

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME ESTABLISHING A DEPOSIT FOR WIRELESS PERMIT APPLICATIONS UNDER CHAPTER 12.11 AND ESTABLISHING A FEE FOR WIRELESS PERMIT APPEALS UNDER CHAPTER 12.11, AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE MASTER FEE SCHEDULE

THE CITY COUNCIL OF THE CITY OF BURLINGAME finds as follows:

WHEREAS, the City of Burlingame ("City") is considering a new wireless Ordinance which would update the City's regulation of wireless facilities; and

WHEREAS, the proposed Ordinance establishes a comprehensive set of requirements and standards to regulate wireless facilities, including development, siting, installation, and operation of these facilities; and

WHEREAS, applicable law allows the City to recover its reasonable costs of processing permit applications for wireless facilities;

WHEREAS, the City does not currently have a fee for review of wireless permit applications under the proposed Chapter 12.11 of the Burlingame Municipal Code ("BMC"); and

WHEREAS, the City will establish a deposit of one-thousand dollars (\$1,000) per location for each wireless permit application, and the Public Works Department will request this deposit from applicants before review of applications pursuant to the proposed Chapter 12.11 of the BMC; and

WHEREAS, charges against the deposit will include staff time for permit review, processing and inspections calculated at hourly rates consistent with City practice, plus actual City consultant fees and costs, if any. When the deposit is depleted, the applicant will be required to replenish it upon City request, and any unused deposit amounts will be refunded when the application is fully processed; and

WHEREAS, the proposed Ordinance also contemplates an appeal of a wireless permit application under Chapter 12.11, which would be heard by a Hearing Officer; and

WHEREAS, the City does not currently have a fee for wireless permit application appeals as contemplated by the proposed Ordinance; and

WHEREAS, the City will establish a Wireless Application Permit Appeal Fee of \$600, which will be inclusive of noticing costs related to the appeal; and,

WHEREAS, the City Council now desires to set the deposit and fee noted above.

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

Section 1. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

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Section 2. A deposit of one-thousand dollars (\$1,000) per location will be collected for each wireless permit application, and the Public Works Department will request this deposit from applicants before review of their applications pursuant to the proposed Chapter 12.11 of the BMC. Charges against the deposit will include staff time for permit review, processing and inspections calculated at hourly rates consistent with City practice, plus actual City consultant fees and costs, if any. When the deposit is depleted, the applicant will be required to replenish it upon City request, and any unused deposit amounts will be refunded when the application is fully processed.

Section 3. A Wireless Application Permit Appeal Fee of \$600 will be required for each wireless application permit appeal under Chapter 12.11, which is inclusive of noticing costs related to the appeal.

Section 4. The City's Master Fee Schedule shall be revised to include the fees as shown in this Resolution.

Section 5. The City Manager is authorized to take any other related actions consistent with the intention of this Resolution.

Section 6. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), this Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

Ann O'Brien Keighran, Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing resolution was adopted at a regular meeting of the City Council held on the ____ day of ____, 2021 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Meghan Hassel-Shearer, City Clerk