications. If the application is for a Small Cell Wireless Facility or an Eligible Facilities Request, explain how the proposed wireless communication facility meets the definition of Small Cell Wireless Facility or an Eligible Facilities Request;
 - ☐ site information that includes the site address, assessor's parcel number, block, lot(s), site latitude and longitude, zoning description, pole number (if applicable), site map, and project team contact information.
- ☐ **2.2 Survey & Site Development Plan.** Only a California Registered Civil Engineer or licensed surveyor may prepare the survey and site development plan. A complete survey and site development plan must include:
 - ☐ a north arrow, date, scale and legend;
 - ☐ plan-view drawings, which include:
 - ☐ the entire property or right-of-way block with the proposed project improvements;
 - ☐ detailed before-and-after views of the 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;
 - ☐ detailed before-and-after views for each antenna sector;
 - ☐ detailed before-and-after views for any equipment pads, shelters, enclosures, rooms, vaults and/or platforms;
 - ☐ all existing and proposed equipment (including the point of origin and point of connection for all power and telco utilities) with all dimensions, labels and ownership identifications clearly called out;
 - ☐ boundaries for all areas leased/licensed in connection with the wireless site with all dimensions clearly shown and called out;
 - ☐ boundaries for all easements, encroachments and/or other rights-of-way for access and utilities in connection with the wireless site with all dimensions clearly shown and called out;
 - ☐ all existing and proposed primary and backup utilities, including without limitation all cables, connectors, risers, conduits, cable shrouds, trays, bridges and/or doghouses, transformers,



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disconnect switches, panels, meters, pedestals, cabinets, vaults, handholes, generators and/or generator sockets;

- ☐ detailed before-and-after elevation drawings from all four cardinal directions, which include:
- ☐ detailed before-and-after depictions of the 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;
- ☐ all existing and proposed equipment with all dimensions, labels and ownership identifications clearly called out;
- ☐ for projects in the Rolling Hills Community Association private street easement, all existing and proposed fiber optic cables, conduits, risers, guy wires, anchors, primary and secondary power lines clearly called out;
- ☐ callouts and notes for any proposed new or extended concealment elements;
- ☐ depictions of the applicant's plan for electric and data backhaul utilities, which includes the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches and points of connection;
- ☐ a demonstration 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.
- ☐ (*not required for EFRs*) all structures or improvements within 100 feet in all directions of the proposed wireless communication facility, including:
 - ☐ property boundaries with all bearings, distances, monuments, iron rods, caps or other markers clearly shown and called out;
 - ☐ location of all traffic lanes;
 - ☐ location of all fire hydrants, roadside call boxes and other public safety infrastructure;
 - ☐ location of all streetlights, decorative poles, traffic signals and permanent signage, sidewalks, driveways, parkways, curbs, gutters and storm drains, benches, trash cans, mailboxes, kiosks and other street furniture;
 - ☐ location of all existing trees, planters and other landscaping features, including any trees at least 4 inches in diameter at a point approximately 4.5 feet above ground;
- ☐ (*not required for EFRs*) all residential dwelling units and or any historical structures within 300 feet in all directions in all directions of the proposed wireless communication facility;
 - ☐ approximate topographical contour lines with elevations called out;
 - ☐ wet stamp and wet signature from preparer;
 - ☐ general specifications and notes identifying the applicable public health and safety codes and standards.

- ☐ **2.3 Equipment Inventory.** All equipment must be inventoried with the following information for each component in a separate cut sheet:

- ☐ manufacturer and model number;
- ☐ basic dimensions (height, width, length and weight).



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- ☐ 2.4 Approval of Rolling Hills Community Association. All proposed new wireless facilities and modifications to existing wireless facilities within the City may require review and approval by the Rolling Hills Community Association. All applicants shall provide documentation demonstrating that the applicant has received approval of the proposed new wireless facility or proposed modification to an existing wireless facility by the Rolling Hills Community Association. If not applicable, check this box ☐
- ☐ 2.5 Fiber Network Plan. To the extent that the project requires running new fiber optic cables to the proposed wireless facility, the plans must include a street map view that shows all the proposed wireless communication facilities in the deployment, clearly labeled with pole number and/or site ID, the hub or base station that serves the wireless communication facilities in the deployment, all fiber optic cable routes that connect the wireless communication facilities to the hub, and a legend that identifies any symbols, colors or other items on the map. The fiber plans should clearly identify all meet-me points and points of connection. Even if the fiber deployment will be performed by a third-party vendor, the applicant for wireless communication facilities must disclose all known or reasonably foreseeable fiber network elements.
- ☐ 2.6 Fire Safety. All proposed facility plans must include, describe and depict that the facility meets all applicable fire safety and electrical codes and standards.
- ☐ 2.7 Electrical and Structural Safety Information. The following engineering documents prepared under the responsible charge of and sealed by a California licensed Professional Engineer:
- ☐ A short circuit and coordination study ("SCCS") calculated pursuant to the IEEE 551-2006: Recommended Practice for Calculating AC Short-Circuit Currents in Industrial and Commercial Power Systems or the latest version of that standard. The study must demonstrate the protection devices will ensure the equipment enclosure will not be breached. The SCCS must include analysis of Voltage Transient Surges due to contact of conductors of different voltages;
 - ☐ A one-line diagram of the electrical system;
 - ☐ Voltage Drop & Load Flow Study;
 - ☐ Load Calculation;
 - ☐ Panel Directories;
 - ☐ A plot plan showing the location of the mounting structure including address, or structure designation, or GPS location on the front sheet;
 - ☐ A plot plan showing the location of the service disconnecting means;
 - ☐ An elevation drawing of the equipment and the service disconnecting means
- ☐ 2.8 Structure or Pole Owner Authorization. If the applicant does not own the structure or pole, provide a written authorization executed by the property owner(s) that authorizes the applicant to file the application and perform the work to the extent described in the application. For facilities on utility poles, the applicant may submit the standard authorization form the pole owner or joint utility association uses to demonstrate that the applicant has the authority to perform the installation or modification. For facilities on any structure owned or controlled by the City located within the private Rolling Hills Community Association rights-of-way, the applicant must submit a copy of the executed license agreement with the written authorization from the City to demonstrate that the applicant has the authority to perform the installation or modification. If not applicable, check this box. ☐



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- ☐ 2.9 Manufacturing Specifications for Noise Generating Equipment. All manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, including the equipment decibel ratings for both maintenance cycling and continual operation modes. If the manufacturer's specifications or other information suggest that noise generated by the proposed wireless communication facility would exceed applicable noise standards of the City, provide a noise study or study prepared and certified by an engineer (or other qualified personnel acceptable to the City) confirming compliance with applicable standards and/or demonstrating the maximum noise output for the wireless communication facility. If an applicant has prepared and submitted a noise study for a specific wireless communication facility design, a subsequent noise study is not required for the exact same design (inclusive of all components and technical features).
- ☐ 2.10 Site Photographs, Photo Simulations. Provide site photos and photo simulations that would allow the City to visualize the applicant's proposed project as constructed. The photo simulations must be in a high-resolution format and show the proposed facility from reasonable line-of-sight locations that would accurately and reliably reflect the appearance of the proposed facility and/or modifications as-built. Except as otherwise provided, photo simulations must contain all the following:
 - ☐ 2.11.1 Current Site Photos. Current site photos must include:
 - ☐ photos of the existing site from at least three different reasonable line-of-sight locations from public streets or other publicly available areas. These should show perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a "clear line of sight" between the tower location and their location. Applicant should also attempt to get permission from adjacent property owners to take photos that can be used to show potential impacts to their views. If unable to obtain permission to photograph from adjacent properties, applicant shall include a written statement identifying the properties for which consent was requested and not obtained;
 - ☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location.
 - ☐ 2.11.2 Photo Simulations. Photo simulations must include:
 - ☐ an accurate and reliable visual representation of the proposed facility from the same reasonable line-of-sight locations used in the current site photos and must include without limitation all interconnecting cables, conduits, brackets, and electronic equipment such as antennas, radio units and powering equipment;
 - ☐ at least one photo simulation depicting the proposed facility from a vantage point approximately 50 feet from the proposed support structure or location;
 - ☐ at least one photo simulation that demonstrates the impact of the proposed modification on the all the concealment elements, if any, of the support structure. Concealment elements include



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but are not limited to screen walls, architectural elements, radomes, landscape features, equipment enclosures and designs and/or techniques intended to mimic the natural or built environment;

☐ a map detail showing each location where a photograph was taken, the proposed site and the direction to the site from each photo location.

☐ 2.12 FCC Licenses. If the applicant proposes to operate in FCC-licensed spectrum, provide proof of licenses for all planned operating bands in the applicable geographic market(s). Alternatively, the applicant may provide a URL address or written instructions on where to find such licenses in publicly available FCC resources.

☐ 2.13 FAA Forms. If the proposed wireless facility requires the applicant to file FAA form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq., or under other FCC rules, provide such documentation.

If not applicable, check this box ☐

☐ 2.14 State Regulatory Authorization. For facilities proposed in the private Rolling Hills Community Association rights-of-way, the applicant must submit evidence of the applicant's regulatory status under California law to provide the services and construct the facility proposed in the application. Applicants may provide a URL address or written instructions on where to find the regulatory status (e.g., CPCN or WIR) in publicly available resources.

If not applicable, check this box ☐

☐ 2.15 Underground Service Alert Membership. Provide evidence that the applicant is a member in good standing with the Underground Service Alert of Southern California (DigAlert).

☐ 2.16 Health and Safety Compliance. Provide a description of and documentation demonstrating that the proposed wireless communication facility will comply with generally-applicable health and safety standards of the Rolling Hills Municipal Code, City regulations and standards, and state and federal laws and regulations as may be applicable.

☐ 2.17 Radio Frequency Emissions Exposure Compliance Report. Provide a radio frequency ("RF") emissions exposure compliance report prepared and certified by an engineer that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF compliance report must include:

☐ the actual frequency and power levels (in watts effective radiated power, not effective isotropic radiated power) for all existing and proposed antennas at the site;

Include exhibits that show:

☐ the location and orientation (degree azimuths) of all transmitting antennas;



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☐ the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC);

☐ the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC);

Note: Each such boundary must be clearly marked and identified for every transmitting antenna at the project site.

☐ an affirmation that the proposed installation will be operated in compliance with 47 U.S.C. § 324.

☐ 2.18 Structural Analysis. Provide a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole, support structure or base station has the structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in the most current versions of the CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, the California Building Code and any safety and construction standards required by all state and local regulations.

☐ 2.19 Hazard Assessment. A full assessment of the hazards posed by the proposed facility in the event of failure due to flood, high wind, high heat, outage, lightning strike or fire must be conducted that includes the presence of nearby vegetation and structures at applicant's cost. All materials in the proposed facility must be disclosed, including hazardous materials in any and all equipment. The assessment must identify if any tree removal or tree trimming is required or necessary in order to reduce fire hazard.

☐ 2.20 CEQA Documentation. Provide an environmental impact assessment to determine whether the proposed project is categorically exempt under Article 19 of the CEQA Guidelines, or whether the proposed project will require a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report. If a request has been made to the CPUC for a CEQA determination for the proposed project (for example, under the CPUC's 21-day expedited review process in Decision 21-04-006), provide a copy of that submittal and any CPUC staff determination.

☐ 2.21 NEPA/NHPA Documentation. Provide confirmation that an environmental assessment, or other application determination, has been completed by or on behalf of the FCC for any facility proposed in a location identified in 47 C.F.R. 1.307 (including a floodplain) or as otherwise required by National Environmental Policy Act or the National Historic Preservation Act.

☐ 2.22 Collocation Acceptance. Provide a letter to the City Manager stating the applicant's willingness to allow other carriers to co-locate on its facilities wherever feasible or a written explanation why the subject facility is not a candidate for co-location.

☐ 2.23 Coverage Map. Provide a narrative and map that discloses the exact location and nature of any and all existing facilities that are owned (including publicly owned structures), operated or used by the applicant and located within five miles from the geographic borders of the City.



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Section 3 – Design and Location Information (not required for Eligible Facilities Requests)

☐ 3.1 Compliance with Design Standards. Describe how the application adheres to and is designed consistent with the Design Standards, as outlined in Section 17.27.040. All applicants shall, to the extent feasible, design a wireless communication facility to be a Stealth Facility. Include at least the following information:

☐ 3.1.2 Design Requirements. Does the proposed wireless communication facility comply with all design requirements in Section 17.27.040?

☐ Yes

☐ No

☐ If the answer above is no, identify all items of non-compliance and identify the basis for making an exception request pursuant to Section 17.27.040(H) for each item listed. The information must include at a minimum:

☐ a map identifying the search area used to identify the proposed location

☐ a minimum of two alternative designs

☐ the information required to demonstrate the type of exception requested pursuant to Section 17.27.040(H) (e.g. effective prohibition claim, violation of applicable law claim, technical infeasibility claim, minor non-compliance claim)

☐ 3.2 Compliance with Location Standards & Alternative Site Analysis. Describe how the application adheres to and is designed consistent with the Location Standards, as outlined in Section 17.27.040. Provide an analysis supporting the applicant's assertion that no alternative sites are available technically feasible to provide commercially adequate signal propagation in the target service area. The City may require independent verification of this analysis at the applicant's expense.

Section 4 – Supplemental Application Requirements for Eligible Facilities Requests Only:

☐ 4.1 Qualification as Eligible Facilities Request (EFR). Provide a detailed description of the proposed project and how it qualifies as an Eligible Facilities Request. The project description must address all of the following items as applicable to the proposed project:

☐ For existing towers outside the private Rolling Hills Community Association rights-of-way:

☐ The overall height of the existing tower will increase by _____ (must be less than 10% or the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet (whichever is greater)).

☐ Any added appurtenance to the body of the existing tower will protrude from the edge of the tower by _____ (must be not exceed 20 feet or the width of the tower at the level of the appurtenance (whichever is greater)).

☐ The number of equipment cabinets for the technology involved is _____ (must not exceed the standard number of new equipment cabinets for the technology involved or exceed 4 cabinets).

☐ Excavation or deployment is within the current boundaries of the leased or owned property surrounding the existing tower or is outside the current boundaries by no more than 30 feet in any



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direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.

☐ For existing towers in the private Rolling Hills Community Association rights-of-way and for all existing base stations:

- ☐ The overall height will increase by _____ (must not exceed 10% or 10 feet (whichever is greater)).
- ☐ Any added appurtenance to the body of the base station will protrude from the edge of that structure by _____ (must be less than 6 feet).
- ☐ Any ground cabinets to be installed are _____ in size (must not exceed 10% larger in height or overall volume than any other ground cabinets associated with the base station).
- ☐ There will be _____ new equipment cabinets installed on the ground (if there is no pre-existing ground cabinet associated with the base station, no new equipment cabinets may be installed on the ground). Provide cabinet dimensions on plans.
- ☐ There is no excavation or deployment outside the current site.

☐ For all EFR applications:

- ☐ The modification does not defeat the preexisting concealment elements of the eligible support structure.
- ☐ The proposed modification does not violate a prior condition of approval, provided however that it need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the permitted thresholds for a non-substantial change described above.

NOTE: The thresholds for height increases are cumulative limits.

- ☐ 4.2 Prior Regulatory Authorizations and Approvals. Provide true and correct copies of all permits and/or other regulatory approvals issued by the City (or other local public agency with jurisdiction over the subject wireless tower or base station) in connection with the initial construction or installation and any subsequent collocations, modifications or permit renewals of the subject wireless tower or base station. Alternatively, the applicant may submit a written justification that sets forth reasons why prior permits or other regulatory approvals were not required for the wireless tower or base station at the time it was constructed or modified.

Section 5 – Requests for Limited Exceptions for Personal Wireless Service Facilities Pursuant to Section 17.27.040(H):

- ☐ 5.1 The applicable review authority may grant waivers of the design and location standards for wireless communications facilities subject to Section 17.27.040, if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:
- a. Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or
 - b. Otherwise violate applicable laws or regulations; or



THE CITY OF ROLLING HILLS WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

c. Require a technically infeasible location, design or installation of a wireless facility.

5.2. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design or installation.

☐ 5.3 Exceptions must be requested at the time an application is initially submitted for a permit. The request must include both the specific provision(s) from which exception is sought and the basis of the request, including all supporting evidence on which the applicant relies. A request for exception from one or more requirements does not relieve the applicant from compliance with all other applicable requirements.

Section 6 – Applicant Certification

By signing and submitting this application, the applicant agrees to the following:

1. At its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Los Angeles, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

2. That all materials submitted as part of this application package are considered to be public information, may be posted on the internet, distributed to the necessary Committees, Commissions and Board of Commissioners as part of the approval process, and reviewed by the public.

3. To comply with all City regulations and State laws relating to building construction for any and all aspects of the project proposed in this application and authorizes representatives of the City and Advisory Agencies to enter the above mentioned property at reasonable times for inspection purposes related to the project for which this application is submitted.

4. The City's review relies on the written and/or oral statements by applicant and/or persons authorized to act on applicant's behalf. In any matter before the City in connection with the application, neither the applicant nor any person authorized to act on applicant's behalf shall, in any written or oral statement, intentionally provide material factual information that is incorrect or misleading or intentionally omit any material information necessary to prevent any material factual statement from being incorrect or misleading.



THE CITY OF ROLLING HILLS WIRELESS FACILITY APPLICATION AND SUBMITTAL CHECKLIST

I declare under penalty of perjury that I am the owner or authorized agent for this property and that the foregoing statements and answers and all data information, documents and evidence herewith submitted are to the best of my knowledge and belief, true and correct.

Applicant's Signature/Authorized Representative's Signature

Printed Name

Date

Printed Name: _____

Title: _____

Signature: _____

Phone Number: _____

Date: _____

The City of Rolling Hills reserves the right to rescind any approval made under Section 6409(a) or the Spectrum Act should any portion of Section 6409(a) or the Spectrum Act, or the FCC's interpretation thereof, be deemed unconstitutional by a court of law"



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 12.A
Mtg. Date: 12/14/2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES

SUBJECT: RECEIVE AND FILE AN UPDATE FROM SITELOGIQ REGARDING THE BATTERY ENERGY STORAGE AND SOLAR PHOTOVOLTAIC PROJECT FOR THE CITY HALL CAMPUS BACK-UP POWER / RESILIENCY AND TIMELINE TOWARDS A PUBLIC HEARING

DATE: December 14, 2023

BACKGROUND:

A diesel back-up power generator served the City Hall campus for many years, but the unit became inoperable in 2019. In late 2020, the City Council commissioned professional expertise to offer options for providing reliable back-up power to the City Hall campus, including the Rolling Hills Community Association (RHCA) building and operations.

Between October 2020 and March 2023, the City Council reviewed options provided by a professional architectural and engineering team working on the City Hall ADA project. In 2021, the architectural and engineering team provided a solar panel and battery back-up solution with estimated installation costs, based on the following requirements, to be approximately \$250,000:

- Current City Hall campus demand based on electric bills for 2020/2021
- Supply 24 hours of backup power
- 16 kWh battery backup
- 75 kW Solar Photovoltaic system

The City Council subsequently assigned further exploration to the RHCA. After some time, the RHCA requested city staff take back ownership of a project, whereupon City staff brought it to the City Council. On March 27, 2023, the City Council directed staff to explore the solar/battery back-up power option. With this direction, city staff could approach the project conventionally by preparing an engineering design and advertising for construction bids or considering other alternatives as presented to the former City Manager.

On April 24, 2023, at the invitation of the former City Manager, SiteLogIQ, an energy solutions

company, presented an alternate approach to delivering the solar/battery backup power solution to the City Council. SitelogIQ is a licensed General Contractor delivering energy infrastructure programs for State and local governments. SitelogIQ discussed available funds from the Federal government, including the Inflation Reduction Act (IRA) that could offset local government expenditures on energy projects. Such projects involve the installation or modification of improvements to an energy-efficient or renewable energy system.

Via the IRA, the Federal government allows the city to obtain a federal tax credit in the form of a direct payment (i.e., rebate) for energy storage (battery), electrical infrastructure, solar, and microgrid controllers. The rebate could be as high as 30% of the project cost, provided the project is completed within a specific timeframe.

In the previous four years, City staff had many successes securing grant funds or other fund sources to offset the use of the General Fund for city projects. To move forward and execute a backup power project, the City Council was presented with two options: 1) to set aside a projected budget surplus or 2) use savings from the General Fund Reserves. In the SitelogIQ approach, the City could potentially save on design engineering costs by solely sourcing the project to SitelogIQ, thereby offsetting General Fund expenditures with SitelogIQ assisting the City in utilizing the Federal government's IRA rebate.

In May 2023, SitelogIQ provided City staff with a Letter of Agreement (LOA) for consideration. The LOA outlined SitelogIQ's scope of services to develop an energy project that satisfies the city's requirements for a design/engineering cost of \$28,500. If the city ultimately chooses to enter into a contract with SitelogIQ for project implementation within 60 days after receiving a formal presentation of the proposed project, SitelogIQ's design and engineering fee would be waived. Beyond the aforementioned 60 days, the fee paid would be credited toward the project's total implementation cost.

Per SitelogIQ, the California Government Code 4217.10 provides the ability for public agencies to sole source the project delivery to SitelogIQ as long as the requirements of the code section are met.

Given the past year's staff vacancies, the lack of technical expertise on energy projects, the current workload to deliver the CalOES/FEMA Hazard Mitigation Program grants, and the possibility to offset General Fund expenditures for the backup power project, staff recommended at the June 12, 2023 City Council meeting, the City Council accepted staff's recommendation and directed staff to engage the services of SitelogIQ.

On June 26, 2023, the City Council approved a Professional Services Agreement with SitelogIQ.

DISCUSSION:

On April 24, 2023, City staff and SitelogIQ provided a preliminary presentation to the Council on the battery energy storage and solar photovoltaic project. The Council approved SitelogIQ to work with staff under a Professional Services Agreement towards the development of a comprehensive project.

Over the summer and fall of 2023, SitelogIQ conducted an initial site walk to determine the scope and scale of the program. Their work has included the following:

- Compiled utility tariff and reviewed historical utility usage/bill analysis for the City Hall campus / tennis courts;
- Modeled future use and operation of a distributed energy resource composed of solar photovoltaic and battery energy storage and performance using industry-leading software platform, Energy Toolbase;
- Evaluated/selected products and equipment. The electrical load and service voltage limited SiteLogIQ to four primary products/manufacturers. These were benchmarked against each other, with the selected product meeting the following criteria: cost, efficiency, and application;
- Hosted contractors on-site to walk through the scope and existing conditions. Validated equipment, material quotes, and labor bids;
- Developed cashflow and identified funding pathways;
- Met with City staff to review preliminary project scope;
- Conducted internal review to identify risks and challenges;
- Reviewed the application process for the IRA and calculated the “elective pay” tax incentive based on total eligible costs

SiteLogIQ's project team has developed a comprehensive scope of work around resiliency that provides a turn-key design-build solution to the City. They compiled a 20-year program cash flow incorporating ongoing maintenance and operations that was reviewed by the former Interim City Manager and current City Manager / staff.

Attached are an updated presentation and proformas. Included are a utility summary and two program financial options:

- Option 1 – Cash deal for the entire scope of work
- Option 2 (No EV) – Cash deal for a scope of work without EV Charging

SiteLogIQ is also exploring a Power Purchase Agreement (PPA) for the entire project. If that exploration provides a positive option for consideration, SiteLogIQ will provide those numbers to the Council at a future Public Hearing.

If the City Council chooses to continue moving forward, staff will bring this item to the Planning Commission on December 19, 2023 and at a Rolling Hills Community Association Board meeting in late December or January.

FISCAL IMPACT:

The total fiscal impact of the project would be \$685,000. At the June 12, 2023 City Council meeting, the FY 2023-2024 budget was approved, including an allocation of \$250,000 to the City Hall campus back-up power project. SiteLogIQ's proforma assumes rebates of up to \$213,836. This would leave the unfunded portion of the potential project at \$221,164.

RECOMMENDATION:

Receive and file, provide direction to staff and SiteLogIQ to bring the project presentation to the Planning Commission and RHCA Board before returning for a formal Public Hearing with the City Council.

ATTACHMENTS:

[CL_AGN_231214_CC_SiteLogIQ_SolarBattery_Presentation.pdf](#)

City of Rolling Hills

Resiliency & Energy Interdependency





PROGRAM OBJECTIVES

SCOPE OF WORK

UTILITY SUMMARY

PROGRAM FINANCIALS – OPTION 1

PROGRAM FINANCIALS – OPTION 2 (NO EV)

PATHWAY TO IMPLEMENTATION

AGENDA

PROGRAM OBJECTIVES

- ❑ Safety: Back-up power, battery energy storage
- ❑ Resiliency: Withstand & rapidly recover from power outages
- ❑ Invest: Renewable Power
- ❑ Budget: Reduce SCE utility cost
- ❑ Future: EV Charging Network
- ❑ Community Awareness: Complement on-going initiatives
- ❑ Public Leadership: Ribbon cutting ceremony & awards



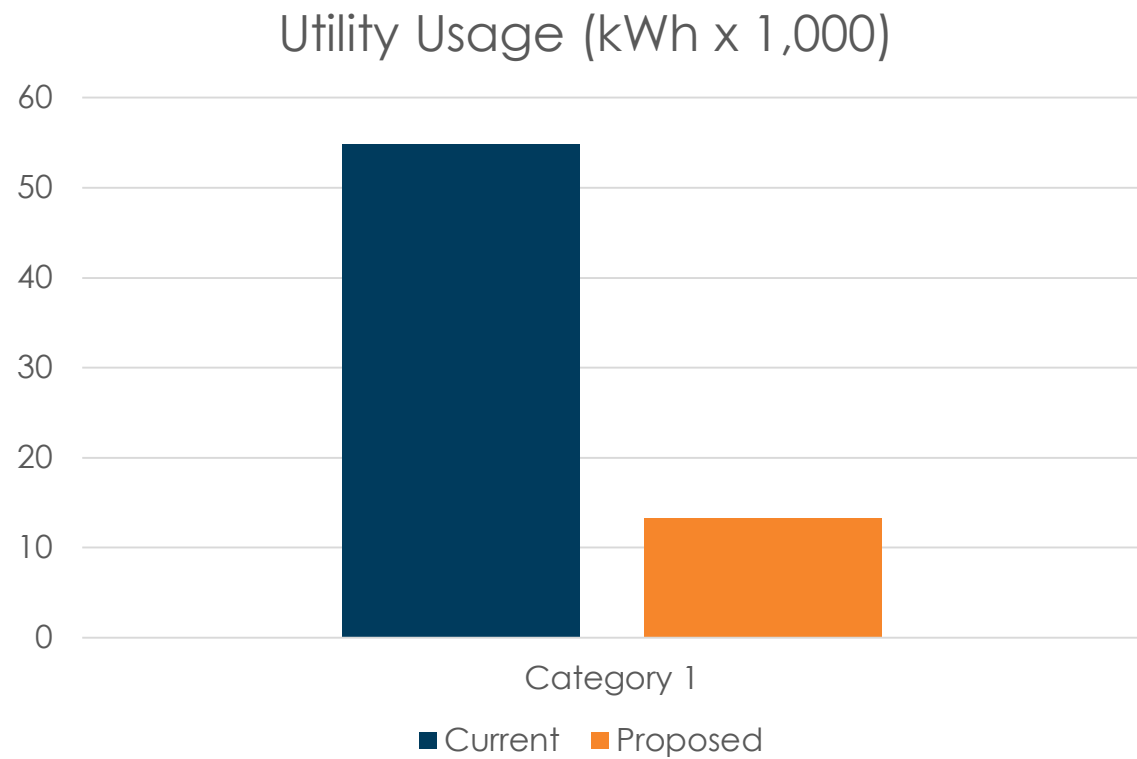
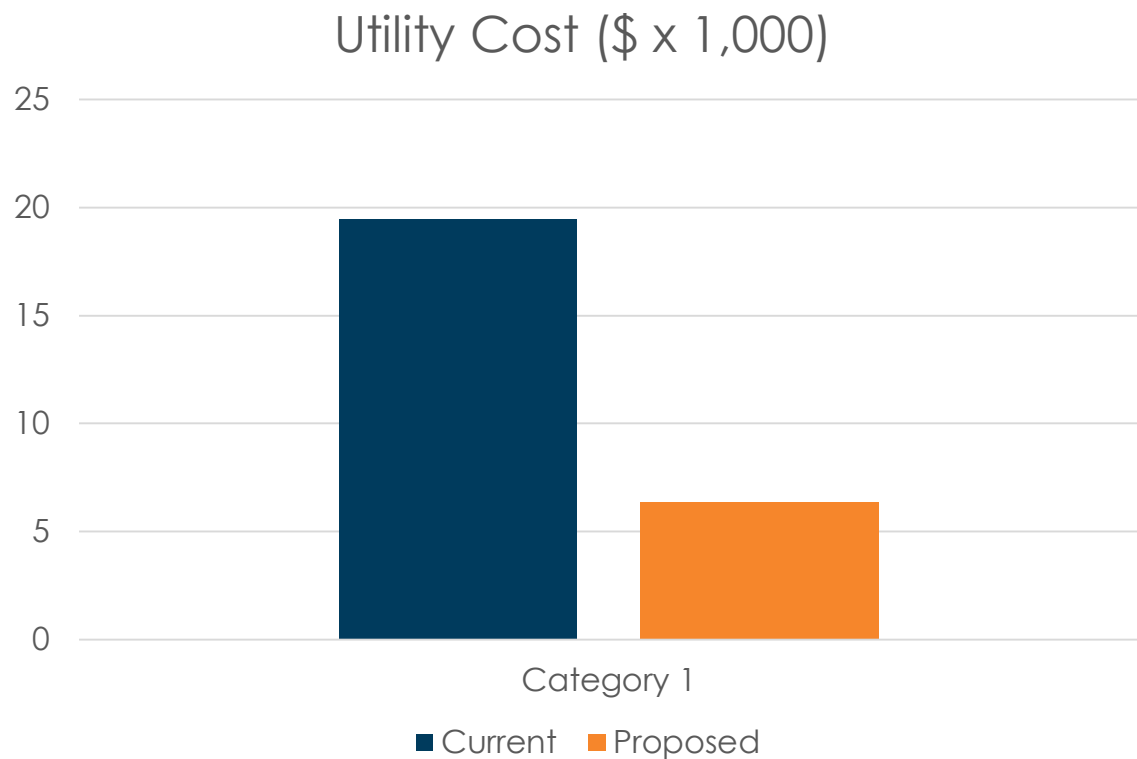
SCOPE OF WORK

City Campus

- Solar Photovoltaic
 - Roof top Solar – 27kW
- Battery Energy Storage
- Microgrid Controller
- Electric Vehicle Charging
 - (1) Dual Port Level 2



UTILITY SUMMARY



□ *Proposed is equal to today's SCE rates*

PROGRAM FINANCIALS – OPTION 1

Project Implementation Value	\$682,120
Year 1 SCE Utility Cost Savings	\$13,081
30-year Overall Electricity Cost Avoidance	\$869,097
Potential 10-year EV Charging Revenue	\$37,734
EV Utility Incentive	\$9,200
IRA – Investment Tax Credit (Direct Pay)	\$204,636
30-year Program Savings	\$1,142,066
Simple Payback	15.5 Years

PROGRAM FINANCIALS – OPTION 2 (NO EV)

Project Implementation Value	\$607,120
Year 1 SCE Utility Cost Savings	\$13,081
30-year Overall Electricity Cost Avoidance	\$869,097
IRA – Investment Tax Credit (Direct Pay)	\$182,136
30-year Program Savings	\$911,042
Simple Payback	13.5 Years

ROADMAP TO IMPLEMENTATION





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Thank You



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Financial Proforma
Renewable Energy Resiliency Program
November 13, 2023

Program Implementation Cost: \$682,120

Program Scope of Work:

Includes turn-key design, engineering, permitting, procurement, project/construction management, safety, and utility and site coordination, etc.:

Additional Funding Sources
 Inflation Reduction Act Rebate (Year 1): \$204,636
 Utility Incentive (Year 2): \$9,200
 \$213,836

Solar PV Rooftop
 Energy Storage
 EV Charger System

Utility Escalation: 5.00%

1	Program Savings & Contributions				6	7	8	9
	2	3	4	5				
Year	Utility Cost Avoidance	Facility Replacement Cost Savings	Incentives, Grants & Rebates	EV Charging Revenue	Maintenance Services	Energy Management Services	Program Savings	Cumulative Savings
1	\$13,081		\$204,636	\$3,000	(\$2,250)	↓ optional ↓	\$218,467	-
2	\$13,735		\$9,200	\$3,150	(\$2,340)		\$23,745	\$242,212
3	\$14,422			\$3,308	(\$2,434)		\$15,296	\$257,509
4	\$15,143			\$3,473	(\$2,531)		\$16,085	\$273,594
5	\$15,900			\$3,647	(\$2,632)		\$16,915	\$290,509
6	\$16,695			\$3,829	(\$6,237)		\$14,287	\$304,796
7	\$17,530			\$4,020	(\$2,847)		\$18,703	\$323,499
8	\$18,407			\$4,221	(\$2,961)		\$19,667	\$343,165
9	\$19,327			\$4,432	(\$3,079)		\$20,680	\$363,845
10	\$20,293			\$4,654	(\$3,202)		\$21,745	\$385,590
11	\$21,308			\$4,887	(\$3,331)		\$22,864	\$408,454
12	\$22,373			\$5,131	(\$6,964)		\$20,540	\$428,994
13	\$23,492			\$5,388	(\$3,602)		\$25,278	\$454,272
14	\$24,666			\$5,657	(\$3,746)		\$26,577	\$480,849
15	\$25,900			\$5,940	(\$3,896)		\$27,944	\$508,793
16	\$27,195			\$6,237	(\$4,052)		\$29,380	\$538,172
17	\$28,555			\$6,549	(\$4,214)		\$30,889	\$569,062
18	\$29,982			\$6,876	(\$4,383)		\$32,475	\$601,537
19	\$31,481			\$7,220	(\$8,058)		\$30,643	\$632,180
20	\$33,055			\$7,581	(\$4,740)		\$35,896	\$668,076
21	\$34,708			\$7,960	(\$4,930)		\$37,738	\$705,815
22	\$36,444			\$8,358	(\$5,127)		\$39,674	\$745,489
23	\$38,266			\$8,776	(\$5,332)		\$41,709	\$787,199
24	\$40,179			\$9,215	(\$5,546)		\$43,848	\$831,047
25	\$42,188			\$9,676	(\$9,267)		\$42,597	\$873,644
26	\$44,297			\$10,160	(\$5,998)		\$48,459	\$922,103
27	\$46,512			\$10,668	(\$6,238)		\$50,942	\$973,045
28	\$48,838			\$11,201	(\$6,488)		\$53,551	\$1,026,597
29	\$51,280			\$11,761	(\$6,747)		\$56,294	\$1,082,890
30	\$53,844			\$12,349	(\$7,017)		\$59,176	\$1,142,066
Totals	\$869,097	-	\$213,836	\$199,324	(\$140,191)	-	\$1,142,066	-

Notes By Column:

- (1) Fiscal year after project completion with an anticipated NTP in December 2023.
- (2) Utility Cost Avoidance - Utility cost escalated at 5% per year.
- (3) Facility Replacement Cost Savings. [PLACEHOLDER]
- (4) Incentives, Grants & Rebates: EV Charging Grants and SGIP (Self-Generation Incentive Program).
- (5) Revenue from EV Charging. Utility Cost to Revenue Charge difference of \$0.12 per kWh.
- (6) Operation and Maintenance cost to maintain the Solar-PV systems.
- (7) Energy Management (MySitelQ). [Optional]
- (8) Total Program Savings; sum of Columns (2) through (7).
- (9) Cumulative Savings.



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Financial Proforma
Renewable Energy Resiliency Program
November 13, 2023

Program Implementation Cost:	\$607,120
Additional Funding Sources	
Inflation Reduction Act Rebate (Year 1):	\$182,136
Utility Incentive (Year 2):	-
	\$182,136

Program Scope of Work:

Includes turn-key design, engineering, permitting, procurement, project/construction management, safety, and utility and site coordination, etc.:

Solar PV Rooftop
 Energy Storage
 EV-Charger System

Utility Escalation: 5.00%

1	Program Savings & Contributions				6	7	8	9	10
	2	3	4	5					
Year	Utility Cost Avoidance	Facility Replacement Cost Savings	Incentives, Grants & Rebates	EV Charging Revenue	Maintenance Services	Energy Management Services	Lease Payment	Program Savings	Cumulative Savings
1	\$13,081		\$182,136		(\$2,250)	↓ optional ↓		\$192,967	-
2	\$13,735				(\$2,340)			\$11,395	\$204,362
3	\$14,422				(\$2,434)			\$11,988	\$216,351
4	\$15,143				(\$2,531)			\$12,612	\$228,963
5	\$15,900				(\$2,632)			\$13,268	\$242,231
6	\$16,695				(\$6,237)			\$10,458	\$252,689
7	\$17,530				(\$2,847)			\$14,683	\$267,372
8	\$18,407				(\$2,961)			\$15,446	\$282,817
9	\$19,327				(\$3,079)			\$16,248	\$299,065
10	\$20,293				(\$3,202)			\$17,091	\$316,156
11	\$21,308				(\$3,331)			\$17,977	\$334,133
12	\$22,373				(\$6,964)			\$15,409	\$349,542
13	\$23,492				(\$3,602)			\$19,890	\$369,432
14	\$24,666				(\$3,746)			\$20,920	\$390,352
15	\$25,900				(\$3,896)			\$22,004	\$412,356
16	\$27,195				(\$4,052)			\$23,143	\$435,498
17	\$28,555				(\$4,214)			\$24,340	\$459,839
18	\$29,982				(\$4,383)			\$25,599	\$485,438
19	\$31,481				(\$8,058)			\$23,423	\$508,861
20	\$33,055				(\$4,740)			\$28,315	\$537,176
21	\$34,708				(\$4,930)			\$29,778	\$566,955
22	\$36,444				(\$5,127)			\$31,316	\$598,271
23	\$38,266				(\$5,332)			\$32,933	\$631,205
24	\$40,179				(\$5,546)			\$34,633	\$665,838
25	\$42,188				(\$9,267)			\$32,921	\$698,759
26	\$44,297				(\$5,998)			\$38,299	\$737,058
27	\$46,512				(\$6,238)			\$40,274	\$777,332
28	\$48,838				(\$6,488)			\$42,350	\$819,683
29	\$51,280				(\$6,747)			\$44,533	\$864,215
30	\$53,844				(\$7,017)			\$46,827	\$911,042
Totals	\$869,097	-	\$182,136	\$0	(\$140,191)	-	\$0	\$911,042	-

Notes By Column:

- (1) Fiscal year after project completion with an anticipated NTP in December 2023.
- (2) Utility Cost Avoidance - Utility cost escalated at 5% per year.
- (3) Facility Replacement Cost Savings. [PLACEHOLDER]
- (4) Incentives, Grants & Rebates: EV Charging Grants and SGIP (Self-Generation Incentive Program).
- (5) Revenue from EV Charging. Utility Cost to Revenue Charge difference of \$0.12 per kWh.
- (6) Operation and Maintenance cost to maintain the Solar-PV systems.
- (7) Energy Management (MySiteIQ). [Optional]
- (8) Total Program Savings; sum of Columns (2) through (7).
- (9) Cumulative Savings.