

ORDINANCE NO. [__]

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BURLINGAME REPEALING AND REPLACING CHAPTER 25.77 (WIRELESS COMMUNICATIONS FACILITIES) OF TITLE 25 OF THE BURLINGAME MUNICIPAL CODE; AND ADDING A NEW CHAPTER 12.11 (WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY) TO TITLE 12 OF THE BURLINGAME MUNICIPAL CODE (CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15061(B)(3), 15302, 15303, AND 15304)

WHEREAS, pursuant to the California State Constitution, the City of Burlingame (“City”) has the authority to adopt such ordinances as it deems necessary and appropriate to assure good government in the City, to protect and preserve the City’s rights, property and privileges, and to preserve peace, safety and good order; and

WHEREAS, the City currently regulates the placement of wireless facilities under Zoning Code Chapter 25.77 of the Burlingame Municipal Code; and

WHEREAS, there have been significant changes to state and federal law since that Chapter was last updated; and

WHEREAS, the City Council deems it to be necessary and appropriate to update its standards and regulations relating to the location, placement, design, construction and maintenance of wireless towers, antennas and other structures within the City, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City of Burlingame City Council:

SECTION 1: The foregoing Recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2: Chapter 25.77 of Title 25 of the City of Burlingame Municipal Code is repealed in its entirety and replaced as follows:

Chapter 25.77 WIRELESS COMMUNICATIONS FACILITIES

Section 25.77.010 Purpose.

Based upon the principles of the Burlingame General Plan and the Specific Area Plans, the purpose of this chapter is to maintain and more importantly, to facilitate modernization of Burlingame’s wireless infrastructure in a manner that improves the quality of the City’s environment, the pleasant aesthetics of the City’s neighborhoods, the City’s architectural traditions dating to the early 20th century and the visual quality in the non-residential areas of the City. More specifically, the purpose of this chapter is to regulate, as allowed by state and federal law and

regulations, the design and location of wireless facilities in the City of Burlingame in a manner that recognizes the community benefits of communications technology, which provides clear guidance to the communications industry but also recognizes the strong need to preserve the City's aesthetic traditions.

The objectives of this chapter include:

- (a) Promoting wholesome, attractive, harmonious and economic use of property, building construction, civic service, activities and operations in conformity with and preserving the overall aesthetics of City neighborhoods.
- (b) Ensuring the character of City neighborhoods and preserving the century old architectural traditions of Burlingame.
- (c) Reducing, through the use of stealth designs and concealment elements, the visual effects of wireless facilities throughout the City on public and private property.
- (d) Encouraging the installation of wireless facilities at locations where other such facilities already exist without aesthetically overwhelming those locations with additional facilities.
- (e) Encouraging the installation of such facilities in locations to minimize potential adverse aesthetic impacts.
- (f) Creating a transparent and open process by which City staff, citizens, and communications providers can collaboratively achieve solutions to the placement of wireless facilities to achieve these goals where City retains discretion regarding placements.
- (g) Encouraging industry to adopt best practices in all deployments, to utilize designs to minimize visual impacts, to share with the City future plans for deployments so that the cumulative impacts can be planned for, understood, and mitigated.

Section 25.77.020 Definitions.

For the purpose of this chapter, certain words and terms are hereby defined. Words used in the singular number shall include the plural and the plural the singular; unless more specifically defined, the word "building" is interchangeable with the word "structure," 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.

- (a) "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.

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

(c) “Base Station” shall mean, as defined in 47 C.F.R. section 1.6100(b)(1), or any successor provision, any structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (i) and (ii) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (i)-(ii) of this section.

(d) “Collocation” shall mean the mounting or installation of transmission equipment on a legally existing base station or tower as defined: (i) for the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. section 1.6100(b)(2), as may be amended, which defines that term as ‘[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.’ As an illustration and not a limitation, the FCC's definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and (ii) for all other purposes, the same as defined in 47 C.F.R. section 1.6002(g)(1) and (2), as may be amended, which defines the term collocation as (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

(e) “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.

(f) “Major Wireless Facilities” shall mean any and all new wireless facilities or modifications to existing wireless facilities that are not otherwise exempt from this Chapter and that do not qualify as small cell facilities, collocations, temporary facilities or eligible facilities requests.

(g) “Microwave antenna” shall mean a bowl-shaped antenna used to link communication sites together by wireless transmission of voice or data in a specific directional pattern.

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

(i) “Owner” shall mean the person or entity that has legal ownership or control over the tangible wireless communications facilities.

(j) “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.

(k) “Public Rights-of-Way” shall mean any portion of any land dedicated, condemned or established and improved for use as a public thoroughfare for vehicular use and owned, maintained or managed by the City. Public Right(s)-of-Way includes public streets, roads, lanes, and alleys (including portions used for sidewalks, medians, and parkways). For the purposes of this Chapter, the Public Right(s)-of-Way includes public utility easements and does not include private streets.

(l) “Roof-mounted” shall mean any type of facility in which antennas are mounted on the roof, parapet or similar feature of a structure and extends past the roofline of the building.

(m) “Residential Zoning District” shall mean the R-1, R-2, R-3 and R-4 residential zoning districts as delineated on the City of Burlingame zoning map.

(n) “Satellite dish” shall mean any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

(o) “Small Cell Facility” shall have the same meaning as “small wireless facility” in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

- (i) The facilities -
 - (A) Are mounted on structures 50 feet or less in height including their antennas as defined in this section; or
 - (B) Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (C) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (ii) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
- (iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (iv) The facilities do not require antenna structure registration under CFR Part 17;
- (v) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (vi) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

(p) “Stealth facilities” shall mean facilities designed to look like something other than a wireless facility.

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

(r) “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. 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: (1) 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; (2) for which required notice is provided to the FAA; (3) that do not require marking or lighting under FAA regulations; (4) that will not exceed the height limit in the applicable zone; and (5) 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.

(s) “Tower” shall mean, as defined in 47 C.F.R. section 1.6100(b)(9), or any successor provision, any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include Utility Poles.

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

(u) “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).

Section 25.77.030 Applicability.

This chapter shall apply to all wireless communication facilities which transmit and/or receive electromagnetic signals in order to provide services, including, but not limited to, personal communications services (such as mobile telephone services, internet services, location and monitoring services, data, e-mail, texting, streaming video and audio and paging), fixed microwave services, and mobile data services. This chapter shall apply to the entire area within the City of Burlingame city limits, including all zoning districts, and all public property except public rights-of-way. This chapter 25.77 shall not be applied or interpreted, to prohibit or to have the effect of prohibiting wireless communications services or telecommunications services, to regulate the placement, construction or modification of wireless communications facilities on the basis of the environmental effects of radio frequency (“RF”) emissions, provided that such facilities comply with Federal Communications Commission (“FCC”) regulations, or to unreasonably discriminate among providers of functionally equivalent wireless communications services.

This chapter shall not apply to:

(a) Wireless communications facilities that are located completely enclosed within a permitted structure, are incidental to a permitted use in that structure, and are not located within a Residential Zoning District.

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

(c) Wireless communications facilities required on a temporary basis not to exceed fourteen (14) consecutive days provided any necessary building permit or other approval is obtained and the landowner’s written consent is provided to the City in advance of placement.

(d) Traditional terrestrial radio and television mobile broadcast facilities.

(e) A single ground-mounted or building-mounted antenna not exceeding the maximum height permitted by this Chapter 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.

(f) 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 inch in diameter. 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 fifty (50) feet in height in residential zone classifications or one hundred and five (105) feet in height in non-residential zone classifications, 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.

(g) Like kind equipment replacements that consist solely of replacing or changing equipment in an existing cabinet, vault, or shroud that does not increase pre-existing visual or noise impacts and has the same or less RF emissions. The existing equipment must have been approved by the City and the equipment must be in compliance with all permit conditions. Qualifying like kind equipment replacements that do not require City approval consist of upgrades or exchanges of equipment that are substantially similar in appearance and the same or less in size, dimensions, weight, and RF emissions to the then-existing and approved equipment. This exemption does not apply to generators.

(h) Wireless communications facilities which are proposed to be located in the public rights-of-way. These are subject to permitting under City Code Chapter 12.11.

Where conflict occurs between the provisions of this chapter and any other City codes, ordinances, resolutions, guidelines or regulations, the more restrictive provision shall control unless otherwise specified or mandated by law.

Section 25.77.040 Non-Conforming Facilities.

Any wireless communication facility that was lawfully erected prior to the effective date of the ordinance codified in this chapter shall not be required to meet the requirements of this chapter. The non-conforming wireless communications facilities shall be allowed to continue as they exist as of the effective date of this ordinance, but will be considered as lawful nonconforming legal uses and shall be subject to the restrictions of Chapter 25.50 of this code. The foregoing notwithstanding, non-conforming wireless communication facilities shall be required to comply with the requirements of this chapter if any non-conforming facility or component of a non-conforming facility is modified or when the permittee applies to renew its permit, at which time the provisions of the revised ordinance shall apply in full force going forward as to such facility.

Section 25.77.050 Permit Requirement.

(a) Permit Requirement for Location of Wireless Communications Facilities. 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 chapter and without obtaining any permits required under any other applicable state federal or local laws or regulations, unless exempt pursuant to Section 25.77.030. Applications for approval of a wireless communication facility shall be submitted to and processed by the Planning Division of the City's Community Development Department and shall be reviewed and either approved, modified or denied by the Community Development Director or the Planning Commission, depending upon the application's classification as defined in this chapter.

(b) Administrative Use Permit. An administrative use permit for wireless communications facilities shall be required for the installation or modification of any facility that qualifies as a small cell facility, eligible facilities request, temporary facility or collocation, and such application shall be considered by the Community Development Director. Notice of the proposed approval on such administrative use permit application shall be provided in accordance with Section 25.77.120.

(c) Conditional Use Permit. Major wireless facilities shall require a conditional use permit. A conditional use permit application for wireless communication facilities shall be submitted to and processed by the Community Development Department to determine that the proposed facility complies with all the requirements of this chapter and with all the applicable requirements of other chapters of the Burlingame Municipal Code. Once the application is complete, it shall be placed on the action calendar of the next available Planning Commission meeting for consideration. A conditional use permit for wireless communication facilities may be granted only after a public hearing before and approval by, the Burlingame Planning Commission. Notice of such conditional use permit application shall be provided in accordance with Section 25.77.110.

(d) Voluntary Pre-Application Meeting. Prior to filing an application for a use permit for the installation or modification of wireless communication facility, an applicant is encouraged to schedule a pre-application meeting with the Community Development Department to discuss the proposed facility, all of the requirements of this chapter and any potential impacts of the proposed

facility. The applicant will be encouraged to perform an early stage outreach with residents and property owners near the proposed facilities in order to address and, if possible, resolve any impacts of the proposed facilities on the surrounding neighborhood. Conducting this voluntary pre-application meeting shall not initiate any applicable “shot clock.”

(e) Appeals.

(i) Administrative use permit for wireless communications facilities.

- (A) Any person adversely affected by a decision of the Director pursuant to this Chapter may appeal the Director’s decision to the Hearing Officer who may decide the issues *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless communications facility.
- (B) All appeals must be filed within five (5) days of the effective date of the written decision of the Director, unless the Director extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law. Where the Director grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the Hearing Officer.

(ii) Conditional use permit for wireless communications facilities.

- (A) Any person adversely affected by a decision of the Planning Commission pursuant to this Chapter may appeal the Planning Commission’s decision to the City Council who may decide the issues *de novo*, and whose written decision will be the final decision of the City.
- (B) All appeals must be filed within ten (10) calendar days of the effective date of the decision of the Planning Commission, unless a different period is specified by the Planning Commission. The City may extend the time period for filing an appeal for due cause but an extension may not be granted where such extension would result in approval of the application by operation of law.

(iii) All appeals

- (A) In order to request an appeal, the appellant shall submit to the City Clerk a request specifying the decision being appealed and the appellants full name and contact information, along with a full

amount of the appeal fee in the manner directed in the Director's or Planning Commission's decision notice. The appeal shall be considered invalid if the appeal fee is not paid in full.

- (B) Any appeal hearing shall be conducted so that a timely written decision may be issued in accordance with applicable law.
- (C) If a timely and complete request for appeal is not submitted, the Director's or the Planning Commission's decision shall be deemed final.

Section 25.77.060 Contents of permit applications.

(a) Conditional Use Permit. An applicant for a wireless communication facility conditional use permit shall complete and submit an application to the Community Development Department for review and processing, upon the form published by the Community Development Director, which may be updated from time to time. In addition to any requirements specified by the application form, the wireless communication facility conditional use permit application shall at minimum require submission of the following:

- (i) Name, address, phone number, email address of:
 - (A) The owner of the proposed facility;
 - (B) The applicant, if different than owner;
 - (C) The proposed service provider that plans to make use of the facility.
- (ii) A clear written description of the proposed facility that includes the number of antennas, the location and length of fiber/cable, the location and dimensions of all related equipment (cabinets, generators, batteries, cooling, transmitters, hubs etc.).
- (iii) A site plan with photos or photo-simulations, depicting the location and dimension of the proposed wireless communication facilities and of the existing surrounding area features including structures, roads, trees, and similar items.
- (iv) A map illustrating the estimated coverage area (search area) for the proposed wireless communication facility.
- (v) A signed authorization by the applicable property owner consenting to the installation and/or modification of the proposed wireless communication facility.
- (vi) Visual impact demonstrations using clear, accurate and readable photo-simulations of all of the proposed wireless communication facilities. The

simulations must contain dimensions, height measurements and color, size and shape (proper coloration and blending of the facility with the proposed site) of the proposed facilities in order to facilitate determination of potential visual impacts.

- (vii) If applicable, a landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size and location and a description of applicant's proposed landscape maintenance schedule for the life-time of the facility.
- (viii) Information regarding potential environmental impacts (e.g., noise, visual, traffic, etc.) that may result from the installation of the wireless communication facility.
- (ix) Certification by a qualified third party that the proposed wireless communication facility will comply with applicable radio frequency (RF) emission standards as established by the FCC. Such documentation may be satisfied by a written demonstration of compliance with FCC Bulletin OET-65, as amended.
- (x) Written description of any noise, light and/or heat generated by the facility, including, but not limited to, retractable monopole motors, antenna rotators, power generation, cooling equipment and similar items.
- (xi) If applicable, an explanation for any deviation of the proposed facility from any of the design standards or other requirements of this chapter. Deviations are discouraged and shall only be granted by waiver or where required by state or federal law.

(b) Administrative Use Permit. An applicant for an administrative use permit for wireless communication facility shall complete and submit an application to the Community Development Department for review and processing, upon the form published by the Community Development Director, which may be updated from time to time. In addition to any requirements specified by the application form, the wireless communication facility administrative use permit application shall at minimum require submission of the information required under subsection (a), except (4) is not required for an eligible facilities request.

(c) To promote efficient review and timely decisions, if the applicant fails to tender a substantive response to the Community Development Department within ninety calendar days after the director deems the application incomplete in a timely written notice to the applicant, the director may, in the director's discretion, deny the application for a conditional use permit or an administrative use permit without prejudice to submit a new application and associated fees for the same proposed facility.

(d) At the applicant's expense, the City may require verification of the applicant's submitted technical data by a qualified independent third party selected by the City.

Section 25.77.070 Application fee.

The application shall be accompanied by an application fee in an amount necessary to recover the City's reasonable cost of processing the application. The fee shall be set by resolution of the City Council and included in the City's master fee schedule. Failure to include the fee with the application shall render the application incomplete and no action will be taken on the application until the fee is paid.

Section 25.77.080 General requirements.

(a) State or Federal Requirements. All wireless communication facilities shall meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the state or federal government with the authority to regulate wireless communication facilities. If such standards and regulations are changed and are made applicable to existing facilities, the owners of the facilities governed by this chapter shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wireless communication facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the facilities at the owner's expense, revocation of any permit or imposition of any other applicable penalty.

(b) Building Codes and Safety Standards. To ensure the structural integrity of wireless communication facilities, the owner shall ensure that the facility is constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards that are published by the Telecommunications Industry Association, as amended from time to time. If, upon inspection, the City concludes that a wireless communication facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner and the opportunity to be heard as afforded by the applicable building code, the owner shall have ninety (90) days to bring such facility into compliance with such standards. Failure to bring such facility into compliance within said thirty (30) days shall constitute grounds for the removal of the facility at the owner's expense, revocation of any permit or imposition of any other applicable penalty.

Section 25.77.090 Wireless communications facility design and location standards and standard approval conditions.

(a) By resolution, the City Council will provide Wireless Communications Facilities Design and Location Standards which shall describe the design and location standards, and provide pictorial examples of stealth designs for wireless communication facilities, preferred types of screening, landscaping and camouflaging, preferred locations for ground-mounted, roof-mounted and side-mounted facilities and dimensions for height, setback and bulk. The Community Development Department will update the Standards for City Council approval from time to time in order to consider the inclusion of new technologies, innovations and current best examples which would further the goal of reducing the impacts of facilities. The pictorial examples are examples of facilities which may comply with the design standards contained in the Standards. However, the design standards and the findings of the reviewing authority shall have precedence over the

pictorial examples. Because of the speed of technological change and the time between updates of the City Standards, the applicant should understand that the pictorial examples are intended to assist the applicant in choosing potentially preferred designs, but are not intended to suggest that such examples will be approved or that such examples are mandated.

- (b) The Standards document may include photos and descriptions of:
 - (i) Monopoles that blend into surrounding vegetation, and avoid guy wires, while still meeting safety standards.
 - (ii) Facilities utilizing existing towers to extend wireless service area.
 - (iii) (Stealth structures and design features which exhibit uniform consistency in size, character and color to that of the surrounding environment (e.g., public art, foliage, trees, buildings, rocks, church steeples or other structures, including samples of size and coloring).
 - (iv) Ground-mounted, roof-mounted and side-mounted facilities with dimensions, and measurements for height, setback and bulk of the facilities.

(c) By resolution, the City Council will adopt Standard Conditions of Approval which shall describe the standard conditions that shall apply to all permits granted pursuant to this Chapter or by operation of law, unless modified by the approving authority.

Section 25.77.100 Conditional use permit - Notice of project to property owners - Action by Planning Commission.

(a) Notice of Public Hearing. Once the application and all supporting information and documentation has been received, notice of a public hearing before the Planning Commission regarding the conditional use permit for wireless communications facilities shall be given according to the provision of Section 25.16.050. Notice shall be mailed to all owners of property which lies within a radius of three hundred (300) feet of the proposed wireless communication facility.

(b) Notice Posted on Site. The notice of public hearing shall also be posted in a conspicuous location on or near the site of the proposed facilities.

(c) Action by Planning Commission. On the time and date set for the public hearing, the Planning Commission shall conduct the public hearing regarding the application for conditional use permit for wireless communication facilities and shall take action pursuant to Burlingame Municipal Code Section 25.16.060.

Section 25.77.110 Administrative use permit - Notice of proposed decision to applicant and property owners - Action by Community Development Director.

(a) Once the application and all supporting information and documentation have been received and reviewed by the Community Development Department, notice of the proposed decision shall be given to the applicant and all owners of property which lies within a radius of three hundred (300) feet of the proposed facilities and any alternative sites identified by the applicant. The following information shall be provided:

- (i) Project description and site plan as provided in the application.
- (ii) Map which accurately and clearly depicts location of entire project as provided in the application.
- (iii) A summary of the proposed decision.
- (iv) The effective date of the proposed decision, and how to submit an appeal.

More detailed information, including, but not limited to, photo simulations and elevations, as provided in the application, shall be placed on the City's website and this information shall be referenced in the notice.

Section 25.77.120 Renewal.

An applicant may renew a conditional use permit or an administrative use permit for wireless communication facilities pursuant to the provisions of this section.

(a) At least one hundred twenty (120) days prior to the expiration of the term of the permit, the applicant shall complete and submit a renewal application to the Community Development Director. The application shall be in the same form as the application for a new facility permit as specified in this Chapter and processed in accordance with Section 25.77.100 or Section 25.77.110, corresponding to the applicable permit requested for the facility.

(b) Fee. The renewal application shall be accompanied by a fee designed to recover the reasonable cost of processing the application. Failure to include the fee with the renewal application shall render the application incomplete and no action will be taken on it until the fee is paid.

Section 25.77.130 Findings for Approval.

(a) General findings for approval for all wireless facilities subject to this chapter. No use permit for the installation or modification of a wireless communication facility, other than eligible facilities requests, shall be approved unless, on the basis of the application and other materials or evidence provided in review thereof, the applicable approval authority finds the following:

- (i) The facility complies with all applicable requirements of this chapter, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has a waiver thereof; and
- (ii) The facility meets applicable requirements and standards of federal and state law, including all applicable general orders of the California Public Utilities Commission.

(b) **Additional Findings for Temporary Facilities.** No permit shall be approved for a temporary facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

- (i) The facility qualifies as a temporary facility;
- (ii) There is an adequate need for the facility (e.g., wireless communication facility relocation or large-scale event).

(c) **Findings for Eligible Facilities Requests.** No permit 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:

- (i) 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. 1.6100(b)(3)-(9), or any successor provisions, after application of the definitions in 47 C.F.R. 1.6100(b). The reviewing authority shall make an express finding for each criterion;
- (ii) 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. 1.6100(b)(7)(i) through (iv), or any successor provisions; and
- (iii) The proposed facility will comply with all generally applicable laws.

Section 25.77.140 Waivers of requirements.

(a) The reviewing authority may grant waivers of the requirements for wireless communications facilities subject to this Chapter, if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

- (i) Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or
- (ii) Otherwise violate applicable laws or regulations; or

(iii) Require a technically infeasible design or installation of a wireless facility.

(b) 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 design or installation.

SECTION 3: Title 12 of the Burlingame Municipal Code shall be amended to add a new Chapter 12.11, entitled “Wireless Facilities in Public Rights-Of-Way,” as follows:

CHAPTER 12.11
WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY

Section 12.11.010 Purpose.

(a) The purpose of this Chapter is to establish a process for managing, and uniform standards for acting upon, requests for the placement of wireless facilities within the public rights-of-way of the City consistent with the City’s obligation to promote the public health, safety, and welfare, to manage the public rights-of-way, and to ensure that the public is not incommoded by the use of the public rights-of-way for the placement of wireless facilities. The City recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the City, and the City also recognizes its obligation to comply with applicable Federal and State law regarding the placement of personal wireless services facilities in its public rights-of-way. This ordinance shall be interpreted consistent with those provisions.

Section 12.11.020 Definitions.

The terms used in this Chapter shall have the following meanings:

Application: A formal request, including all required and requested documentation and information, submitted by an applicant to the City for a wireless encroachment permit.

Applicant: A person filing an application for placement or modification of a wireless facility in the public right-of-way.

Eligible Facilities Request: Shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.

FCC: The Federal Communications Commission or its lawful successor.

Municipal Infrastructure: City-owned or controlled property structures, objects, and equipment in the ROW, including, but not limited to, street lights, traffic control structures, banners, street furniture, or other poles, lighting fixtures, or electroliers located within the ROW.

Permittee: Any person or entity granted a wireless encroachment permit pursuant to this Chapter.

Personal Wireless Services: Shall have the same meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

Personal Wireless Services Facility: A wireless facility used for the provision of personal wireless services.

Public Rights-of-Way, or ROW: Any portion of any land dedicated, condemned or established and improved for use as a public thoroughfare for vehicular use and owned, maintained or managed by the City. Public Right(s)-of-Way includes public streets, roads, lanes, and alleys (including portions used for sidewalks, medians, and parkways). For the purposes of this Chapter, the Public Right(s)-of-Way includes public utility easements and does not include private streets.

Small Cell Facility: Shall have the same meaning as “small wireless facility” in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

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

Support Structure: Any structure capable of supporting a base station.

Underground Areas: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

Utility Pole: A structure in the ROW designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

Wireless Encroachment Permit: A permit issued pursuant to this Chapter authorizing the placement or modification of a wireless facility of a design specified in the permit at a particular location within the ROW; and the modification of any existing support structure to which the wireless facility is proposed to be attached.

Wireless Facility, or Facility: The transmitters, antenna structures and other types of installations 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).

Wireless Infrastructure Provider: A person that owns, controls, operates or manages a wireless facility or portion thereof within the ROW.

Wireless Regulations: Those regulations adopted pursuant to Section 5 and implementing the provisions of this Chapter.

Wireless Service Provider: An entity that provides personal wireless services to end users.

Section 12.11.030 Scope.

(a) In general. There shall be a type of encroachment permit entitled a “wireless encroachment permit,” which shall be subject to all of the same requirements as an encroachment permit would under City Code Chapter 12.10 in addition to all of the requirements of this Chapter. Unless exempted, every person who desires to place a wireless facility in the public rights-of-way or modify an existing wireless facility in the public rights-of-way must obtain a wireless encroachment permit authorizing the placement or modification in accordance with this Chapter. Except for small cell facilities, facilities qualifying as eligible facilities requests, or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless facilities shall be permitted pursuant to this Chapter.

(i) Exemptions. This Chapter does not apply to:

(A) The placement or modification of facilities by the City or by any public agency solely for public safety purposes.

(B) Installation of a “cell on wheels,” “cell on truck” or a similar facility for a temporary period in connection with an emergency or a non-emergency event, but no longer than required for the emergency or the non-emergency event, provided: (i) that installation does not involve excavation, movement, or removal of existing facilities; (ii) that the Public Works Director is notified in writing by the owner of the temporary facility at least two (2) business days prior to the installation, or if advance notice is not possible in an emergency, within forty-eight (48) hours after installation; and (iii) the owner of the installation complies with all reasonable directives of the Public Works Director regarding the placement or relocation of placed temporary facilities.

(C) Installation of a wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot and provided further that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles.

(b) Other applicable requirements. In addition to the wireless encroachment permit required herein, the placement of a wireless facility in the ROW requires the persons who will own or control those facilities to obtain all permits required by applicable law, and to comply with applicable law, including, but not limited to, applicable law governing radio frequency (RF) emissions.

(c) Pre-existing Facilities in the ROW. Any wireless facility already existing in the ROW as of the date of this Chapter's adoption shall remain subject to the standards and conditions of the City Code in effect prior to this Chapter, unless and until a renewal of such facility's then-existing permit is granted, at which time the provisions of this Chapter shall apply in full force going forward as to such facility. The review of any request for a renewal of a permit for such pre-existing facilities shall be conducted pursuant to this Chapter, rather than the portion(s) of the City Code that it was previously reviewed under.

(d) Public use. Except as otherwise provided by California law, any use of the public right-of-way authorized pursuant to this Chapter will be subordinate to the City's use and use by the public.

Section 12.11.040 Administration.

(a) Reviewing Authority. The Public Works Director or its designee (Director) is responsible for administering this Chapter. As part of the administration of this Chapter, the Director may:

- (i) Interpret the provisions of this Chapter;
- (ii) Develop and implement standards governing the placement and modification of wireless facilities consistent with the requirements of this Chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
- (iii) Develop and implement acceptable designs and development standards for wireless facilities in the public rights-of-way, taking into account the zoning districts bounding the public rights-of-way;
- (iv) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this Chapter;

- (v) Determine the amount of and collect, as a condition of the completeness of any application, any fee or deposit established by the City;
 - (vi) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
 - (vii) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
 - (viii) Require notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure in accordance with this Chapter;
 - (ix) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
 - (x) Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.
- (b) Appeal.
- (i) Any person adversely affected by the decision of the Director pursuant to this Chapter may appeal the Director's decision to a Hearing Officer appointed by the City Manager. The Hearing Officer may decide the issues *de novo*, and their written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility.
 - (ii) Where the Director grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to a Hearing Officer appointed by the City Manager. All appeals must be filed within five (5) days of the written decision of the Director, unless the Director extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
 - (iii) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

Section 12.11.050 General Standards for Wireless Facilities in the Public Rights-of-Way.

(a) Generally. Wireless facilities in the ROW shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law.

(b) Minimum Standards. Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of new aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights of way; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the public rights of way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the public rights of way.

(c) Design and Location Standards. All applicants shall design and locate the wireless facilities in accordance with the standards and wireless regulations set forth separately through the resolution adopted by the City Council. The Director may propose updates to the standards for City Council approval from time to time, in order to consider the inclusion of new technologies, innovations and materials which would further the goal of reducing the aesthetic impacts of facilities.

Section 12.11.060 Applications; Consultants.

(a) Submission. Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to an application, or responses to requests for information regarding an application to: Director, at the address posted on the City's website or listed in the applicable form.

(b) Pre-application meeting. Prior to filing an application for a wireless encroachment permit, an applicant is encouraged to schedule a pre-application meeting with the Director to discuss the proposed facility, the requirements of this Chapter, and any potential impacts of the proposed facility.

(c) Content. An applicant shall submit an application on the form approved by the Director, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), documents, information, and any other material necessary to allow the Director to make required findings and ensure that the proposed facility will comply with applicable federal and state law, the Municipal Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications must contain all information necessary to show that applicant is entitled to the wireless encroachment permit requested, and must specify whether the applicant believes state or federal law requires action on the application within a specified time period.

(d) Fees. Application fee(s) shall be required to be submitted with any application for a wireless encroachment permit. The City Council is hereby authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless encroachment permit unless paid as a refundable deposit.

(e) Incompleteness. For personal wireless facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the Director may notify the applicant in writing, and specifying the material omitted from the application.

(f) Consultants. The Director or Hearing Officer, as the case may be, is authorized, in its discretion, to select and retain consultant(s) with expertise in telecommunications in connection with the review of any application under this Chapter. Such consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards

Section 12.11.070 Findings; Decisions; Noticing; Waivers.

(a) Findings Required for Approval.

(i) Except for eligible facilities requests, the Director or Hearing Officer, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(A) The facility is not detrimental to the public health, safety, and welfare;

(B) The facility complies with this Chapter and all applicable design and development standards;

(C) The facility meets applicable requirements and standards of state and federal law; and

(b) For eligible facilities requests, the Director or Hearing Officer, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(i) That the application qualifies as an eligible facilities request; and

(ii) That the proposed facility will comply with all generally-applicable laws.

(c) Decisions. Decisions on an application by the Director or Hearing Officer shall be in writing and include the reasons for the decision.

(d) Noticing. Once the application and all supporting information and documentation have been received and reviewed by the Public Works Department, notice of the proposed decision shall be given to the applicant and all owners of property which lies within a radius of three hundred (300) feet of the proposed facilities and any alternative sites identified by the applicant. The following information shall be provided:

- (i) Project description and site plan as provided in the application.
- (ii) Map which accurately and clearly depicts location of entire project as provided in the application.
- (iii) A summary of the proposed decision.
- (iv) The effective date of the proposed decision, and how to submit an appeal.

More detailed information, including, but not limited to, photo simulations and elevations, as provided in the application, shall be placed on the City's website and this information shall be referenced in the notice.

(e) Waivers. The reviewing authority may grant waivers of the requirements for wireless communications facilities subject to this Chapter, if it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

- (i) Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or
- (ii) Otherwise violate applicable laws or regulations; or
- (iii) Require a technically infeasible design or installation of a wireless facility.

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 design or installation.

Section 12.11.080 Conditions of Approval.

(a) Generally. In addition to any supplemental conditions imposed by the Director or Hearing Officer, as the case may be, all permits under this Chapter shall be subject to the standard conditions adopted by resolution of the City Council, unless modified by the Director or Hearing Officer.

Section 12.11.090 Breach; Termination of Permit.

(a) For breach. A wireless encroachment permit may be revoked for failure to comply with the conditions of the permit or applicable law. Upon revocation, the wireless facility must be removed; provided that removal of a support structure owned by City, a utility, or another entity

authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(b) For installation without a permit. An wireless facility installed without a wireless encroachment permit (except for those exempted by this Chapter) must be removed; provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(c) Municipal Infraction. Any violation of this Chapter will be subject to the same penalties as a violation of the Chapter 1.12.

Section 12.11.100 Infrastructure Controlled By City.

The City, as a matter of policy, will negotiate agreements for use of Municipal Infrastructure. The placement of wireless facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the City for use of the structures. The person seeking the agreement shall additionally reimburse the City for all costs the City incurs in connection with its review of, and action upon the person's request for, an agreement.

Section 12.11.110 Nondiscrimination.

In establishing the rights, obligations and conditions set forth in this Chapter, it is the intent of the City to treat each applicant or public right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the public rights-of-way.

SECTION 4: The City Manager, or his or her delegate, is authorized and directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 5: CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (CEQA) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. 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 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 would 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 communications facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will 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 communications facilities on a particular site, the installation would be exempt from CEQA review in accordance with 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). The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of San Mateo within five working days of the passage and adoption of the Ordinance.

SECTION 6: Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 7: This Ordinance shall go into effect 30 days following its adoption. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 36933.

SECTION 8: Sections 2 and 3 of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 4, 5, 6, 7, and 8 shall not be so codified.

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 21st day of June 2021 and adopted thereafter at a regular meeting of the City Council held on the ____ day of _____ by the following votes:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

Meaghan Hassel - Shearer, City Clerk

